

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1177

S.P. 398

In Senate, March 28, 2017

An Act To Create an Appeals Process for Child Care Providers

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative ESPLING of New Gloucester and
Senators: BRAKEY of Androscoggin, CHIPMAN of Cumberland, DION of Cumberland,
MAKER of Washington, Representative: PERRY of Calais.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-G, sub-§14-I** is enacted to read:

3 **14-I.**

4 Human Services Child Care Appeal Expenses Only 22 MRSA §8359
5 Review Panel

6 **Sec. 2. 22 MRSA c. 1674-A** is enacted to read:

7 **CHAPTER 1674-A**

8 **CHILD CARE APPEAL REVIEW PANEL**

9 **§8359. Child Care Appeal Review Panel**

10 The Child Care Appeal Review Panel, established by Title 5, section 12004-G,
11 subsection 14-I, referred to in this chapter as "the review panel," shall review disputes
12 between a child care facility, a family child care provider or a nursery school, as those
13 terms are defined in section 8301-A, and collectively referred to in this chapter as "the
14 facility," and the department relating to compliance with licensing or certification,
15 complaints and disputes but not investigations of out-of-home child abuse and neglect.

16 **1. Membership.** The review panel has 10 voting members appointed by the
17 Governor as follows:

18 A. Three early childhood professionals;

19 B. One pediatric health care professional;

20 C. One parent of a child in a licensed child care facility or certified family child care
21 provider; and

22 D. Five members representing a range of facilities from different geographic areas of
23 the State.

24 The director of the division of licensing and regulatory services or the director's designee
25 shall chair the review panel and act as a nonvoting member.

26 **2. Legal counsel.** The review panel receives legal counsel from the Office of the
27 Attorney General.

28 **3. Terms.** Members of the review panel are appointed for 5-year terms. A member
29 of the review panel appointed to fill a vacancy occurring otherwise than by expiration of
30 a term is appointed only for the unexpired term of the member succeeded.

31 **4. Duties.** The review panel shall review disputes between the department and a
32 facility. The review panel shall review the records, conduct any interviews or inspections
33 considered necessary, make a determination regarding findings of fault and, if necessary,
34 determine appropriate action by the department or the facility. Disputes subject to appeal
35 include the following:

