

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1061

S.P. 430

In Senate, March 7, 2023

**An Act to Increase the Number of Children a Family Child Care
Provider May Care for Without Having to Be Licensed by the
Department of Health and Human Services**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.
Cosponsored by Representative THERIAULT of Fort Kent and
Senators: BENNETT of Oxford, MOORE of Washington, Representative: HASENFUS of
Readfield.

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

2 **Sec. 1. 22 MRSA §8301-A, sub-§1-A, ¶C**, as amended by PL 2021, c. 35, §17, is
3 further amended to read:

4 C. "Family child care provider" means a person who provides day care in that person's
5 home on a regular basis, for consideration, for ~~3~~ 4 to 12 children under 13 years of age
6 who are not the children of the provider or who are not residing in the provider's home.
7 ~~If a provider is caring for children living in that provider's home and is caring for no~~
8 ~~more than 2 other children, the provider is not required to be licensed as a family child~~
9 ~~care provider.~~

10 **Sec. 2. 22 MRSA §8301-A, sub-§3**, as amended by PL 2021, c. 35, §18, is further
11 amended to read:

12 **3. Family child care provider licensure; exception.** A family child care provider
13 shall pay the licensing fee required under section 8303-A. A family child care provider
14 must be licensed under this chapter and shall comply with the rules adopted by the
15 commissioner under section 8302-A and the fire safety requirements of section 8304-A.
16 The department shall make at least one unannounced inspection of a family child care
17 provider licensed under this chapter during the term of the license. The inspection must
18 take place between 6 and 18 months after the issuance of the license. If a family child care
19 provider is caring for children living in that provider's home and is caring for no more than
20 4 other children, or a group of more than 4 other children who are siblings, the provider is
21 not required to be licensed as a family child care provider.

22 **SUMMARY**

23 This bill increases the number of children other than children living in a family child
24 care provider's home that the provider may care for without being required to be licensed
25 by the Department of Health and Human Services from 2 to 4, except that the bill allows a
26 provider to care for a group of more than 4 other children who are siblings.

27 This bill also makes a technical change to clarify that such providers are not required
28 to be licensed by the department.