

MAINE STATE LEGISLATURE

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Date 6/9/23

(Filing No S-255)

MINORITY

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 693, L D 1729, "An Act to Reduce Child Care Provider Regulation"

Amend the bill by striking out all of section 1

Amend the bill by striking out all of section 12 and inserting the following

Sec. 12. 22 MRSA §8301-A, sub-§1-A, ¶C, as amended by PL 2021, c 35, §17, is further amended to read

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

Sec. 13. 22 MRSA §8301-A, sub-§1-A, ¶D, as amended by PL 2009, c 211, Pt B, §21, is further amended to read

D "Nursery school" means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program that provides care for ~~3~~ 4 or more children 33 months of age or older and under 8 years of age, provided that

- (1) No session conducted for the children is longer than 3 1/2 hours in length,
- (2) No more than 2 sessions are conducted per day,
- (3) Each child in attendance at the nursery school attends only one session per day, and
- (4) No hot meal is served to the children

"Nursery school" does not include any facility operated as a child care center or small child care facility licensed under subsection 2, a youth camp licensed under section 2495 or a public or private school in the nature of a kindergarten approved by the

COMMITTEE AMENDMENT

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Commissioner of Education, in accordance with Title 20-A If a nursery school is providing care for 4 children 33 months of age or older and under 8 years of age and at least 2 of the children are siblings, the provider is not required to be licensed as a child care facility

Sec. 14. 22 MRSA §8301-A, sub-§1-A, ¶E, as enacted by PL 2001, c 645, §6, is amended to read

E "Small child care facility" means a house or other place, not the residence of the operator, in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for ~~3~~ 4 to 12 children under 13 years of age If a small child care facility is providing care for 4 children under 13 years of age and at least 2 of the children are siblings, the provider is not required to be licensed as a child care facility '

Amend the bill by striking out all of sections 20 and 21

Amend the bill by striking out all of section 25

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment, which is the minority report of the committee, makes the following changes to the bill

1 It amends current law by increasing to 3 the number of children a family child care provider may care for in the provider's home, not including the provider's children or children who reside in the provider's home, before the provider is required to be licensed as a family child care provider, except that the limit is increased to 4 children if at least 2 of the children are siblings The amendment applies the same standard to nursery schools and small child care facilities, which are licensed as child care facilities rather than family child care providers

2 It removes from the bill the section that establishes the Child Care Appeal Review Panel

3 It removes from the bill the section that allows an individual to be employed in a child care facility for up to 90 days awaiting a background check report

COMMITTEE AMENDMENT