

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2154

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H.P. 1378

House of Representatives, January 3, 2024

### **An Act to Make Corrections and Updates to the Laws Affecting Children and Families**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative MEYER of Eliot.

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

2 **Sec. 1. 18-C MRSA §9-403, sub-§2**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
3 affected by PL 2019, c. 417, Pt. B, §14, is repealed.

4 **Sec. 2. 22 MRSA §3931, sub-§15**, as enacted by PL 2021, c. 457, §2, is amended  
5 to read:

6 **15. Rules.** The department ~~shall~~ may adopt rules to carry out the purposes of this  
7 chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in  
8 Title 5, chapter 375, subchapter 2-A.

9 **Sec. 3. 22 MRSA §8301-A, sub-§1-A, ¶B-1** is enacted to read:

10 B-1. "Emergency circumstances" means a situation in which the department  
11 determines there are extenuating and urgent circumstances that necessitate a family  
12 child care provider's or child care facility's having to relocate or the establishment of a  
13 new family child care provider or child care facility. "Emergency circumstances"  
14 includes, but is not limited to, a situation affecting the home or child care facility such  
15 as a natural disaster, contamination, fire, water damage, unsafe environmental  
16 conditions, a pandemic or the unplanned closure of another family child care provider  
17 or child care facility.

18 **Sec. 4. 22 MRSA §8301-A, sub-§6**, as amended by PL 2021, c. 35, §21, is  
19 repealed.

20 **Sec. 5. 22 MRSA §8301-A, sub-§6-A** is enacted to read:

21 **6-A. Temporary license.** The department may issue a temporary license to a licensed  
22 child care facility or family child care provider in a new location or to a new child care  
23 facility or family child care provider. The department may issue a temporary license, which  
24 is valid pending final action on the application by the department, only under the following  
25 conditions:

26 A. The licensed child care facility or family child care provider moves to a new location  
27 and:

28 (1) All applicable standards have been met except a requirement that is dependent  
29 on the action of an agency of State Government or a contractor of that agency; and

30 (2) Through no action by the child care facility or family child care provider that  
31 causes a significant delay, timely issuance of a provisional or full license has been  
32 delayed by the agency or contractor under subparagraph (1); or

33 B. Due to emergency circumstances, the licensed child care facility or family child  
34 care provider moves to a new location or a new child care facility or family child care  
35 provider is established and the department determines that:

36 (1) The child care facility or family child care provider has completed a criminal  
37 background check as required by rules adopted pursuant to section 8302-A,  
38 subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K;

39 (2) The child care facility or family child care provider is eligible to provide child  
40 care; and

