

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

B. The Secretary of State shall write the question in a simple, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative.

C. The question must be phrased so that an affirmative vote is in favor of the people's veto or direct initiative.

D. If the Legislature adopts a competing measure, the ballot must clearly designate the competing question and legislation as a competing measure and allow voters to indicate whether they support the direct initiative, support the competing measure or reject both.

E. If there is more than one direct initiative referendum on the same general subject, the Secretary of State shall write the questions in a manner that describes the differences between the initiatives.

Sec. 4. 21-A MRSA §906, sub-§6-A is enacted to read:

6-A. Wording of referendum questions enacted by the Legislature. The proper format for a statutory referendum enacted by the Legislature is a separate question for each issue. In determining whether there is more than one issue, each requiring a separate question, considerations include whether:

A. A voter would reasonably have different opinions on the different issues;

B. Having more than one question would help voters to better understand the subject matter; and

C. The Legislature determines the questions are severable and can be enacted or rejected separately without negating the intent of the Legislature.

Sec. 5. 21-A MRSA §1055, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

~~Whenever any~~ When a political action committee makes an expenditure to finance ~~communications a communication~~ expressly advocating the initiation, promotion or defeat of a question or candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, ~~these communications the communication~~ the communication must clearly and conspicuously state the name and address of the political action committee ~~which that authorized,~~ made or financed the expenditure for the communication and that the communication has been authorized by the political action committee.

Sec. 6. Application. This Act applies to all direct initiatives for legislation and referenda for which

an application is submitted after the effective date of this Act.

See title page for effective date.

CHAPTER 353

H.P. 890 - L.D. 1204

An Act to Amend the Laws Regarding Home Baby-sitting Services and to Provide Rules for Licensing Fees for Day Care Facilities, Nursery Schools and Home Baby-sitting Services

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

Sec. 1. 22 MRSA §8303, as enacted by PL 1975, c. 719, §6, is repealed.

Sec. 2. 22 MRSA §8303-A is enacted to read:

§8303-A. Fee for licenses

By January 1, 1994, the department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for day care facilities, nursery schools and registered home baby-sitting services.

Sec. 3. 22 MRSA §8305, sub-§1, as amended by PL 1993, c. 158, §86 and 7, is further amended to read:

1. Registration. Persons providing home day care on a regular basis for 3 to 12 children under the 16 years of age of 16 unrelated to the provider on a regular basis who do not have a day care facility license shall be required to register with the Department of Human Services as a home baby-sitting service. The department shall issue a certificate of registration to the home baby-sitting service provider, upon receipt of evidence from the registrant that:

A. The provider is at least 18 years of age;

B. The provider has had a standard skin test for tuberculosis, as approved by the Division of Disease Control, Bureau of Health, and that the test is negative or, if the skin test is positive, an appropriate follow-up test, as approved by the Division of Disease Control, is negative. Subsequent testing may be required by the Division of Disease Control;

No A provider may be compelled to undergo a test for tuberculosis who states in writing that it is contrary to his that provider's religious teachings and practice may not be compelled to undergo a test for tuberculosis;

C. The water used for drinking and cooking:

- (1) Comes from a municipal water supply; or
- (2) Has been tested on an annual basis and meets the standards established by the Division of Health Engineering or a laboratory approved by the department;

D-1. The home has met the requirements of section 8304-A;

E. If the provider is caring for 6 or more pre-school children, there ~~will~~ must be an additional provider present whenever the children are on the premises. The additional provider must be at least 14 years of age and have had a tuberculosis test, as provided in paragraph ~~A~~ B; and

F. The provider ~~or~~, other residents ~~of~~ or other persons who frequent the home ~~has never have not~~ been convicted of a crime in which a child abuse or neglect as defined in section 4002, was a victim; ~~have not been found, in a statutorily authorized form, to have abused or neglected children; or have not had parental rights terminated as provided in chapter 1071, the Child and Family Services and Child Protection Act by a statutorily authorized entity.~~

Along with the proofs of compliance, the provider shall submit a registration fee of \$20 every 2 years.

This subsection is repealed January 1, 1994.

Sec. 4. 22 MRSA §8305, sub-§1-A is enacted to read:

1-A. Registration. Persons providing home day care on a regular basis for 3 to 12 children under 16 years of age unrelated to the provider who do not have a day care facility license shall register with the Department of Human Services as a home baby-sitting service. The department shall issue a certificate of registration to the home baby-sitting service provider, upon receipt of evidence from the registrant that:

A. The provider is at least 18 years of age;

B. The provider has had a standard skin test for tuberculosis, as approved by the Division of Disease Control, Bureau of Health, and that the test is negative or, if the skin test is positive, an appropriate follow-up test, as approved by the Division of Disease Control, is negative. Subsequent testing may be required by the Division of Disease Control.

A provider who states in writing that it is contrary to that provider's religious teachings and practice

may not be compelled to undergo a test for tuberculosis;

C. The water used for drinking and cooking:

(1) Comes from a municipal water supply; or

(2) Has been tested on an annual basis and meets the standards established by the Division of Health Engineering or a laboratory approved by the department;

D. The home has met the requirements of section 8304-A;

E. If the provider is caring for 6 or more pre-school children, there must be an additional provider present whenever the children are on the premises. The additional provider must be at least 14 years of age and have had a tuberculosis test, as provided in paragraph B; and

F. The provider, other residents or other persons who frequent the home have not been convicted of a crime in which a child was a victim; have not been found, in a statutorily authorized form, to have abused or neglected children; or have not had parental rights terminated by a statutorily authorized entity.

This subsection takes effect January 1, 1994.

Sec. 5. 22 MRSA §8305, sub-§3, as repealed and replaced by PL 1985, c. 358, §1, is amended to read:

3. Suspension or revocation of registration. A certificate of registration issued under this chapter may be suspended or revoked for violation of applicable law or for committing or permitting conduct or practices detrimental to the welfare of the children receiving home baby-sitting services. When the department believes that a certificate should be suspended or revoked, it shall file a complaint with the Administrative Court as provided in the Maine Administrative Procedure Act, Title 5, section 10051. An order by the Administrative Court suspending or revoking a registration voids a renewal application currently on file by the registrant. The Administrative Court may order that a person whose registration has been revoked or suspended may not apply for registration under this section or for licensure under this chapter for a period of time determined by the court.

Sec. 6. 22 MRSA §8402, sub-§5, as enacted by PL 1975, c. 709, §2, is repealed.

Sec. 7. Effective date. Sections 1 and 6 of this Act take effect January 1, 1994.

See title page for effective date, unless otherwise indicated.