

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 96

H.P. 224 - L.D. 281

Resolve, Regarding the Operation of the Maine Registry of Certified Nursing Assistants

Sec. 1. Rulemaking by Department of Education. Resolved: That, by November 1, 2003, the Department of Education shall amend the rules governing training programs for certified nursing assistants to provide for payment for the initial criminal history record check for individuals who enroll in or complete a course, such payment to be included as part of the course fee. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Report. Resolved: That, by December 31, 2003, July 1, 2004 and December 31, 2004, the Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the method of conducting criminal history record checks for the Maine Registry of Certified Nursing Assistants. The report must include progress in moving to a method that uses fingerprinting of the applicant and that searches for criminal history on a national basis; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Background Checks - Certified Nursing Assistants

Initiative: Appropriates funds for one Information Specialist II position and necessary operating costs.

General Fund	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$35,489	\$49,291
All Other	21,798	15,709
General Fund Total	\$57,287	\$65,000

See title page for effective date.

CHAPTER 97

H.P. 538 - L.D. 732

Resolve, Directing the Department of Human Services To Establish an Advisory Task Force to Examine Staff-child Ratios and Maximum Group Size in Child Care Facilities

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the early years of a child's development are critical; and

Whereas, the appropriate staff-child ratio and maximum group size in child care facilities are crucial to the development of young children; and

Whereas, this resolve establishes a task force to develop recommendations regarding staff-child ratios and maximum group size in child care facilities, leading to adoption of rules next year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Advisory task force established. Resolved: That the Department of Human Services shall establish an advisory task force to examine and make recommendations to the department regarding staff-child ratios and maximum group size in child care facilities; and be it further

Sec. 2. Advisory task force membership. Resolved: That the membership of the advisory task force must include, but is not limited to, stakeholders representing the following constituencies: parents of children in child care facilities; nonprofit child care centers; proprietary child care centers; child care centers serving school-age children; child care centers serving 50 or more children; child care centers serving fewer than 50 children; infant and toddler programs; Head Start programs; the Department of Human Services, Office of Child Care and Head Start; the Department of Human Services, Child Care Licensing Unit; higher education and training programs for child care providers; children with special needs; the Child Care Advisory Council; and up to 3 Legislators, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House of Representatives. The Department of Human Services shall recruit task force members statewide. The task force shall make a substantial effort to solicit and consider input from any and all stakeholders. The advisory task force may hold up to 4 meetings to conduct its examination and make recommendations; and be it further

Sec. 3. Recommendations and report. Resolved: That the advisory task force shall make recommendations to the Department of Human Services by December 3, 2003 regarding staff-child ratios and maximum group size in child care facilities.

The department shall review the recommendations of the task force and report its conclusions and recommendations to the Joint Standing Committee on Health and Human Services by January 5, 2004; and be it further

Sec. 4. Rules. Resolved: That the Department of Human Services shall retain in effect current rules for child care facilities regarding staff-child ratios and maximum group size until June 15, 2004. The department shall adopt rules on staff-child ratios and maximum group size effective June 15, 2004 after consideration of the recommendations of the advisory task force created in this resolve. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 25, 2003.

CHAPTER 98

S.P. 585 - L.D. 1630

Resolve, Approving the 2003 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 2003 recodification of the Constitution of Maine has been completed by the Chief Justice of the Supreme Judicial Court and submitted to the Legislature; and

Whereas, the recodification must be made available to the public as soon as possible and before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Constitution; approval of 2003 draft and arrangement, enrollment, distribution. Resolved: That the draft and arrangement of the Constitution of Maine, as amended, made by the

Chief Justice of the Supreme Judicial Court, pursuant to the Constitution of Maine, Article X, Section 6, is approved and that the same be enrolled on parchment or other suitable material and deposited in the office of the Secretary of State; and be it further

Sec. 2. Enrollment on durable material. Resolved: That the Secretary of State is authorized and directed to cause the Constitution of Maine, as amended and arranged, to be enrolled on parchment or other suitable material and upon final approval of the Chief Justice of the Supreme Judicial Court to attest to the correctness of that enrollment under the seal of the State; and be it further

Sec. 3. Publication. Resolved: That the Secretary of State is authorized and directed to cause to be published in pamphlet form, subject to the approval of the Chief Justice of the Supreme Judicial Court, copies of the Constitution of Maine in such numbers as the Secretary of State determines necessary and that one copy of the pamphlet be forwarded to the municipal officers of each city and town and to the assessors of each plantation within the State.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective June 13, 2003.
