

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

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

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

- B. Water for drinking and cooking;
- C. Wastewater;
- D. Rabies vaccinations for pets;
- E. Recording the times, reasons and numbers of children involved when more than 12 children are cared for;
- F. Ongoing training for providers on health and safety issues, including training on communicable diseases. This training must be offered at times that are convenient to the providers;
- G. Child to staff ratios;
- H. Health and safety of the children and staff;
- I. Procedures for waivers of rules and for suspension and revocation of certification; and
- J. The age, criminal record and personal history of the ~~home-day~~ family child care provider, staff and members of the household.

Rules adopted pursuant to paragraphs A to F are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A and rules adopted pursuant to paragraphs G to J are major substantive rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 9. 22 MRSA §8302-B, first ¶**, as enacted by PL 1997, c. 494, §11 and affected by §15, is amended to read:

A person who provides day care in that person's home for one or 2 children whose care is paid for by state or federal funds is not required to be certified as a ~~home-day~~ family child care provider pursuant to section 8301-A but is subject to the provisions of this section.

**Sec. 10. 22 MRSA §8303-A**, as amended by PL 1997, c. 494, §12 and affected by §15, is further amended to read:

**§8303-A. Fee for licenses**

By January 1, 1998, the department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for ~~day care centers~~ child care facilities, nursery schools and certified ~~home-day~~ family child care providers. Rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 11. 22 MRSA §8304-A, sub-§1**, as amended by PL 2001, c. 645, §8, is further amended to read:

**1. Inspection required.** As an ongoing condition of licensure or certification, the Commissioner of Public Safety must provide at least biennially to the department a written statement that the child care facility or certified ~~home-day~~ family child care provider complies with applicable fire safety rules adopted pursuant to Title 25, section 2452. The Commissioner of Public Safety shall adopt rules in accordance with the Maine Administrative Procedure Act to implement this subsection. The rules must provide for at least the following.

A. The Commissioner of Public Safety shall issue a fire safety technician certificate to any person who successfully completes a training course established by the Department of Public Safety. A person who receives a fire safety technician certificate pursuant to this paragraph may perform fire safety inspections under this section.

B. In addition to ongoing license or certification requirements, inspection and certification are required under this section whenever a child care facility or certified ~~home-day~~ family child care provider changes or augments a heating system or makes major structural alterations to the facility or home.

**Sec. 12. 22 MRSA §8306**, as enacted by PL 1985, c. 358, §2, is repealed.

**Sec. 13. Rulemaking.** By October 1, 2006, the Department of Health and Human Services shall amend the rules for family child care providers and child care facilities to conform to the changes made in this Act using the procedures for routine technical rulemaking under the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 531**

**H.P. 1431 - L.D. 2034**

**An Act Relating to Mergers and Consolidations of Corporations without Capital Stock**

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period to enable corporations to act pursuant to the provisions of this legislation as soon as possible; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 13 MRSA §961**, as repealed and replaced by PL 2003, c. 523, §7, is amended by adding at the end a new paragraph to read:

Any corporation organized under this chapter may merge or consolidate with or into a corporation formed under Title 13-B. The procedure, manner of adoption of the plan of merger or consolidation, form of articles of merger or consolidation and effect of such merger or consolidation for any such merger or consolidation are governed by the provisions of Title 13-B, chapter 9.

**Sec. 2. 13-B MRSA §901, sub-§1**, as enacted by PL 1977, c. 525, §13, is amended to read:

**1. Domestic corporations may merge.** Any 2 or more domestic corporations organized under this Act or under Title 13, chapter 81 may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this Act.

**Sec. 3. 13-B MRSA §902, sub-§1**, as enacted by PL 1977, c. 525, §13, is amended to read:

**1. Domestic corporations may consolidate.** Any 2 or more domestic corporations organized under this Act or under Title 13, chapter 81 may consolidate into a new corporation pursuant to a plan of consolidation approved in the manner provided in this Act.

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

Effective April 4, 2006.

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## CHAPTER 532

S.P. 777 - L.D. 2014

### An Act Protecting Youth from Losing Health Insurance Coverage

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

**Sec. 1. 24-A MRSA §2742-A** is enacted to read:

#### **§2742-A. Extension of coverage for dependent children**

Notwithstanding section 2703, subsection 3, an individual health insurance policy that provides coverage for a dependent child at certain ages only if the child is a student must continue that coverage if the child is unable to remain enrolled in school on a full-time basis due to a mental or physical illness or an accidental injury. This coverage may be terminated at the age at which coverage for students terminates under the terms of the policy. An insurer may require, as a condition of eligibility for continued coverage in accordance with this section, that the student provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school on a full-time basis due to a mental or physical illness or accidental injury.

**Sec. 2. 24-A MRSA §2833-A** is enacted to read:

#### **§2833-A. Extension of coverage for dependent children**

Notwithstanding section 2822, a group health insurance policy that provides coverage for a dependent child at certain ages only if the child is a student must continue that coverage if the child is unable to remain enrolled in school on a full-time basis due to a mental or physical illness or an accidental injury. This coverage may be terminated at the age at which coverage for students terminates under the terms of the policy. An insurer may require, as a condition of eligibility for continued coverage in accordance with this section, that the student provide written documentation from a health care provider and the student's school that the student is no longer enrolled in school on a full-time basis due to a mental or physical illness or accidental injury.

**Sec. 3. 24-A MRSA §4233-A** is enacted to read:

#### **§4233-A. Extension of coverage for dependent children**

An individual or group health maintenance organization contract that provides coverage for a dependent child at certain ages only if the child is a student must continue that coverage if the child is unable to remain enrolled in school on a full-time basis due to a mental or physical illness or an accidental injury. This coverage may be terminated at the age at which coverage for students terminates under the terms of the contract. An insurer may require, as a condition of eligibility for continued coverage in accordance with this section, that the student provide written documentation from a health care provider and the student's school that the student is no longer