

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.

Penmor Lithographers
Lewiston, Maine
2006

8. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to interpret and implement this section.

9. Educational outreach. The Commissioner of Agriculture, Food and Rural Resources shall conduct an educational outreach program for the agricultural community to increase awareness of the provisions of this section and the currently adopted best management practices of the Department of Agriculture, Food and Rural Resources. The commissioner shall inform the public about the provisions of this section, the complaint resolution process adopted by the department and state policy with respect to preservation and protection of agricultural and natural resources.

Sec. 2. 36 MRSA §2013, sub-§1, ¶A, as amended by PL 1993, c. 151, §1, is further amended to read:

A. "Commercial agricultural production" means commercial production of crops for human and animal consumption, including the commercial production of sod, agricultural composting operation as defined in Title 17, section 2805, the commercial production of seed to be used primarily to raise crops for nourishment of humans or animals and production of livestock.

See title page for effective date.

CHAPTER 639

H.P. 689 - L.D. 979

An Act To Fund Youth Mentoring Programs

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

Sec. 1. 20-A MRSA c. 331 is enacted to read:

CHAPTER 331

MAINE MENTORING PARTNERSHIP GRANT PROGRAM

§9901. Maine Mentoring Partnership Grant Program

1. Establishment of program grants. The department, through the Maine Mentoring Partnership or its successor organization, shall establish and administer the Maine Mentoring Partnership Grant Program, referred to in this chapter as "the program," to provide funding for grants to eligible mentoring programs.

2. Eligible mentoring programs. The department shall develop eligibility criteria for mentoring programs seeking grants under this chapter. At a minimum, the mentoring program must provide guidance, support and encouragement to young persons through the establishment of structured mentoring relationships to help the young persons develop into confident, competent and contributing members of society. The relationships may be through one-on-one, group, team or peer mentoring. Eligible entities include school-based or independent programs, including a regional collaborative program created to provide mentoring services.

3. Grant size and distribution. Grants must be based on financial need and may range from a minimum of \$1,000 to a maximum of \$75,000. Of the funds appropriated to the program annually, at least 75% must be used for direct grants, up to 20% may be used for technical assistance provided by the Maine Mentoring Partnership or its successor organization and no more than 5% may be used for administrative costs of operating the program.

4. Rules. The department shall develop rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Jobs for Maine's Graduates 0704

Initiative: Provides one-time funds to provide grants to eligible mentoring programs pursuant to the requirements of the Maine Revised Statutes, Title 20-A, chapter 331.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$25,000
GENERAL FUND TOTAL	\$0	\$25,000

See title page for effective date.

CHAPTER 640

H.P. 272 - L.D. 359

An Act To Change the Child Care Facility Licensing Laws

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

Sec. 1. 22 MRSA §7802, sub-§2, ¶B, as amended by PL 1999, c. 599, §1, is further amended to read:

B. The terms of full licenses or approvals are as follows.

(1) Except as provided in subparagraphs (2), (3) and (4) to (6), the term of all full licenses and approvals issued pursuant to this chapter is for one year or the remaining period of a conditional or provisional license that has been issued for less than one year.

(2) The term of a residential child care facility license is for 2 years.

(3) The term of a drug treatment center license may be for either one or 2 years.

(4) The term of a family foster home or specialized foster home license is for 2 years.

(5) The term of a child care facility license issued under section 8301-A, subsection 2 is for 2 years.

(6) The term of a home day care certificate issued under section 8301-A, subsection 3 is for 2 years.

Sec. 2. 22 MRSA §8301-A, sub-§2, as amended by PL 2001, c. 645, §6, is further amended to read:

2. Child care facility licensure. The owner or operator of a child care facility shall pay the licensing fee required under section 8303-A. A child care facility must be licensed under this chapter and must comply with the rules adopted by the commissioner under section 8302-A and the fire safety requirements of section 8304-A. The department shall make at least one unannounced inspection of a child care facility licensed under this chapter during the term of the license. The inspection must take place between 6 and 18 months after the issuance of the license. Except as otherwise provided, a nursery school must meet the requirements of this chapter and chapter 1675.

Sec. 3. 22 MRSA §8301-A, sub-§3, as amended by PL 2005, c. 530, §7, is further amended to read:

3. Family child care provider certification. A family child care provider shall pay the certification fee required under section 8303-A. A family child care provider must be certified under this chapter and shall comply with the rules adopted by the commissioner under section 8302-A and the fire safety requirements of section 8304-A. The department shall make at least one unannounced inspection of a family child care provider certified under this chapter during the term of the certificate. The inspection must take

place between 6 and 18 months after the issuance of the certificate.

Sec. 4. 22 MRSA §8303-A, as amended by PL 2005, c. 530, §10, is further amended to read:

§8303-A. Fee for licenses

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

Sec. 5. 22 MRSA §8402, sub-§3, ¶E, as amended by PL 2001, c. 645, §10, is further amended to read:

E. The nursery school meets, ~~annually~~ biennially, the fire safety requirements specified in section 8403, subsection 2.

Sec. 6. 22 MRSA §8403, sub-§2, as amended by PL 1997, c. 728, §14, is further amended to read:

2. Requirements. This written statement must be furnished ~~annually~~ biennially to the department and must indicate that the nursery school has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that are specified in:

A. The family day care homes section, if the nursery school has at least 3 but no more than 6 children per session;

B. The group day care homes section, if the nursery school has at least 7 but no more than 20 children per session; or

C. The child day care centers section, if the nursery school has more than 20 children per session.

Sec. 7. Biennial fees. By January 1, 2007, the Department of Health and Human Services shall assess biennial fees for full child care facility licenses, nursery school licenses and family child care certificates that must be twice the fees assessed for licenses and certificates that are issued annually. Notwithstanding the provisions of the Maine Revised Statutes, Title 22, section 8303-A, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.