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**TESTIMONY BY SAGADAHOC COUNTY SHERIFF JOEL MERRY BEFORE THE
HEALTH AND HUMAN SERVICES COMMITTEE**

**IN OPPOSITION TO L.D. 765 “AN ACT TO ALLOW IN-HOME CHILD CARE FOR UP
TO 5 CHILDREN WITH STATE CERTIFICATION,” L.D. 1423 “AN ACT TO AMEND
CERTAIN LAWS GOVERNING CHILD CARE PROVIDERS” AND L.D. 1474 “AN ACT
TO REDUCE REGULATION OF CHILD CARE FACILITIES”**

**AND IN SUPPORT OF L.D. 1748 “AN ACT REGARDING RULES GOVERNING
FAMILY CHILD CARE PROVIDER LICENSING”**

**1:30 p.m., January 17, 2018
Room 209 Cross State Office Building**

Senator Brakey, Representative Hymanson, Members of the Joint Standing Committee on Health and Human Services, I am Joel Merry, Sagadahoc County Sheriff and a member of the national anti-crime organization Fight Crime: Invest In Kids. I am also the Immediate Past President of the Maine Sheriff's Association.

I offer testimony in opposition to three of these bills grouped before you now -- LDs 765, "An Act to Allow In-Home Child Care Providers to Care For Up To 5 Children without State Certification," LD 1423 "An Act to Amend Certain Laws Governing Child Care Providers," and LD 1474 "An Act to Reduce Regulation of Child Care Facilities."

And I would like to speak in favor of one bill – LD 1748 "An Act Regarding Rules Governing Family Child Care Providers."

I have been before this committee a couple of times this session weighing in on some of the various child care bills before you. While I am not trained in the field of early education, as many in this room are, I am here as a law enforcement leader to encourage each of you to put the safety of Maine children foremost in your mind as you deliberate over and vote on the numerous bills before you addressing how Maine should regulate and monitor the professional standards of this important field.

Like many of you, I work in a community where the majority of our parents are all working. I'm told that the statistic statewide is that 72% of all Maine children age 6 and younger have both, or their only, parent in the workforce. While parents are working, they need to know that their children are being well cared for and, most importantly, are safe.



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Children's safety is the reason many of the existing child care rules exist, and why I am here today. I ask you not to roll back child care licensing rules that could impact children's safety; and to pass a bill that does more to protect children's safety while they are away from their families in care for which providers are being paid.

LD 765 proposed to allow a sole provider to be paid to care for up to 5 children in his/her home on an unlicensed and unregulated basis. In addition to these unrelated children, the provider may also be caring for his/her own children and other children related to him/her. There could easily be 8 or more children in that home. There would be no proof that this provider is capable of such work, nor that his/her home meets even the basic safety standards – such as having an operable fire extinguisher, safe water, and windows in the home that are the correct size and distance from the ground for a child to safely crawl out of in case of an emergency if the doorway is blocked. Nor would the provider prove that he/she can pass a criminal background check.

Currently an unlicensed and unregulated provider can be paid to care for up to two children who are not related to the provider. Increasing this number could put children's safety at risk and thus we in law enforcement oppose any such change.

Reviewing LD 1423 and LD 1474, as a law enforcement leader, I am concerned again with proposed changes that move away from standard practices and could endanger Maine children. These include:

- Increasing the number of children an unlicensed and unregulated provider can care for in their home, as LD 765 also proposes to do. Again, currently that is limited to two children who are not related to the provider. Increasing this number could put children's safety at risk and thus we oppose any such change.
- Increasing the time between licensing and certificate renewal from 2 years to 5 years. More regular license renewals, and the accompanying site visits they require, are a good thing and best practice when addressing the care of our youngest children.
- Directing the Department of HHS, upon complaint of a child care program, to investigate only that complaint and no other violations they may find in the process of their investigation. To me, this would be akin to telling my officers that if they are called to a home for a possible domestic violence issue that they must ignore any other illegal or improper activities taking place at that same home.



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- Allowing a provisional hire of up to 90 days for a staff member before his/her criminal background check is complete. We recommend that a provider not have unsupervised care of children until all background checks are complete. Again, the safety and well-being of children should be paramount at all times – and especially in the profession in which people are paid to provide care.
- And changing the industry's best practices for teacher: child ratios. Having a provider, who is sometimes a sole provider, supervise and teach more children and more children at younger ages moves away from the child care professions' best practices.

For many of the same reasons, I support LD 1748. This proposal seeks to assure the health and safety of Maine children who are in child care settings while their parents work.

As I have already mentioned, one of the key indicators of quality defined by several national organizations including the National Institute for Early Education Research, The National Association for the Education of Young Children, and the National Family Child Care Association is low student-to-teacher ratios. This bill seeks to make two needed changes in this regard:

change the ratio for provider: two-year-old from 1:8 to the recommended 1:4; and require that all minor children under the age of 5 in the home of a home-based provider count in these ratios.

I also agree with this bill that new child care providers should be required to complete first aid, adult, child and infant CPR with hands-on skill demonstration, and mandated reporter training within the first 30 days of employment, and not be allowed up to 12 months to comply with these very basic and necessary safety trainings.

While not a direct public safety concern, it is common sense to consider this bill's proposal that parents should have the right to visit and observe their child's provider any time during the hours of operation, and that providers should be required to obtain written parental permission before taking a child on activities away from the child care premise, and before allowing their child to participate in any high-risk activity, such as swimming, horseback riding or playing on a trampoline. Not doing so could open up providers to much greater liability.



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Law enforcement leaders from across Maine have testified in this Committee, and before the Education and Appropriations Committees, supporting high-quality early care and education because we know from our experiences what the research shows: getting children started on the right path in life reduces later crime. But we only get these benefits to our communities when the early care and education are of the highest quality.

LD 765, LD 1423 and LD 1474 include many provisions that move away from quality standards. LD 1748, on the other hand, moves toward high quality child care for working families.

Please remember that children in child care are ages birth through 11 years old. They are our youngest and most innocent citizens. It is our duty to make sure they are safe from harm and protected. And that means those who are trusted with their care should be held to the highest standards.

Thank you.