

**Title 22: HEALTH AND WELFARE**  
**Chapter 1673: CHILD CARE FACILITIES**

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**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 1673: CHILD CARE FACILITIES**

**§8301. DEFINITION OF DAY CARE FACILITY**

*(REPEALED)*

SECTION HISTORY

1975, c. 719, §6 (NEW). 1981, c. 309, §2 (AMD). 1989, c. 700, §A97 (AMD). 1997, c. 494, §15 (AFF). 1997, c. 494, §7 (RP).

**§8301-A. LICENSURE OF CHILD CARE FACILITIES; CERTIFICATION OF FAMILY CHILD CARE PROVIDERS**

**1. Definitions.**

[ 2001, c. 645, §6 (RP) . ]

**1-A. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child care center" means:

- (1) A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 13 or more children under 13 years of age; or
- (2) Any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for. [2001, c. 645, §6 (NEW) .]

B. "Child care facility" means a child care center, small child care facility or nursery school. "Child care facility" does not include a facility operated by a family child care provider, a youth camp licensed under section 2495, programs offering instruction to children for the purpose of teaching a skill such as karate, dance or basketball, a formal public or private school in the nature of a kindergarten or elementary or secondary school approved by the Commissioner of Education in accordance with Title 20-A or a private school recognized by the Department of Education as a provider of equivalent instruction for the purpose of compulsory school attendance. Any program for children under 5 years of age that is located in a private school and programs that contract with one or more Child Development Services System sites are required to be licensed as a child care facility. [2009, c. 211, Pt. B, §20 (AMD) .]

C. "Family child care provider" means a person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, the provider is not required to be certified as a family child care provider. [2005, c. 530, §7 (AMD) .]

D. "Nursery school" means a house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program that provides care for 3 or more children 33 months of age or older and under 8 years of age, provided that:

- (1) No session conducted for the children is longer than 3 1/2 hours in length;
- (2) No more than 2 sessions are conducted per day;
- (3) Each child in attendance at the nursery school attends only one session per day; and

(4) No hot meal is served to the children.

"Nursery school" does not include any facility operated as a child care center or small child care facility licensed under subsection 2, a youth camp licensed under section 2495 or a public or private school in the nature of a kindergarten approved by the Commissioner of Education, in accordance with Title 20-A. [2009, c. 211, Pt. B, §21 (AMD).]

E. "Small child care facility" means a house or other place, not the residence of the operator, in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 to 12 children under 13 years of age. [2001, c. 645, §6 (NEW).]

[ 2007, c. 324, §16 (AMD); 2009, c. 211, Pt. B, §§20, 21 (AMD) .]

**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.

[ 2005, c. 640, §2 (AMD) .]

**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.

[ 2005, c. 640, §3 (AMD) .]

**4. Complaints.** Upon receipt of a complaint about a licensed child care facility or a certified family child care provider and if the department has reasonable cause to suspect that a violation of the licensure or certification requirements has occurred, the department may investigate the complaint and enter the premises at any reasonable time for the purposes of the investigation.

[ 2005, c. 530, §7 (AMD) .]

**5. Administrative suspension.** Whenever conditions exist that immediately jeopardize the health and safety of children, the commissioner may issue an order of closure, which suspends the certification of the family child care provider or the child care facility license for up to 10 days, pending further investigation or prior to obtaining an order of emergency suspension from the court. The department shall require that an order of closure be posted at the facility and made public as it determines to be most appropriate for parents and other potential customers.

[ 2005, c. 530, §7 (AMD) .]

**6. Temporary license.** Whenever a certified family child care provider or licensed child care facility moves to a new location the department may issue a temporary certificate or license, valid pending final action on the application for the new location by the department, when:

A. All applicable standards have been met except a requirement that is dependent on the action of an agency of State Government or a contractor of that agency; and [2001, c. 645, §6 (AMD) .]

B. Through no action by the applicant that causes a significant delay, timely issuance of a provisional or full license has been delayed by the agency or contractor. [1999, c. 363, §5 (NEW).]

[ 2005, c. 530, §7 (AMD) .]

**7. Injunctive relief.** The department may seek an injunction to require compliance with the provisions of this section or rules adopted pursuant to this section.

[ 1999, c. 363, §5 (NEW) .]

**8. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 530, §7 (AMD) .]

**9. Exemption from certain requirements for accredited Montessori schools.** Notwithstanding any provision of this chapter or rules adopted pursuant to this chapter, a child care facility that is accredited as a Montessori school by a national or international accreditation organization may apply to the commissioner for an exemption from those requirements of this chapter or rules adopted pursuant to this chapter that conflict with the recognized tenets of the Montessori philosophy.

The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 224, §1 (NEW) .]

#### SECTION HISTORY

1997, c. 494, §8 (NEW). 1997, c. 494, §15 (AFF). 1999, c. 363, §§4,5 (AMD). 2001, c. 645, §6 (AMD). 2005, c. 224, §1 (AMD). 2005, c. 530, §7 (AMD). 2005, c. 640, §§2,3 (AMD). 2007, c. 324, §16 (AMD). 2009, c. 211, Pt. B, §§20, 21 (AMD).

## §8302. RULES

*(REPEALED)*

#### SECTION HISTORY

1975, c. 719, §6 (NEW). 1977, c. 497, §7 (AMD). 1977, c. 694, §381 (AMD). 1989, c. 723, (AMD). 1991, c. 89, §§1,2 (AMD). 1995, c. 74, §1 (AMD). 1997, c. 494, §15 (AFF). 1997, c. 494, §9 (RP).

## §8302-A. RULES FOR CHILD CARE FACILITIES AND FAMILY CHILD CARE PROVIDERS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

The commissioner shall adopt rules for child care facilities and family child care providers according to this section. Nursery schools are subject to the requirements of chapter 1675 and this section, except that subsection 1, paragraph F does not apply to nursery schools. [2005, c. 530, §8 (AMD).]

**1. Rules for child care facilities.** Rules for child care facilities must include, but are not limited to, rules pertaining to the following:

A. Child to staff ratios; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

B. The health and safety of the children and staff, including training on communicable diseases; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

- C. Water for drinking and cooking; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- D. Wastewater; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- E. Rabies vaccinations for pets; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- F. The quality of the program provided; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- G. (TEXT EFFECTIVE UNTIL 12/13/18) The age, criminal record and personal history of the provider of care for children and staff members; [2001, c. 645, §7 (AMD).]
- G. (TEXT REPEALED 12/13/18) [2017, c. 457, §1 (RP).]
- H. The administration of medication; [2015, c. 497, §2 (AMD).]
- I. Licensing procedures; and [2015, c. 497, §2 (AMD).]
- J. (TEXT EFFECTIVE UNTIL 12/13/18) Requiring a criminal background check for:
- (1) Each child care staff member whose activities involve the care or supervision of children; and
  - (2) Each adult who has unsupervised access to children who are cared for or supervised by a child care facility.

The criminal background check must meet the requirements of 42 United States Code, Section 9858f(b). [2015, c. 497, §2 (NEW).]

J. (TEXT EFFECTIVE 12/13/18) Requiring a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b) for each child care staff member. For the purposes of this paragraph, "child care staff member" means an individual:

- (1) Who is employed by a child care facility for compensation, including a contract employee or self-employed individual; or
- (2) Whose activities involve the care or supervision of children for a child care facility or unsupervised access to children who are cared for or supervised by a child care facility.

"Child care staff member" does not include an individual who is related to all children for whom child care services are provided or a contractor performing maintenance and repairs at the child care facility who does not have unsupervised access to children who are cared for or supervised by the child care facility. [2017, c. 457, §2 (RPR).]

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, except that rules adopted pursuant to paragraph J to comply with 42 United States Code, Section 9858f(b) are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 457, §§1, 2 (AMD) .]

**2. Rules for family child care providers.** Rules for family child care providers must include, and are limited to, rules pertaining to the following:

- A. Cardiopulmonary resuscitation; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- B. Water for drinking and cooking; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- C. Wastewater; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]
- D. Rabies vaccinations for pets; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

E. Recording the times, reasons and numbers of children involved when more than 12 children are cared for; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

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; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

G. Child to staff ratios; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

H. Health and safety of the children and staff; [1997, c. 494, §10 (NEW); 1997, c. 494, §15 (AFF).]

I. (TEXT EFFECTIVE UNTIL 12/13/18) Procedures for waivers of rules and for suspension and revocation of certification; [2015, c. 497, §3 (AMD).]

I. (TEXT EFFECTIVE 12/13/18) Procedures for waivers of rules and for suspension and revocation of certification; and [2017, c. 457, §3 (AMD).]

J. (TEXT EFFECTIVE UNTIL 12/13/18) The age, criminal record and personal history of the family child care provider, staff and members of the household; and [2015, c. 497, §3 (AMD).]

J. (TEXT REPEALED 12/13/18) [2017, c. 457, §4 (RP).]

K. (TEXT EFFECTIVE UNTIL 12/13/18) Requiring a criminal background check for:

- (1) The family child care provider;
- (2) Each child care staff member whose activities involve the care or supervision of children; and
- (3) Each adult who has unsupervised access to children who are cared for or supervised by the family child care provider.

The criminal background check must meet the requirements of 42 United States Code, Section 9858f(b). [2015, c. 497, §3 (NEW).]

K. (TEXT EFFECTIVE 12/13/18) Requiring a criminal background check that meets the requirements of 42 United States Code, Section 9858f(b) for a family child care provider and each child care staff member. For the purposes of this paragraph, "child care staff member" means an individual:

- (1) Who is employed by a family child care provider for compensation, including a contract employee or self-employed individual;
- (2) Whose activities involve the care or supervision of children for a family child care provider or unsupervised access to children who are cared for or supervised by a family child care provider; or
- (3) Who is 18 years of age or older and who resides in the home of a family child care provider.

"Child care staff member" does not include an individual who is related to all children for whom child care services are provided or a contractor performing maintenance and repairs at the home of a family child care provider who does not have unsupervised access to children who are cared for or supervised by the family child care provider. [2017, c. 457, §5 (RPR).]

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

[ 2017, c. 457, §§3-5 (AMD) .]

**3. (TEXT EFFECTIVE 12/13/18) Payment for criminal background checks.** Fees for the criminal background checks required for a child care staff member pursuant to subsection 1, paragraph J and subsection 2, paragraph K must be paid by the department from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and

Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The fees for the criminal background checks reimbursed under this subsection may not exceed the actual costs for processing and administration.

[ 2017, c. 457, §6 (NEW) .]

#### SECTION HISTORY

RR 1997, c. 1, §21 (COR). 1997, c. 494, §10 (NEW). 1997, c. 494, §15 (AFF). 2001, c. 645, §7 (AMD). 2005, c. 530, §8 (AMD). 2015, c. 497, §§2, 3 (AMD). 2017, c. 457, §§1-6 (AMD).

## §8302-B. PROVIDERS SUBJECT TO STANDARDS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

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 family child care provider pursuant to section 8301-A but is subject to the provisions of this section. [2005, c. 530, §9 (AMD) .]

**1. (TEXT EFFECTIVE UNTIL 12/13/18) Investigation.** The provider must pass a background investigation check by the State Bureau of Investigation, a check for involvement with child protective services and a motor vehicle record check.

[ 1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF) .]

**1. (TEXT EFFECTIVE 12/13/18) Investigation.** 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 and a child care staff member, as defined in section 8302-A, subsection 2, paragraph K, of the person must pass a criminal background check pursuant to section 8302-C that meets the requirements of 42 United States Code, Section 9858f(b).

[ 2017, c. 457, §7 (RPR) .]

**1-A. (TEXT EFFECTIVE 12/13/18) Payment for criminal background checks.** Fees for and costs related to processing and administering criminal background checks required for a child care staff member pursuant to subsection 1 must be paid by the department from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The fees for and costs related to processing and administering criminal background checks reimbursed under this subsection may not exceed the actual costs for processing and administration. A transfer of payment by the department to the Department of Public Safety from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 must be made pursuant to a schedule agreed upon by the department and the Department of Public Safety, in consultation with the State Controller, and based on documentation of fees and processing and administration costs incurred.

[ 2017, c. 457, §8 (NEW) .]

**2. Information provided by department.** The department shall supply providers with information on the following topics:

- A. Health and safety, including the control of communicable disease, and immunization requirements; [1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF) .]
- B. Physical premises safety; and [1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF) .]



C. Training opportunities in health and safety, first aid and cardiopulmonary resuscitation and early care and education. [1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF).]

[ 1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF) .]

**3. Authority to inspect.** The department has the authority to inspect the premises of the person providing the care.

[ 1997, c. 494, §11 (NEW); 1997, c. 494, §15 (AFF) .]

#### SECTION HISTORY

1997, c. 494, §11 (NEW). 1997, c. 494, §15 (AFF). 2005, c. 530, §9 (AMD). 2017, c. 457, §§7, 8 (AMD).

## §8302-C. INVESTIGATION

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE 12/13/18)*

A child care provider and any child care staff member subject to a criminal background check pursuant to sections 8302-A and 8302-B must pass a background check conducted in accordance with this section and rules adopted by the department under section 8302-A. As used in this section, "child care provider" means a person who provides child care in a child care facility, a family child care provider and 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. As used in this section, "child care staff member" has the same meaning as described in section 8302-A, subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K. [2017, c. 457, §9 (NEW).]

**1. Investigation.** In accordance with the rules adopted by the department, the department shall request a criminal background check for a child care provider and child care staff members of the child care provider. The criminal background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation. The following provisions apply.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8. [2017, c. 457, §9 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [2017, c. 457, §9 (NEW).]

C. A person subject to a criminal background check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [2017, c. 457, §9 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [2017, c. 457, §9 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter. [2017, c. 457, §9 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal background checks received by the department are for official use only and may not be disseminated to any other person or entity. [2017, c. 457, §9 (NEW).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [2017, c. 457, §9 (NEW).]

The department, with the State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 457, §9 (NEW) .]

#### SECTION HISTORY

2017, c. 457, §9 (NEW).

### §8303. FEE FOR LICENSES

*(REPEALED)*

#### SECTION HISTORY

1975, c. 719, §6 (NEW). 1993, c. 353, §7 (AFF). 1993, c. 353, §1 (RP).

### §8303-A. FEE FOR LICENSES

**1. Child care facilities and certified family child care providers.** The department shall adopt rules to establish reasonable fees for both initial licensure or certification and license or certification renewals for child care facilities and certified family child care providers. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 590, §6 (NEW) .]

**2. Nursery schools.** The department shall adopt rules to establish reasonable initial and renewal licensing fees for nursery schools that may not exceed \$40 for an initial or renewal license. The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 590, §6 (NEW) .]

#### SECTION HISTORY

1993, c. 353, §2 (NEW). 1997, c. 494, §12 (AMD). 1997, c. 494, §15 (AFF). 2005, c. 530, §10 (AMD). 2005, c. 640, §4 (AMD). 2009, c. 590, §6 (RPR).

### §8304. FIRE SAFETY

*(REPEALED)*

#### SECTION HISTORY

1975, c. 719, §6 (NEW). 1989, c. 502, §A86 (AMD). 1993, c. 158, §4 (RP).

## §8304-A. FIRE SAFETY

**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 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. [1997, c. 728, §13 (AMD).]

B. In addition to ongoing license or certification requirements, inspection and certification are required under this section whenever a child care facility or certified family child care provider changes or augments a heating system or makes major structural alterations to the facility or home. [2005, c. 530, §11 (AMD).]

[ 2005, c. 530, §11 (AMD) .]

**2. Fees.** The department shall establish and pay reasonable fees to the Department of Public Safety for services rendered under this section. Fees collected by the Department of Public Safety under this section must be deposited into a special revenue account to carry out the purposes of this section. A balance remaining in the account at the end of the fiscal year may not lapse but must be carried forward into subsequent fiscal years.

[ 1997, c. 728, §13 (AMD) .]

**3. Inspectors.** The Commissioner of Public Safety may appoint subject to the Civil Service Law employees needed to carry out the purposes of this section. A person appointed pursuant to this subsection is under the administrative and supervisory direction of the Commissioner of Public Safety.

[ 1997, c. 728, §13 (AMD) .]

### SECTION HISTORY

1993, c. 158, §5 (NEW). 1997, c. 494, §13 (AMD). 1997, c. 494, §15 (AFF). 1997, c. 728, §13 (AMD). 2001, c. 645, §8 (AMD). 2005, c. 530, §11 (AMD).

## §8305. HOME BABY-SITTING SERVICE

*(REPEALED)*

### SECTION HISTORY

1981, c. 309, §3 (NEW). 1981, c. 470, §B9 (AMD). 1985, c. 358, §1 (RPR). 1993, c. 158, §§6,7 (AMD). 1993, c. 353, §§3-5 (AMD). 1997, c. 393, §A23 (AMD). 1997, c. 494, §15 (AFF). 1997, c. 494, §14 (RP).

## §8306. INFORMATION BROCHURE

*(REPEALED)*

### SECTION HISTORY

1985, c. 358, §2 (NEW). 2005, c. 530, §12 (RP).

## §8307. STATE EMPLOYEE CHILD CARE PROGRAMS

The Office of Child Care Coordination annually shall evaluate the status of state financed or operated child care facilities and programs which are operated primarily as a service for children of state employees, and shall set forth plans for the development of additional facilities. For the purpose of this section, "state employee" includes employees subject to the civil service law, employees defined in Title 5, chapter 71, and legislative employees. [1987, c. 741, §4 (NEW).]

**1. Evaluation and report.** The Office of Child Care Coordination shall report its findings and recommendations annually to the joint standing committee of the Legislature having jurisdiction over human resources no later than the 3rd Wednesday in January of each first regular session of the Legislature. This report, at a minimum, shall include the following:

- A. The number and location of child care sites operated or planned for operation primarily for children of state employees; [1987, c. 741, §4 (NEW).]
- B. The number and ages of children at each site; [1987, c. 741, §4 (NEW).]
- C. The number and ages of children of state employees on waiting lists for admittance to the programs; [1987, c. 741, §4 (NEW).]
- D. The types of activities and programs provided to the children; [1987, c. 741, §4 (NEW).]
- E. The budget for each site, including expenditures and income. Income shall be further described to include fees charged and income from other sources. Any deficits shall also be described; [1987, c. 741, §4 (NEW).]
- F. Assistance provided for children of low-income state employee households, including sliding scale fees and any other assistance. The number of children for whom this assistance is being provided shall also be included; [1987, c. 741, §4 (NEW).]
- G. Any problems encountered in the operation of the child care facilities and programs and the reasons for these problems; [1987, c. 741, §4 (NEW).]
- H. The successes that have been realized as a result of this service to state employees, including state employee successes relating directly to the program; [1987, c. 741, §4 (NEW).]
- I. The hours of operation of each facility; and [1987, c. 741, §4 (NEW).]
- J. Any other information deemed relevant and useful by the Office of Child Care Coordination. [1987, c. 741, §4 (NEW).]

[ 1987, c. 741, §4 (NEW) .]

**2. Feasibility study of other child care facilities and programs.** Prior to the creation of new or additional state financed or operated child care facilities provided primarily for the benefit of state employees, except the initial facility to be located in the Augusta area, the Office of Child Care Coordination, in cooperation with the Bureau of General Services, shall conduct a feasibility study of the proposed child care facility, which must be located in a state-owned facility or in a facility located conveniently near the workplaces of state employees. This feasibility study, at a minimum, must include:

- A. The location of the site and the reasons justifying the location, including reasons justifying or not justifying using state-owned facilities; [1987, c. 741, §4 (NEW).]
- B. An analysis of the benefits and liabilities of contracting with the private sector to provide child care programs under this section; [1987, c. 741, §4 (NEW).]
- C. An analysis of the benefits and liabilities of State Government operation of child care programs and facilities for children of state employees; [1987, c. 741, §4 (NEW).]
- D. The number and ages of children proposed for the site; [1987, c. 741, §4 (NEW).]

E. The type of assistance to be made available to children of state employees classified as low-income households; [1987, c. 741, §4 (NEW).]

F. The types of activities and programs to be provided, including preschool and after-school programs; [2011, c. 691, Pt. B, §24 (AMD).]

G. A time schedule for the commencement of programs at each facility; [1987, c. 741, §4 (NEW).]

H. Sources of income, including fees, if any, for funding each facility; and [1987, c. 741, §4 (NEW).]

I. Any other information determined important by the Office of Child Care Coordination and the Bureau of General Services. [2011, c. 691, Pt. B, §24 (AMD).]

The report required by this subsection must be provided to the joint standing committee of the Legislature having jurisdiction over human resources matters in a timely manner preceding the selection of the site.

[ 2011, c. 691, Pt. B, §24 (AMD) .]

**3. Priorities; rulemaking.** Any child care facility and programs operated primarily as a service to state employees shall give priority to children of low-income state employee households. Any facilities and programs offered under this section shall also be conveniently located for the use of state employees. The Office of Child Care Coordination shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, with respect to:

A. Priorities of eligibility for the program; [1987, c. 741, §4 (NEW).]

B. The number of children that each state employee may enroll; [1987, c. 741, §4 (NEW).]

C. A sliding scale of fees for state employee households of different incomes; and [1987, c. 741, §4 (NEW).]

D. A definition of low income. [1987, c. 741, §4 (NEW).]

[ 1987, c. 741, §4 (NEW) .]

**4. Collective bargaining.** It is not the intent of the Legislature in this section to limit or restrict the rights of state employees to bargain collectively as provided in Title 26. Nothing in this section may invalidate or supersede the provisions of a collective bargaining agreement between an employee organization and the State.

[ 1987, c. 741, §4 (NEW) .]

#### SECTION HISTORY

1987, c. 741, §4 (NEW). RR 2009, c. 2, §62 (COR). 2011, c. 691, Pt. B, §24 (AMD).

### **§8308. FAMILY CHILD CARE PROVIDER REPRESENTATION**

*(REPEALED)*

#### SECTION HISTORY

2007, c. 672, §1 (NEW). 2011, c. 641, §1 (RP).

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