



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 238

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H.P. 201

House of Representatives, January 22, 2019

**An Act To Increase the Minimum Area of Usable Space per Child  
Required in the Outdoor Area of a Child Care Center**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FARNSWORTH of Portland.  
Cosponsored by Representative: PIERCE of Falmouth.

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

2 **Sec. 1. 22 MRSA §7702-A, sub-§3, ¶C**, as amended by PL 2015, c. 497, §1, is  
3 further amended to read:

4 C. Section 8302-A, subsection 1, paragraphs B to ~~J~~ K and subsection 2, paragraphs A  
5 to F and H to K.

6 **Sec. 2. 22 MRSA §8302-A, sub-§1, ¶I**, as amended by PL 2015, c. 497, §2, is  
7 further amended to read:

8 I. Licensing procedures; ~~and~~

9 **Sec. 3. 22 MRSA §8302-A, sub-§1, ¶J**, as repealed and replaced by PL 2017, c.  
10 457, §2, is amended to read:

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

14 (1) Who is employed by a child care facility for compensation, including a  
15 contract employee or self-employed individual; or

16 (2) Whose activities involve the care or supervision of children for a child care  
17 facility or unsupervised access to children who are cared for or supervised by a  
18 child care facility.

19 "Child care staff member" does not include an individual who is related to all  
20 children for whom child care services are provided or a contractor performing  
21 maintenance and repairs at the child care facility who does not have unsupervised  
22 access to children who are cared for or supervised by the child care facility; ~~and~~

23 **Sec. 4. 22 MRSA §8302-A, sub-§1, ¶K** is enacted to read:

24 K. Minimum outdoor play areas in accordance with section 8309.

25 **Sec. 5. 22 MRSA §8309** is enacted to read:

26 **§8309. Child care facility minimum outdoor play area; maximum child occupancy**

27 A child care facility shall provide an outdoor play area that provides a minimum net  
28 area of 45 square feet of usable space per child cared for at the child care facility. The  
29 maximum child occupancy of an outdoor play area may not exceed the number of  
30 children allowed in the outdoor play area in accordance with the usable space per child  
31 requirement in this section, except during infrequent community gatherings and large  
32 group celebrations.

33 **SUMMARY**

34 This bill requires a child care facility to provide an outdoor play area that provides a  
35 minimum net area of 45 square feet of usable space per child.