

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FOUR

—
H.P. 1378 - L.D. 2154

An Act to Make Corrections and Updates to the Laws Affecting Children and Families

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

Sec. 1. 18-C MRSA §9-403, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed.

Sec. 2. 22 MRSA §3931, sub-§15, as enacted by PL 2021, c. 457, §2, is amended to read:

15. Rules. The department ~~shall~~ may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §8301-A, sub-§1-A, ¶B-1 is enacted to read:

B-1. "Emergency circumstances" means a situation in which the department determines there are extenuating and urgent circumstances that necessitate a family child care provider's or child care facility's having to relocate or the establishment of a new family child care provider or child care facility. "Emergency circumstances" includes, but is not limited to, a situation affecting the home or child care facility such as a natural disaster, contamination, fire, water damage, unsafe environmental conditions, a pandemic or the unplanned closure of another family child care provider or child care facility.

Sec. 4. 22 MRSA §8301-A, sub-§6, as amended by PL 2021, c. 35, §21, is repealed.

Sec. 5. 22 MRSA §8301-A, sub-§6-A is enacted to read:

6-A. Temporary license. The department may issue a temporary license to a licensed child care facility or family child care provider in a new location or to a new child care facility or family child care provider. The department may issue a temporary license, which is valid pending final action on the application by the department, only under the following conditions:

A. The licensed child care facility or family child care provider moves to a new location and:

(1) 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

(2) Through no action by the child care facility or family child care provider that causes a significant delay, timely issuance of a provisional or full license has been delayed by the agency or contractor under subparagraph (1); or

B. Due to emergency circumstances, the licensed child care facility or family child care provider moves to a new location or a new child care facility or family child care provider is established and the department determines that:

(1) The child care facility or family child care provider has completed a criminal background check as required by rules adopted pursuant to section 8302-A, subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K;

(2) The child care facility or family child care provider is eligible to provide child care; and

(3) A preliminary evaluation of the facility or home finds that all applicable laws and rules relating to minimum standards of health and safety have been met.