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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 207, L.D. 274, Bill, “An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

C. Section 8302-A, subsection 1, paragraphs B to ¶ I and subsection 2, paragraphs A to F and H to ¶ J.

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

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;
- B. The health and safety of the children and staff, including training on communicable diseases;
- C. Water for drinking and cooking;
- D. Wastewater;
- E. Rabies vaccinations for pets;
- F. The quality of the program provided;
- G. The age, criminal record and personal history of the provider of care for children and staff members;
- H. The administration of medication; and
- I. Licensing procedures; ~~and~~.

COMMITTEE AMENDMENT

- 1 ~~J. Requiring a criminal background check for:~~
2 ~~(1) Each child care staff member whose activities involve the care or supervision~~
3 ~~of children; and~~
4 ~~(2) Each adult who has unsupervised access to children who are cared for or~~
5 ~~supervised by a child care facility.~~
6 ~~The criminal background check must meet the requirements of 42 United States~~
7 ~~Code, Section 9858f(b).~~

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

12 **Sec. 3. 22 MRSA §8302-A, sub-§2**, as amended by PL 2015, c. 497, §3, is
13 further amended to read:

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

- 16 A. Cardiopulmonary resuscitation;
17 B. Water for drinking and cooking;
18 C. Wastewater;
19 D. Rabies vaccinations for pets;
20 E. Recording the times, reasons and numbers of children involved when more than
21 12 children are cared for;
22 F. Ongoing training for providers on health and safety issues, including training on
23 communicable diseases. This training must be offered at times that are convenient to
24 the providers;
25 G. Child to staff ratios;
26 H. Health and safety of the children and staff;
27 I. Procedures for waivers of rules and for suspension and revocation of certification;
28 and
29 J. The age, criminal record and personal history of the family child care provider,
30 staff and members of the household; and
31 ~~K. Requiring a criminal background check for:~~
32 ~~(1) The family child care provider;~~
33 ~~(2) Each child care staff member whose activities involve the care or supervision~~
34 ~~of children; and~~
35 ~~(3) Each adult who has unsupervised access to children who are cared for or~~
36 ~~supervised by the family child care provider.~~

