



### **Testimony in Support of LD 202:**

“An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services”

Senator Ingwersen, Representative Meyer, and the distinguished members of the Committee on Health and Human Services, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in support of LD 202, "An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services."

Maine Policy Institute supports this legislation because it removes unnecessary regulatory barriers, expands child care options for Maine families, and promotes economic opportunities for small-scale providers. LD 202 aligns with the principles of personal freedom, free enterprise, and limited government intervention, all of which are central to creating a more accessible and competitive child care market in our state.

### **Expanding Child Care Access and Affordability**

Maine is facing a severe shortage of child care providers, leading to higher costs and fewer options for families.<sup>1</sup> By increasing the number of children a family child care provider can care for without requiring a burdensome state license, LD 202 will help address this shortage by allowing more providers to enter the market and operate efficiently.

The excessive licensing requirements currently in place discourage potential caregivers from offering services, limiting competition and inflating costs. Families, particularly those in rural Maine, have been struggling to find affordable and reliable child care, and this bill provides a commonsense solution that directly benefits them.

### **Encouraging Entrepreneurship and Economic Opportunity**

LD 202 empowers small-scale child care providers by reducing bureaucratic red tape. Many individuals, particularly stay-at-home parents and retirees, are willing and able to provide safe, responsible care for a small number of children, but are deterred by the administrative and financial burden of licensing requirements.

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<sup>1</sup> <https://news.colby.edu/story/the-state-of-maine-has-a-childcare-crisis/>



By easing these restrictions, this legislation will encourage more community-based family child care options, supporting local economies and giving parents greater flexibility in choosing providers that best meet their needs.

## **Maintaining High Standards Without Overregulation**

Opponents of LD 202 may argue that removing licensing requirements for additional children will compromise safety or quality of care. However, family child care providers are already subject to oversight through existing state regulations and individual parental action, including background checks, safety measures, and parental choice.<sup>2</sup>

The fact is, Mainers lived at the threshold of three children without the licensure requirement for at least one year during the State of Civil Emergency declared by Gov. Janet Mills in response to the COVID-19 pandemic with no measurable health and safety issues. Yet, nonsensically, this order was both instituted during the pandemic and rescinded because of “health and safety.”<sup>3</sup> If the Mills administration felt that this was a safe measure during a pandemic, it is clearly also safe when the pandemic is over.

Most states allow far greater numbers of children to be watched without a license, with 36 states having greater allowances than Maine’s current maximum of two children.<sup>4</sup> Two of the largest maximum allowances before licensure is required are in South Dakota and Texas, which allow unlicensed family childcare providers to watch 12 children at once, while at least 23 states allow childcare providers to watch at least four children without a license.

Even in New England Maine lags behind, as New Hampshire and Rhode Island’s maximums are three children and Massachusetts has no maximum at all. Even Vermont has a maximum of children from two families, rather than two individual children, like Maine’s current law. Maine is seriously lagging behind in the affordability and accessibility of childcare, and this policy change contained in LD 202 is crucial to our state improving the affordability of living and attracting young families to come to and stay in our state.

Parents have a vested interest in ensuring their children receive high-quality care, and they will continue to choose providers based on trust, reputation, and word-of-mouth

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<sup>2</sup> Even unlicensed family childcare providers are subject to child capacity limits, health and safety standards, background checks, and parental complaints/investigations.  
<https://www.maine.gov/dhhs/mecdc/infectious-disease/immunization/documents/10-148%20Ch.%2033%20Family%20Child%20Care%20Rule%20PDF%205-27-21.pdf>

<sup>3</sup> <https://www.maine.gov/governor/mills/sites/maine.gov.governor.mills/files/inline-files/EO%2020.pdf>

<sup>4</sup> <https://legislature.maine.gov/testimony/resources/HHS20210413%40OPLA132639153293614349.pdf>



recommendations. Licensing mandates should not be a substitute for personal accountability and community-based standards that naturally regulate quality of care.

## **Conclusion**

LD 202 represents a balanced approach to child care regulation, one that prioritizes accessibility, affordability, and economic freedom without sacrificing safety or quality. By allowing family child care providers to care for more children without unnecessary state interference, this bill will benefit families, providers, and Maine's economy as a whole.

For these reasons, Maine Policy Institute strongly urges the committee to vote "Ought to Pass" on LD 202. Thank you for your time and consideration.