

Nichols, Jackson

From: Laura Ordway <laura@winonacamps.com>
Sent: Friday, March 1, 2024 3:30 PM
To: HHS
Subject: LD 2230

This message originates from outside the Maine Legislature.

Dear HHS Committee members:

My name is Laura Ordway. I am one of the directors at Winona Camps in Bridgton. I am also the current board president for the Maine Youth Camping Association (MYCA).

I'm writing today in **support of LD 2230**, "An Act to Change Department of Health and Human Service Rules Regarding Youth Camps to Major Substantive Rules". While I realize a bill asking the Legislature to change the Chapter 208 rule from "routine technical" to "major substantive" is significant, I feel this is the only way to have DHHS withdraw the current rulemaking and meet with youth camps' representatives in a collaborative manner.

One of the most important tasks MYCA does on behalf of our 150 member camps in the state of Maine is developing and maintaining our working relationship with DHHS, specifically the youth camps licensing department at HIP. The unique nature of camps, as compared to other youth-serving entities & organizations in the state such as schools or daycare, makes this beneficial on both sides. This relationship goes back 50 years to 1974 when members of the youth camps and representatives of DHHS sat down together to create the first licensing rules for summer camps – the first in the entire country, which would later be used by the national American Camp Association as the basis for their accreditation program, which today accredits more than 2,500 camps nation-wide.

This 50-year relationship between the youth camps and the department has been critical in making Maine camps the safe and successful places they are today. MYCA meets with the representatives from HIP twice each year to review concerns, questions and to prepare for upcoming summer seasons. For the past several years, MYCA has worked with the HIP program to provide a partial day to "train the inspector" – opening a few camps during our busy staff training period to allow HIP inspectors a chance to preview areas specific to youth camps inspections – waterfront, health center, high ropes, target sports, etc. At times, MYCA has been called upon by HIP to assist in getting information to members. This was especially critical during the pandemic but even as recently as last fall when HIP asked us to inform our members about new legislative requirements under Title 22. MYCA readily accepted this request from the department.

The rulemaking process has continued in this collaborative manner over decades. For example: In January 2020, we received notice of a public meeting for input from stakeholders regarding Rule 208. In that notice there were only four areas where input was requested by HIP. MYCA submitted responses to these four areas, and additional comments on the Chapter 208 rules. Then, we all experienced a global pandemic and while rulemaking was delayed, MYCA and the HIP representatives continued to meet and to ensure to the best of our combined abilities that camps would be safe and endure the challenges of the pandemic.

MYCA asked annually during the past several years for updates on the status of rulemaking and whether we would be able to have additional *discussions* prior to official rulemaking. We were denied any additional input and so it is not an exaggeration to say we were shocked and deeply frustrated when the proposed rules were published on December 27, a full four years after the last stakeholders meeting with 124 newly *designated* CRITICAL or newly *created* CRITICAL rules – the vast majority we had never seen previously nor been asked for input.

While we do appreciate the work that went into the new proposed rules in terms of better formatting and gathering information that was previously in different sites into one location, and we understand the need to include updated Abuse Prevention policies, compliance with Title 22 and the Out of Home Investigations mandate, we *respectfully ask that this*

rulemaking is withdrawn to allow for adequate stakeholder input, discussions and explanations on these overwhelming changes in camps' licensing rules.

Most concerning to camps are:

- **Proposed fingerprinting requirements for staff and volunteers (pg. 30)**
- **Proposed “Ineligible for hire” rule (pg. 31)**
- **Proposed “On site at all times” rule – adult health supervisor (pg. 26)**
- **Proposed requirements for drivers, specifically international drivers (pg. 47)**
- **clarifying *hazing and bullying* “reporting” (pg. 32)**
- **Clarify definition of new section “farm camping” (pgs. 42 - 44)**

But equally concerning to MYCA is the vast number of rules which were formerly “swing violations” or “non-critical violations” that are now critical violations with overly vague, subjective or indeterminate language.

Pg. 18 No person may operate a youth camp unless that camp is located where the grounds, building and sleeping area are kept in safe conditions. changed to Critical

Pg. 18 3.B.1. The operator shall not use or permit the use of any building or shelter for habitation in a youth camp unless it is structurally safe; adequate in size for use, can be kept clean, and has a roof that is weather tight.
changed to Critical

4.E.1. The facilities shall be maintained free of insects, rodents and other pests. NEW CRITICAL

Pg. 21 All toilet and shower facilities must be cleaned and thoroughly disinfected a minimum of three times per week by an adult staff member; new Critical

Pg. 42 The trip leader must possess knowledge and experience of waterways, portage and hiking trails and all hazards associated with these environments. New *Critical*

These are just a few of the examples of our concerns. According to the newly proposed rules, a camp could FAIL HIP inspection (that means more than 3 critical violations) with such unclarity as “safe conditions”, “free of insects”, “cleaned and thoroughly disinfected” and “experience of hiking trails”.

MYCA is not arguing that these particular rules exist, but they are far too subjective and lack specific definitions to be CRITICAL violations. They need to be redefined as standard rules, rules with no “right or wrong” answer but rather an opportunity for the camp director to explain to the HIP inspector the thought process and systems involved to keep campers and staff safe. *Because above anything else, no one wants a safe camp more than camp directors and the parents who entrust us with their children.*

For the past two months, Maine youth camps have submitted comments on rulemaking and communicated with our representatives in Augusta. Still, DHHS - specifically the HIP program – will not agree to the historic collaborative approach which has been followed for the past 50 years. The past joint efforts of the department and Maine Youth Camp Association has led to the strongest and most duplicated-to-other-states regulations in the summer camp industry.

I wish I could join you for the public hearing on March 5th for this bill, but I am the deputy election warden for the town of Bridgton and Tuesday will be a busy day for election officials across the state.

Thank you for your time and consideration with this important matter.

Sincerely,
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