OFFICE OF
THE GOVERNOR

NO. 20 FY 19/20
DATE March 24, 2020

AN ORDER MODIFYING REQUIREMENTS APPLICABLE TO FAMILY CHILD CARE PROVIDERS IN ORDER TO FACILITATE EMPLOYMENT OF PERSONS NEEDED FOR THE TREATMENT AND CONTAINMENT OF COVID-19

WHEREAS, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

WHEREAS, COVID-19 is a highly contagious and sometimes fatal disease that has already infected over 44,180 persons and caused over 540 deaths in the United States; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Maine is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, approximately 30% of licensed child care providers statewide have closed temporarily as of March 23, 2020, leaving as many as 19,000 children and their families without a child care provider at a time when child care is critically important to parents who are first responders, medical professionals, state employees and those who work in essential retail establishments, and curtailment of classroom instruction in Maine schools has also greatly increased the need for child care capacity; and

WHEREAS, minor temporary changes to the number of children who may be cared for by a family child care provider without triggering certification requirements and allowing exceptions for sibling groups will encourage individuals interested in providing care while avoiding increased demand on the licensing system that would result from certifying new providers,

WHEREAS, 37-B M.R.S.§ 742(1)(C)(1) and (13)(c) expressly authorize the Governor during a state of emergency to modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the emergency; and

WHEREAS, due to the urgent demand for child care for those who provide critical and essential services during this emergency it is necessary to temporarily adjust the minimum child care provider certification requirements; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, the temporary suspension of selected state laws and rules is necessary to facilitate the response to the current public health situation;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to 37-B M.R.S.§ 742(1)(C)(1) and (13)(c), do hereby Order the following:

I. ORDERS

The relevant provisions of Maine Revised Statutes, Title 22, Section 8301-A, including but not limited to subsections 1-A(C), 2 and 3, and related rules are hereby suspended to the extent necessary to allow:

A. A family child care provider to care for three (3) children in addition to any children living in the provider's home without being required to be certified; and

B. To apply the limitation based on the number of children in paragraph A so that sibling groups are not required to be divided.

The Office of Child and Family Services and the Department of Health and Human Services are directed to issue forthwith guidance to implement the provisions of this Order.

II. EFFECTIVE DATE

This Order is effective March 24, 2020 and shall remain in effect until rescinded or until the State of Civil Emergency to Protect Public Health is terminated, whichever occurs first.

Janet T. Mills
Governor