130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document **No. 1252**

H.P. 918 House of Representatives, March 26, 2021

An Act To Improve Family Day Care Providers by Increasing the Number of Children Allowed To Be Cared For without Obtaining Certification

Received by the Clerk of the House on March 24, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative SAMPSON of Alfred.
Cosponsored by Senator MOORE of Washington and
Representatives: CONNOR of Lewiston, DOLLOFF of Milton Township, GRIFFIN of Levant, JAVNER of Chester.

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

Sec. 1. 22 MRSA §8301-A, sub-§1-A, ¶C, as amended by PL 2005, c. 530, §7, is further amended to read:

C. "Family child care provider" means a person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than ~~2~~ 3 other children, the provider is not required to be certified as a family child care provider.

Sec. 2. 22 MRSA §8301-A, sub-§3, as amended by PL 2005, c. 640, §3, is further amended to read:

3. Family child care provider certification. A family child care provider shall pay the certification fee required under section 8303-A. A family child care provider must be certified under this chapter and shall comply with the rules adopted by the commissioner under section 8302-A and the fire safety requirements of section 8304-A. The department shall make at least one unannounced inspection of a family child care provider certified under this chapter during the term of the certificate. The inspection must take place between 6 and 18 months after the issuance of the certificate. Notwithstanding the limit of 3 other children a provider may care for in the provider's home without being required to be certified as a family care provider as permitted in subsection 1-A, paragraph C, a provider who is not certified as a family care provider may care for a 4th child if at least 2 of the children being cared for are siblings.

SUMMARY

This bill increases from 2 to 3 the number of children a family care provider may care for in the provider's home, not including the provider's children, before the provider is required to be certified as a family care provider. This bill also specifies that the sibling of one of the children under the care of a provider, not a child of the provider, does not count toward the limit of 3.

These provisions were part of the Governor's Executive Order No. 20 FY 19/20 imposed pursuant to the state of emergency declared due to the pandemic related to coronavirus disease 2019, or COVID-19.