

'Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Certified Family Child Care Providers and Licensed Child Care Facilities'

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the resolve by striking out the title and substituting the following:

'Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Use of Lakes by Certified Family Child Care Providers and Licensed Child Care Facilities'

Amend the resolve by striking out all of section 1 (page 1, lines 13 to 16 in L.D.) and inserting the following:

'Sec. 1 Adoption of rules. Resolved: That the Department of Health and Human Services shall adopt rules governing the use of lakes and ponds by licensed child care facilities and certified family child care providers. The rules must allow a child care facility or a family child care provider to use a lake or pond for water activities without a lifeguard on duty as long as the family child care provider or child care facility has written permission from the parent or guardian of every child who participates in water activities and a written water safety plan and meets all of the other water safety rules for swimming pools. The water safety plan must ensure that:

1. The staff-to-child ratios for swimming pools are maintained and that no fewer than 2 people who are at least 18 years of age are present at all times;
2. At least one person present is trained as a water safety attendant as defined in the rules for swimming pools;
3. A barrier is provided, such as a roped-off area with buoys, that is no wider than 16 feet across at any point and partitions off a part of the water that is no deeper than 4 feet at any point and is in place prior to the children's entering the water;
4. Children 8 years of age and under wear a life jacket in the water; and
5. Children over 8 years of age have had swimming lessons and can demonstrate the ability to swim, or must wear a life jacket.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A and must be adopted and in effect no later than June 1, 2008.'

SUMMARY

This amendment changes the resolve by specifying that the rules must allow a child care facility or family child care provider to use a lake or pond for water activities without a lifeguard on duty as long as the provider or facility has written permission from the parent or guardian of every participating child and a written water safety plan and meets all of the other water safety rules for swimming pools. The amendment provides specific requirements for the water safety plan and requires that the rules be in effect no later than June 1, 2008.