



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 274

H.P. 207

House of Representatives, January 31, 2017

**An Act To Implement the Recommendations of the Working Group
To Study Background Checks for Child Care Facilities and
Providers**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.
Cosponsored by Senator HILL of York and
Representatives: BAILEY of Saco, BERRY of Bowdoinham, GINZLER of Bridgton,
GUERIN of Glenburn, HERRICK of Paris, RECKITT of South Portland, SHERMAN of
Hodgdon, TUCKER of Brunswick.

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

2 **Sec. 1. 22 MRSA §8302-A, sub-§1, ¶G**, as amended by PL 2001, c. 645, §7, is
3 repealed.

4 **Sec. 2. 22 MRSA §8302-A, sub-§1, ¶J**, as enacted by PL 2015, c. 497, §2, is
5 repealed and the following enacted in its place:

6 J. Requiring a criminal background check that meets the requirements of 42 United
7 States Code, Section 9858f(b) for each child care staff member. For the purposes of
8 this paragraph, "child care staff member" means an individual, other than an
9 individual who is related to all children for whom child care services are provided:

10 (1) Who is employed by a child care facility for compensation, including a
11 contract employee or self-employed individual; or

12 (2) Whose activities involve the care or supervision of children for a child care
13 facility or unsupervised access to children who are cared for or supervised by a
14 child care facility.

15 **Sec. 3. 22 MRSA §8302-A, sub-§2, ¶I**, as amended by PL 2015, c. 497, §3, is
16 further amended to read:

17 I. Procedures for waivers of rules and for suspension and revocation of certification;
18 and

19 **Sec. 4. 22 MRSA §8302-A, sub-§2, ¶J**, as amended by PL 2015, c. 497, §3, is
20 repealed.

21 **Sec. 5. 22 MRSA §8302-A, sub-§2, ¶K**, as enacted by PL 2015, c. 497, §3, is
22 repealed and the following enacted in its place:

23 K. Requiring a criminal background check that meets the requirements of 42 United
24 States Code, Section 9858f(b) for a family child care provider and each child care
25 staff member. For the purposes of this paragraph, "child care staff member" means
26 an individual, other than an individual who is related to all children for whom child
27 care services are provided:

28 (1) Who is employed by a family child care provider for compensation, including
29 a contract employee or self-employed individual;

30 (2) Whose activities involve the care or supervision of children for a family child
31 care provider or unsupervised access to children who are cared for or supervised
32 by a family child care provider; or

33 (3) Who is 18 years of age or older and who resides in the home of a family child
34 care provider.

35 **Sec. 6. 22 MRSA §8302-B, sub-§1**, as enacted by PL 1997, c. 494, §11 and
36 affected by §15, is amended to read:

