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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1146, L.D. 1661, “Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention”

Amend the resolve in section 1 in the last line (page 1, line 19 in L.D.) by striking out the following: "authorized." and inserting the following: 'authorized only if:'

Amend the resolve in section 1 by adding at the end the following:

'1. The requirement that providers must share information with parents regarding policies of parental visitation at the child care site in Section 5.C.11.b is removed from that section and a requirement that providers must allow parents to be able to visit and observe any time during the hours of operation is added to the rule;

2. In Section 8.A of the rule, the language stating that provider-child ratios are not based on the developmental stages in the definition section is removed;

3. In Section 8.A.1 of the rule, the ratios for mixed ages for one provider include the ratio of 8 children aged 2 to 5 years and 2 children aged more than 5 years;

4. In Section 8.A.3.a of the rule, the age of the children of the licensee that are counted in the provider-child ratio and included in the licensed capacity is changed from under the age of 3 to under the age of 4;

5. In Section 14.E.2.b of the rule, the language requiring climbers, swings and slides to be 6 feet from any hard surfaces is removed and replaced with a requirement that the climbers, swings and slides be located at a sufficient distance to prevent injury;

6. In Section 14.E.3 of the rule, the requirement for equipment that exceeds 36 inches in height is amended to specify that the equipment exceeds 36 inches at the climbable or standing surface;

7. In Section 14.E.3 of the rule, the requirement that the rubber tiles and mats used must be approved by the American Society for Testing and Materials is removed;

COMMITTEE AMENDMENT

1 8. In Section 14.E.3.b of the rule, language is added to include swings with climbers
2 and slides;

3 9. In Section 14.E.3.b of the rule, the requirement for a minimum amount of 6 inches
4 or more of energy-absorbing materials is removed and replaced with a requirement for a
5 sufficient amount of energy-absorbing materials to prevent injury;

6 10. In Section 14.E.3.c of the rule, the requirement for energy-absorbing materials to
7 extend at least 6 feet from the equipment to protect children is removed and replaced with
8 a requirement that energy-absorbing materials extend beyond the equipment in all
9 directions to prevent injury in the event of a fall; and

10 11. In Section 17.A of the rule, language is added to require that a person assigned
11 by a provider to drive children enrolled in care must complete training for transportation
12 of children every 2 years.'

13 **SUMMARY**

14 This amendment provides that the Department of Health and Human Services may
15 finally adopt portions of Chapter 33: Rule Relating to the Licensing of Family Child Care
16 Providers, a provisionally adopted major substantive rule of the Department of Health
17 and Human Services, Maine Center for Disease Control and Prevention, only if the rule is
18 modified to:

19 1. Clarify that parents are allowed to visit and observe at the child care site at any
20 time the provider is open rather than specifying documentation of the policy for parental
21 visitation at the child care site;

22 2. Clarify that provider-child ratios are based on ages and not on developmental
23 stages;

24 3. Clarify that a single provider may care for 8 children aged 2 to 5 years and 2
25 children over 5 years old;

26 4. Change the age of the children of the licensee being included in provider-child
27 ratios from under the age of 3 to under the age of 4;

28 5. Change the requirement that climbing equipment must be 6 feet from hard
29 surfaces to requiring that it be located at a sufficient distance to prevent injury;

30 6. Clarify that the 36-inch-high threshold for requiring energy-absorbing materials
31 refers to the height of the climbable or standing surface and remove the requirement that
32 the rubber tiles and mats used beneath the equipment must be approved by the American
33 Society for Testing and Materials;

34 7. Remove the requirement that the depth of energy-absorbing materials around
35 climbers and slides be 6 inches or greater and instead require a sufficient amount of
36 material to prevent injury, and clarify that the equipment includes swings in addition to
37 climbers and slides;

38 8. Remove requirements that energy-absorbing materials around playground
39 equipment extend at least 6 feet in all directions and instead require the materials to
40 extend beyond the equipment in all directions to prevent injury in the event of a fall; and

1 9. Clarify that a person assigned by a provider to drive children enrolled in care must
2 complete training for transportation of children every 2 years to match the training
3 requirements in other sections of the rule.

4

FISCAL NOTE REQUIRED

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(See attached)