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DATE: August 31, 2007
TO: Interested Parties
FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services
SUBJECT: **Adopted swimming pool rules – effective August 27, 2007**
Rules for the Licensing of Child Care Facilities, 10-148 CMR Chapter 32.

Adoption of these regulatory provisions adds more specific protection for children who participate in swimming and wading activities while attending a child care facility licensed by Maine. The adopted swimming and wading provisions include the following.

- [1] Appropriately trained water safety attendants, as required by these rules, include a lifeguard; a person with valid CPR and first aid certificates; and a person who has completed a Department-approved basic water safety course that includes training in non-swimming rescue techniques.
- [2] A water safety attendant must be present during swimming and wading activities.
- [3] Generally, a lifeguard must be present when pools are more than four feet deep and sixteen feet wide.
- [4] Generally, a water safety attendant does not count toward compliance with the staff-to-child ratios.
- [5] However, if three or fewer children are in the swimming pool and the water safety attendant is stationed outside and next to the swimming pool, the water safety attendant may count toward the staff-to-child ratio.
- [6] Facilities must have written policies and procedures regarding swimming and wading activities and safety procedures.
- [7] Documentation requirements include [a] written parental permission to participate in swimming and wading activities [the statement must describe the child's swimming ability] and [b] copies of current training certificates for all water safety attendants.
- [8] Swimming pools must be [a] registered with the DHHS Maine Center for Disease Control and Prevention; and [b] operated in compliance with DHHS, MeCDC, Division of Environmental Health *Rules Relating to Public Swimming Pools and Spas*.

The adopted swimming pool rules and the entire Rules for the Licensing of Child Care Facilities are available on the DLRS website <http://www.maine.gov/dhhs/dlrs/rulemaking/index.shtml> Call 207 287-9254 to have a paper copy of the rule mailed to you.

Our vision is Maine people living safe, healthy and productive lives.