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Governor

Maine Department of Health and Human Services

Division of Licensing & Regulatory Services Community Services Licensing

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Director

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DATE: June 12, 2007

TO: Interested Parties

FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services,

SUBJECT: **2nd Public Hearing to be held at 6 pm in the evening:**
Monday, July 9, 2007, 41 Anthony Ave, Augusta, Maine
Emergency Rule: Rules for Family Child Care Providers 10-148 CMR Chapters 33
Effective date: June 1, 2007

In response to the public's request, there will be a 2nd public hearing at 6 pm in the evening on July 9, 2007 on the swimming pool rules. Pursuant to 5 MRSA § 8054, the Department has determined that immediate adoption of these rules is necessary to avoid an immediate threat to public health, safety and general welfare.

The emergency rule will provide immediate emergency regulatory protection for children who participate in water activities while attending family child care licensed by Maine. The Department has reviewed current licensing rules and concluded that more specific regulatory language is needed for family child care licensees who provide swimming/wading activities for children. Accordingly, this emergency rule includes:

1. definitions of a swimming pool, wading pool and water safety attendant;
2. staff training requirements;
3. mandatory written parental permission for children to participate in swimming/wading activities;
4. posted pool safety rules; and
5. documented identification of children who are non-swimmers.

In addition, the emergency rule includes the following requirements:

6. Family child care providers must have a water safety attendant present during swimming/wading activities;
7. The water safety attendant does not count toward compliance with the staff-to-child ratios;
8. On-premises pools must be registered by the family child care provider with the DHHS Maine Center for Disease Control and Prevention; and
9. Pools must be operated in compliance with DHHS, MeCDC, Division of Environmental Health *Rules Relating to Public Swimming Pools and Spas*.

<http://www.maine.gov/sos/cec/rules/10/144/144c202.doc>

The emergency rule and the entire Rules for Family Child Care Providers are available on the Division of Licensing and Regulatory Services' website at http://www.maine.gov/dhhs/dlrs/public_hearings/home.html 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.