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Maine Department of Health and Human Services

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DATE: August 13, 2007
TO: Interested Parties
FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services
SUBJECT: **SECOND amended emergency rules – effective immediately**
Rules for the Licensing of Child Care Facilities, 10-148 CMR Chapter 32.

In response to comments received from providers and other interested parties, the Division has issued a SECOND amended emergency swimming pool rule for Child Care Facilities. The 2nd amended emergency rule encourages safe physical activity and limits the cost to providers who offer swimming and wading activities.

Specifically, this second emergency amendment of the rules adds the following exception to the staff-to-child ratio provision:

- **Exception.** If 3 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. (Section XVI. D. 9. c)

In addition, in response to comments about the rule that explains the requirements for pools that are 'more than 4 feet deep', the amendment edits the language in section 7 to bring greater clarity without making any substantive changes.

Pursuant to 5 MRSA § 8054, the Department determined that immediate adoption of the **2nd AMENDED emergency rules** provides regulatory protection for children who participate in swimming and wading activities while being cared for by a Child Care Facility licensed by Maine.

These 2nd amended emergency rules and the entire Rules for the Licensing of Child Care Facilities are available on the Division of Licensing and Regulatory Services' website <http://www.maine.gov/dhhs/dlrs/rulemaking/emergency-rule/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.