

Notice of Agency Rule-making Proposal

AGENCY: Department of Health and Human Services,
 Division of Licensing and Regulatory Services, Community Services Programs

RULE TITLE OR SUBJECT: 10-148 CMR Chapter 32, Rules for the Licensing of Child Care Facilities.

PROPOSED RULE NUMBER: (LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY. Pursuant to Public Law 07, Chapter 324, and Public Law 05, Chapters 12, 530 and 640, the Department of Health and Human Services amends the rules for the licensing of child care facilities as follows:

- [A] Adds ‘Operating without a license’ provisions, see Section 5.1.
- [B] Adds a limitation on reapplication after denial or revocation of a license, Sec. 5.4.
- [C] Amends the definition of Child Care Facility to exclude programs such as karate, dance, or basketball, Sec. 1.5.
- [D] The application fee for a provisional or temporary license is \$120.00, Sec.2.8.1.
- [E] The term of a full [renewal] license is increased to 2 years. The department will stagger the transition from a 1 year license to a 2 year license, Sec. 2.7.1.
- [F] The renewal fee of \$240 will be assessed biennially for a full or a conditional license, Sec. 2.8.2.
- [G] At least one unannounced inspection of a child care facility will take place between 6 and 18 months after the issuance of a full license, Sec. 2.14.

The following technical/formatting changes are also included:

Chapter 32 has been renumbered. This facilitates identification of each provision for ease of reference and future amendment of rules. The division is in the process of aligning the numbering system in all licensing rules. Outdated rules have been deleted. ‘Boxes/frames’ have been deleted. ‘Boxes’ has been removed from the rules and the text incorporated into an appropriate regulatory section. Names of state agencies have been updated. Moved a sentence: “Drinking water shall be available to the children.” is moved from the former Section XIX, D.6 (g) to the new Section 19.1.1.1.

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 22 MRSA Chapter 1673, 22 MRSA § 7802 [2][B][5] (licenses issued for a 2-year term), and statutory provisions in Public Law 07, Chapter 324, and Public Law 05, Chapters 12, 530 and 640.

PUBLIC HEARING): October 29, 2007, 10 am, Conference Room, Division of Licensing and Regulatory Services, 41 Anthony Avenue, Augusta, Maine

DEADLINE FOR COMMENTS: November 8, 2007 at 5 pm.

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Please approve bottom portion of this form and assign appropriate MFASIS number.
 APPROVED FOR PAYMENT _____ DATE: _____

Catherine M. Cobb, Director

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