

Notice of Agency Rule-making Adoption

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

CHAPTER NUMBER AND TITLE: **AMENDED Emergency Rule** – 10-148 CMR Chapter 33, Rules for Family Child Care Providers.

ADOPTED RULE NUMBER:

(LEAVE BLANK - ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY The amended emergency rule will encourage safe physical activity. Pursuant to 5 MRS § 8054, the Department has determined that immediate adoption of these amended emergency rules provide regulatory protection for children who participate in swimming and wading activities while attending a family child care licensed by Maine. **There will still be a second public hearing on July 9, 2007 at 6 pm on PROPOSED Swimming pool rules. Go to link for more information <http://www.maine.gov/sos/cec/rules/notices/2007/062007.htm>**

Accordingly, this amended emergency rule includes the following requirements:

1. A water safety attendant must be trained in rescue techniques.
 - a. Every three (3) years, swimming pool water safety attendants must complete basic water safety and rescue training in non-swimming rescue techniques in a program of instruction approved by the Department. Non-swimming rescue techniques include competency in the use of a light, strong pole not less than twelve feet (12') long, with a body hook.
 - b. Wading pool water safety attendants must hold a valid CPR certificate and a valid first aid certificate.
2. A water safety attendant must be present during swimming activities when a swimming pool is sixteen feet (16') or less in width.
3. If a non-swimming rescue is not feasible in a pool that is sixteen feet (16') or less in width, a lifeguard must be on duty instead of a water safety attendant.
4. A lifeguard must be present during swimming activities when a swimming pool is more than sixteen feet (16') wide.
5. A swimming instructor determines the use of appropriate flotation devices, if any, during swimming lessons.
6. A water safety attendant or a lifeguard must be present, as required by these rules, during off-site swimming and wading activities. The family child care must bring water safety attendants or lifeguards if none is present at the off-site destination.

The AMENDED emergency rule, the emergency rule, and the entire Rules for Family Child Care Providers are available on the Division of Licensing and Regulatory Services' 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.

EFFECTIVE DATE: June 20, 2007
(TO BE FILLED IN BY SECRETARY OF STATE)

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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____

Authorized signature

Catherine M. Cobb, Director

Division of Licensing and Regulatory Services, Community Services Programs

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