



Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

Department of Health and Human Services
Licensing and Regulatory Services
41 Anthony Avenue
11 State House Station
Augusta, Maine 04333
Tel: (207) 287-9300; Toll Free: 1-800-791-4080
Fax: (207) 287-9307; TTY: 1-800-606-0215

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

DATE: May 29, 2009
TO: Interested Parties
FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services
SUBJECT: **Adopted rules:** Rules for the Certification of Family Child Care Providers,
10-148 CMR Chapter 33.
Effective date: July 1, 2009.

The final adoption of Chapter 33 has been reviewed and authorized by the Maine Legislature (Resolve 2009, chapter 8). Maine law requires legislative review before major substantive portions of agency rules are adopted. The amended provisions of the rule are listed on the back of this memo. Here are a few changes I would like to highlight.

To clearly identify these rules as “certification” rules, the word certification is added to the name of the rules: “Rules for the Certification of Family Child Care Providers,”

We will phase-in a new 2-year term for the renewal of full certificates and a new renewal fee of \$160. that will be assessed biennially (Sections 2.7.1.2 and 3.1.4). This is the 1st fee increase since 1998.

Provisions governing the use of swimming pools and the use of lakes and ponds have been added (Sections 11.5 and 11.6).

New rules promulgated by the Maine Center for Disease Control and Prevention *removed* the requirement that family child care providers have to register their swimming pools with the Maine CDC.

Some other changes include rules that limit the number of times an individual may reapply after denial or revocation of a certificate (Section 5.4); rules that prohibit the operation of a family child care program without a certificate (Section 4.5); rules that include procedures for obtaining a waiver (Section 2.23); and an exception to the staff-to-child ratios (Section 11.5.9).

We have renumbered the sections in these Chapter 33 rules to facilitate identification of each provision for ease of reference and future amendment of rules. The division is in the process of aligning the numbering system of all certification and licensing rules. Finally, I want to let you know that we have moved the content of the former sections XIX, XX, and XXI into Section 5.

The adopted rules are available on the Division of Licensing and Regulatory Services’ website <http://www.maine.gov/dhhs/dlrs/rulemaking/adopted/home.html> Call 207 287-9300 to have a paper copy of the rule mailed to you.