



*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: June 13, 2008  
TO: Interested Parties  
FROM: Catherine Cobb, Director, Division of Licensing and Regulatory Services  
SUBJECT: **Proposed Rule** for swimming in lakes and ponds.  
Rules for Family Child Care Providers, 10-148 CMR Chapter 33.  
Comment Deadline: July 21, 2008 at 5 pm. No public hearing scheduled.

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**Proposed Rule for swimming in lakes and ponds**

Pursuant to Resolves 2007, ch. 199 mandated by the 123<sup>rd</sup> Legislature, the Department of Health and Human Services amends the family child care provider certification rules to regulate the use of lakes and ponds by children in the care of a certified family child care provider.

Specifically, the proposed rule:

- [1] eliminates the lifeguard requirement when family child care providers have off-site swimming activities at lakes and ponds;
- [2] requires providers to have a written water safety plan for swimming activities at lakes and ponds;
- [3] requires written parental permission before a child is allowed to participate in swimming activities at lakes and ponds;
- [4] requires written parental notice that there will be no lifeguard on duty at lakes and ponds during swimming activities; and
- [5] requires providers to rope off an area of the lake or pond for swimming activities that is no wider than 16 feet across at any point and partitions off a part of the water that is not deeper than 4 feet at any point.

The proposed rule is available on the Division of Licensing and Regulatory Services' website [http://www.maine.gov/dhhs/dlrs/public\\_hearings/home.html](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.