

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 Resolves 2007, ch. 199 mandated by the 123rd Legislature, the Department of Health and Human Services amends the child care facility licensing rules to regulate the use of lakes and ponds by children in the care of a licensed child care facility. Specifically, this rule: [1] eliminates the lifeguard requirement when child care facilities 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 Call 207 287-9254 to have a paper copy of the rule mailed to you.

THIS RULE WILL NOT HAVE A FISCAL IMPACT ON MUNICIPALITIES.

Economic impact on small businesses. [Applies to businesses with 20 or fewer employees.] Eliminating the requirement of a lifeguard when swimming at lakes and ponds should lessen the cost of compliance with the amended changes and DHHS has determined that the proposed amended rules implementing legislatively mandated requirements (explained above) can be performed within provider resources and no economic impact statement is required.

STATUTORY AUTHORITY: 22 M.R.S.A. §§ 8301-A and 8302-A; Resolves 2007, ch. 199; 22 M.R.S.A. §42(1); and 22-A M.R.S.A. §205(2).

PUBLIC HEARING: None scheduled unless requested by 5 or more interested persons.

DEADLINE FOR COMMENTS: July 21, 2008 at 5 pm.

AGENCY CONTACT PERSON: Peter Mauro, Jr., Assistant Director

AGENCY NAME: Division of Licensing and Regulatory Services, Community Services Programs

ADDRESS: 11 State House Station, Augusta, Maine 04333

TELEPHONE: (207) 287-9254 (800) 606-0215 [TTY] Fax (207) 287-9252

Peter.mauro@maine.gov

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

APPROVED FOR PAYMENT _____ DATE: _____

Catherine M. Cobb, Director, or Phyllis Powell, Manager

Division of Licensing and Regulatory Services

FUND **010** AGENCY **10A** ORG **6712** APP **01** JOB OBJT AMOUNT