CHAPTER 1052-A

CHILD CARE SERVICES

§3731. Definitions

As used in this chapter, unless the context otherwise indicates or unless they are inconsistent with federal law, the following terms have the following meanings. [PL 1993, c. 158, §2 (NEW).]

1. Child care. "Child care" means a regular service of care and education provided for compensation for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children. "Child care" also means administrative functions related to the delivery of child care services, including, but not limited to, contract management, voucher administration, licensing, training, technical assistance and referral. [PL 2011, c. 388, §4 (AMD).]


4. Region. "Region" means a service delivery region established by the commissioner. [PL 2007, c. 539, Pt. N, §32 (AMD).]

SECTION HISTORY


§3732. Principles of child care system

The department shall allocate resources available under this chapter in a manner that promotes the following principles. [PL 1993, c. 158, §2 (NEW).]

1. Family self-sufficiency. A stable source of child care is a critical ingredient to economic self-sufficiency. Child care policies and programs must facilitate a smooth transition into the work force for parents and a rich and stable environment for children. [PL 1993, c. 158, §2 (NEW).]

2. Investment in children. Child care is a critical investment that affects a child's readiness to learn. High-quality child care programs recognize and implement good, early childhood practices, as articulated by Head Start, the National Association for the Education of Young Children and other early childhood organizations. [PL 1993, c. 158, §2 (NEW).]

3. Consumer orientation and education. Child care policies and programs must be responsive to the changing needs of families and educate families about available options, identifying quality programs and selecting appropriate care. [PL 1993, c. 158, §2 (NEW).]
4. Accessibility. High-quality child care must be available to any family seeking care regardless of where the family lives or the special needs of the child. A centralized system in local communities must be available to facilitate parents' access to child care.
[PL 2011, c. 388, §6 (AMD).]

5. Affordability. High-quality child care must be available to families who receive child care subsidies available in the State on a sliding scale fee basis, with families contributing based on ability to pay.
[PL 2011, c. 388, §7 (AMD).]

6. Diversity. It is the goal of the State to strive wherever possible to provide child care in an integrated setting, where children with various needs and of various income levels and cultures are cared for together.
[PL 1993, c. 158, §2 (NEW).]

7. Efficient, coordinated administration. Child care programs must be coordinated to ensure the most effective use of federal and state funds.
[PL 1993, c. 158, §2 (NEW).]

8. Support for infrastructure. State child care agencies and policies must support the orderly development of a high-quality child care system.
[PL 1993, c. 158, §2 (NEW).]

SECTION HISTORY

§3733. Designated agency

To the extent permitted by federal law, the department shall coordinate and administer all available federal and state child care funds, including, but not limited to, those available under the United States Social Security Act; the federal Omnibus Budget Reconciliation Act of 1990, Section 5081; and the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.
[PL 1997, c. 530, Pt. A, §11 (AMD).]

SECTION HISTORY

§3734. Use of federal funds

The department shall seek the advice of the council when applying or reapplying for federal funds under this chapter and when submitting state plans, amendments to state plans or waivers for federal approval. Whenever the department makes these submissions to the Federal Government, it shall notify the joint standing committee of the Legislature having jurisdiction over human resource matters and the Executive Director of the Legislative Council. [PL 1993, c. 158, §2 (NEW).]

The following additional provisions apply to certain federal child care funds, as indicated. [PL 1993, c. 158, §2 (NEW).]

1. Used to supplement state funds. Federal child care funds must be used to supplement and may not replace existing state and local child care funds.
[PL 1993, c. 158, §2 (NEW).]

2. Block grant funds encumbered. Within 6 months of receiving any payment under the federal Child Care and Development Fund, the department shall expend or encumber 100% of the payment.
[PL 1997, c. 530, Pt. A, §12 (AMD).]

SECTION HISTORY
§3735. Child care for ASPIRE-TANF participants

The department shall ensure that all persons referred for participation in the State's ASPIRE-TANF program receive information regarding child care options from caseworkers who are knowledgeable about the range of child care subsidies available in this State and who can explain the relative advantages of each option. This may be done directly by the department or by the department's designee. [PL 1997, c. 530, Pt. A, §A13 (AMD).]

SECTION HISTORY

§3736. Eligibility

1. Single application form. By October 1, 1993, the department shall develop a universal application for all publicly funded child care programs for applicants who are seeking child care as their primary service. By January 1, 1994, the department shall require all caseworkers and contractors to use the form to determine eligibility for those applicants. Applicants submitting applications to more than one caseworker or contractor may submit photocopies or facsimile copies. [PL 2011, c. 388, §8 (AMD).]

2. Eligibility decision within 30 days. The department shall determine eligibility for child care programs administered under this chapter within 30 days of receiving an application. If a contractor determines eligibility, the department shall require that the contractor determine eligibility within 30 days of receiving an application. [PL 1993, c. 158, §2 (NEW).]

3. Application; effective date. If an applicant for child care programs administered under this chapter is determined eligible, child care assistance must be provided retroactively to the date of application. [PL 2015, c. 267, Pt. RRRR, §1 (NEW).]

SECTION HISTORY

§3737. Payments to providers

1. No payments to recipients. The department may not make cash payments to recipients for child care services provided under this chapter, except when those payments represent reimbursement for services already provided to the recipient. [PL 1993, c. 158, §2 (NEW).]

2. Maintenance of existing options. The department shall ensure that child care funds are distributed through a range of mechanisms, including, but not limited to, vouchers to recipients and contracts to providers. [PL 1993, c. 158, §2 (NEW).]

3. Quality differential. To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must establish a 4-step child care quality rating system and must provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. [PL 2013, c. 559, §1 (RP).]
B.  [PL 2013, c. 559, §1 (RP).]

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance for Needy Families block grant.  
[RR 2015, c. 1, §21 (COR).]

4.  Child care rates.  The department shall establish payment rates for child care services that are up to the 75th percentile of local market rates for the various categories of child care services.  The payment rates for child care services for children with special needs may be higher than the 75th percentile of local market rates.  
[PL 2017, c. 412, §1 (NEW).]

SECTION HISTORY

§3738.  Resource development centers
(REPEALED)

SECTION HISTORY

§3739.  Child Care Advisory Council
(CONFLICT)

1.  Purpose.
[PL 2019, c. 450, §16 (RP).]

2.  Membership.
A.  [PL 2019, c. 450, §16 (RP).]
B.  [PL 2019, c. 450, §16 (RP).]
C.  [PL 2019, c. 450, §16 (RP).]
D.  [PL 2019, c. 450, §16 (RP).]
E.  [PL 2019, c. 450, §16 (RP).]
F.  [PL 2019, c. 450, §16 (RP).]
G.  (CONFLICT: Text as repealed by PL 2019, c. 450, §16)  [PL 2019, c. 450, §16 (RP).]
G.  (CONFLICT: Text as amended by PL 2019, c. 524, §16)  One employee of the organizational unit of the department that provides programs and services for substance use disorder prevention, treatment and recovery, appointed by the commissioner;  [PL 2019, c. 524, §16 (AMD).]
H.  [PL 2019, c. 450, §16 (RP).]
I.  [PL 2019, c. 450, §16 (RP).]
J.  [PL 2019, c. 450, §16 (RP).]
K.  [PL 2019, c. 450, §16 (RP).]
L.  [PL 2019, c. 450, §16 (RP).]
M.  [PL 2019, c. 450, §16 (RP).]
N.  [PL 2019, c. 450, §16 (RP).]
O.  [PL 2019, c. 450, §16 (RP).]
P. [PL 2019, c. 450, §16 (RP).]
Q. [PL 2019, c. 450, §16 (RP).]
R. [PL 2019, c. 450, §16 (RP).]
S. [PL 2019, c. 450, §16 (RP).]
T. [PL 2019, c. 450, §16 (RP).]
U. [PL 2019, c. 450, §16 (RP).]
V. [PL 2019, c. 450, §16 (RP).]
W. [PL 2019, c. 450, §16 (RP).]
X. [PL 2019, c. 450, §16 (RP).]
Y. [PL 2019, c. 450, §16 (RP).]
Z. [PL 2019, c. 450, §16 (RP).]

[PL 2019, c. 450, §16 (RP); PL 2019, c. 524, §16 (AMD).]

3. Meetings; chair.
[PL 2019, c. 450, §16 (RP).]

3-A. Notice of meetings; agenda.
[PL 2019, c. 450, §16 (RP).]

3-B. Attendance at meetings.
[PL 2019, c. 450, §16 (RP).]

[PL 2019, c. 450, §16 (RP).]

5. Duties.
[PL 2019, c. 450, §16 (RP).]

[PL 2019, c. 450, §16 (RP).]

7. Staff.
[PL 2019, c. 450, §16 (RP).]

8. Parliamentary authority.
[PL 2019, c. 450, §16 (RP).]

SECTION HISTORY

§3740. Office of Child Care and Head Start

1. Establishment. The Office of Child Care and Head Start is established within the Division of Purchased and Support Services.

2. Powers and duties. The office has the following powers and duties:

A. Maintain an inventory of child care information; [PL 1993, c. 158, §2 (NEW).]
B. Provide public education on becoming better consumers of child care; [PL 1993, c. 158, §2 (NEW).]

C. Provide staffing assistance to the council; [PL 1993, c. 158, §2 (NEW).]

D. Coordinate an ongoing review of all child care licensing rules; [PL 1993, c. 158, §2 (NEW).]

E. Provide technical assistance to public and private sector employers, school systems and community groups concerning child care, flexible benefits and work schedules; [PL 1993, c. 158, §2 (NEW).]

F. Coordinate the development of a training system for child care providers; [PL 1993, c. 158, §2 (NEW).]

G. Develop incentives for employer involvement in child care; and [PL 1993, c. 158, §2 (NEW).]

H. Promote cooperative relationships between public health organizations and child care programs. [PL 1993, c. 158, §2 (NEW).]

SECTION HISTORY


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