

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 1093 - L.D. 1486

An Act To Amend the Laws Concerning the Child Care Advisory Council
and the Maine Children's Growth Council

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §24001, sub-§6, as enacted by PL 2007, c. 683, Pt. A, §2, is amended to read:

6. Quorum; meetings. ~~Thirteen~~ A majority of the voting members of the council constitute a quorum. The council may meet as often as necessary but shall meet at least 6 times a year. A meeting may be called by a cochair or by any 5 members.

Sec. 2. 5 MRSA §24001, sub-§8, as enacted by PL 2007, c. 683, Pt. A, §2, is amended to read:

8. Staffing; funding. The council may hire staff as necessary for its work and as resources permit. The council may accept grant funding and other funding as may be available for the work of the council. ~~The Department of Health and Human Services shall act as fiscal agent for the council.~~

Sec. 3. 5 MRSA §24002, sub-§1, ¶C, as enacted by PL 2007, c. 683, Pt. A, §2, is amended to read:

C. Reporting by January 15, 2010 2011 and every 2 years thereafter at the start of the first regular session of the Legislature to the Department of Health and Human Services, the Governor, the Children's Cabinet and Governor and the one or more joint standing committees of the Legislature having jurisdiction over health, human services, taxation and education matters on the activities and accomplishments of the council and its long-term plan for investment in the healthy development of young children, and issuing such other reports as the council determines to be appropriate.

Sec. 4. 22 MRSA §3731, sub-§1, as enacted by PL 1993, c. 158, §2, is amended to read:

1. Child care. "Child care" means a regular service of care and ~~protection~~ 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.

Sec. 5. 22 MRSA §3731, sub-§2-A is enacted to read:

2-A. Division. "Division" means the early childhood division of the Department of Health and Human Services, Office of Child and Family Services.

Sec. 6. 22 MRSA §3732, sub-§4, as enacted by PL 1993, c. 158, §2, is amended to read:

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 ~~place~~ system in local communities must be available to facilitate parents' access to child care.

Sec. 7. 22 MRSA §3732, sub-§5, as enacted by PL 1993, c. 158, §2, is amended to read:

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.

Sec. 8. 22 MRSA §3736, sub-§1, as enacted by PL 1993, c. 158, §2, is amended to read:

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.

Sec. 9. 22 MRSA §3739, sub-§2, as amended by PL 2001, c. 179, §1 and c. 354, §3 and PL 2003, c. 689, Pt. B, §§6 and 7, is further amended to read:

2. Membership. The council has a minimum of ~~25~~ 28 members, appointed as follows:

A. One employee of the ~~Bureau of Family Independence~~ department's office of integrated access and support who is responsible for child care services, appointed by the commissioner;

B. ~~Two employees~~ The employee of the Department of Health and Human Services, Office of Child Care and Head Start who ~~are responsible for~~ serves as the state child care services, appointed by the commissioner administrator, or the state child care administrator's designee;

- C. ~~One employee of the Department of Health and Human Services, Bureau of Children with Special Needs~~ division within the department concerned with children's behavioral health services, appointed by the ~~Commissioner of Health and Human Services~~ commissioner;
- D. ~~One employee~~ Two employees of the Department of Education, one of whom represents special education programs and one of whom oversees public programs for children 4 years of age, appointed by the Commissioner of Education;
- E. One employee who ~~coordinates~~ serves as the state Head Start ~~program~~ collaboration director, ~~appointed by the commissioner~~ or the state Head Start collaboration director's designee;
- F. The State Fire Marshal or the State Fire Marshal's designee;
- G. One employee of the Office of Substance Abuse, appointed by the Director of the Office of Substance Abuse;
- H. One employee of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development;
- I. One member of the Senate, appointed by the President of the Senate;
- J. Two members of the House of Representatives, at least one of whom ~~must~~ may not be from the ~~minority~~ party with the most members in the House of Representatives, appointed by the Speaker of the House of Representatives;
- K. One parent or other consumer who receives a child care subsidy at the time of that parent's or consumer's appointment, appointed by the Governor;
- L. One parent or other consumer of child care services who does not receive a child care subsidy, appointed by the Governor;
- M. One business representative nominated by the Maine Chamber of Commerce and Industry, appointed by the Governor;
- N. One center-based care representative nominated by the Maine Child Care Directors' Association, appointed by the Governor;
- O. One Head Start provider nominated by the Maine Head Start Directors' Association, appointed by the Governor;
- P. One family ~~day care~~ child care provider nominated by ~~the Maine Family Day Care Association~~ an association of family child care providers in the State, appointed by the Governor;
- Q. One person representing Native Americans, appointed by the Governor;
- R. One child care provider who does not receive public funds, appointed by the Governor;
- S. One person ~~associated with a local preschool handicapped project coordination site~~ representing a nonprofit advocacy organization dedicated to improving the lives of children, youth and their families, appointed by the Governor;
- T. One person ~~nominated by the Coalition for Maine's Children~~ associated with a Child Development Services System site, appointed by the Governor;

U. ~~One person nominated by the Maine Association of Child Care Resource and Referral Agencies~~ representing a collaborative partnership between the University of Maine and the Department of Health and Human Services, Office of Child Care and Head Start, nominated by the University of Maine Center for Community Inclusion and Disability Studies, appointed by the Governor;

V. One representative of women nominated by the Maine Women's Lobby, appointed by the Governor; ~~and~~

W. One direct service provider of child care for school-age children, nominated by the University of Maine at Farmington, Maine Afterschool Network, or a successor program, appointed by the Governor;

X. One person representing the University of Southern Maine, Edmund S. Muskie School of Public Service, Maine Roads to Quality, or a successor program, appointed by the Governor;

Y. A person representing an association of resource development centers in the State, appointed by the Governor; and

Z. One person representing home-based child care providers, appointed by the Governor.

Senators and members of the House of Representatives serve for the duration of the legislative terms that they are serving when appointed. Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and may continue to serve beyond their terms until their successors are appointed. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the council may remove the member by majority vote. If a nominating organization does not submit nominations within a reasonable period of time, the appointing authority may fill that organization's seat with a member of the public at large.

The council shall determine whether more than ~~25~~ 28 members would assist it in its work under subsections 1 and 5. If a majority of the council votes to request the appointment of additional members, the council shall specify the number of additional members needed and shall convey a request for the appointment of those additional members to the Governor, who shall make the appointments.

Sec. 10. 22 MRSA §3739, sub-§3, as enacted by PL 1993, c. 158, §2, is amended to read:

3. Meetings; chair. The commissioner shall call the first meeting of the council by October 15, 1993. At the first meeting, the council shall select by majority vote a chair from among its members to serve a term of one year. A chair may be reelected to subsequent terms. The chair shall call subsequent meetings. The council may meet as often as funding permits, but must meet at least 4 times per year at a date, time and place determined by the council. The chair, in collaboration with the department, may call a special meeting to address an issue that, in the judgment of the chair, cannot wait until the next regularly scheduled meeting.

Sec. 11. 22 MRSA §3739, sub-§3-A is enacted to read:

3-A. Notice of meetings; agenda. At a reasonable time before a meeting of the council, the chair shall send a notice of the meeting to every member under subsection 2. A notice of meeting required under this subsection must contain the date, time, place and agenda of the meeting and the minutes of the previous meeting. Notice of a special meeting under subsection 3 must be sent under this subsection as expeditiously as possible.

Sec. 12. 22 MRSA §3739, sub-§3-B is enacted to read:

3-B. Attendance at meetings. A member of the council is expected to attend all meetings under subsection 3. If a member is unable to attend a meeting called under subsection 3, the member shall inform the chair. A member may attend a meeting under subsection 3 by participating remotely through the means of telephone, electronic media or other device if the facilities allow for such participation. The council shall endeavor to install means by which a member may participate remotely pursuant to this subsection.

Sec. 13. 22 MRSA §3739, sub-§6, as enacted by PL 1993, c. 158, §2, is amended to read:

6. Report. By January 15th, the council shall submit an annual report to the commissioner, the cochairs of the Maine Children's Growth Council established in Title 5, chapter 621 and the joint standing committee of the Legislature having jurisdiction over human resource services matters. The report must describe the council's activities for the year regarding its duties specified in subsection 5 and must outline policy changes recommended by the council, along with necessary implementing legislation.

Sec. 14. 22 MRSA §3739, sub-§8 is enacted to read:

8. Parliamentary authority. Except as mandated by state law, a meeting under subsection 3 is governed by the current edition of Robert's Rules of Order Newly Revised.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor