

MEMORANDUM

TO: MYCA Directors and Maine Summer Camp Members

Copy: Mary Ellen Deschenes

FROM: Jack Erler

DATE: July 11, 2012

RE: Governmental Affairs Report

Legislative

I now have reviewed a little over 300 LDs in this Second Session of the 125th Legislature.

This was a very light session for youth camps principally because the almost sole focus of the Legislature was on the ever growing hole in the State's budget caused by diminished revenue and errors in accounting at the Department of Health and Human Services.

The following legislative information is of interest to youth camps.

This year, for the first year in more than two decades, there were no "tax reform" bills considered by the Legislature. I monitored a flurry of activity in the Taxation Committee during the 2011 summer months in which tax reform was considered. In the end none ever emerged. For a short period of time there was consideration of a bill defining for the first time, criteria for obtaining a tax exemption. That bill also died in committee.

LD 1603 An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles. MYCA was hopeful that this bill would repeal the law passed last year that permitted employees with a concealed weapon permit to bring their guns to work provided they kept it in their locked car, out of sight. Unfortunately the repeal failed and the law is still on the books. MYCA has already published material on how to deal with this law in camp.

LD 1744 An Act To Require Carbon Monoxide Detectors in Additional Residential Occupancies. This bill has passed as PL 2012 Chapter 553. This new law requires new and renovated buildings including eating and lodging and lodging places to install carbon monoxide detectors. Such places do not include youth camps so this new law will not affect you. However, MYCA is ever watchful when this kind of legislation affects tourist related businesses.

LD 1237 An Act To Prohibit Bullying in Schools. This bill has passed as PL 2012 Chapter 659. This new law requires school districts to establish an anti-bullying code, prohibits bullying in schools and defines conduct that is bullying. This would not apply to youth camps. However, MYCA will publish a copy of

the law and the new anti-bullying policy when it is promulgated to assist camps in establishing or reviewing their anti-bullying policies if they so desire.

Agencies

Department of Health and Human Services (DHHS)

Last year MYCA caused the law to be amended to permit the Health Inspection Program (HIP) of the DHHS to exempt certain youth camps from inspection. As a part of that same new law the HIP inspection schedule was changed from annual to at least once every two years.

Since the new law became effective MYCA has been working with HIP to add new regulations to carry out the purpose of the new law. Although its work there is not yet complete, I can report generally, that new regulations will become effective this fall, beginning for the 2013 year. These regulations will permit HIP to annually waive the inspection otherwise required by Chapter 208, Rules Relating to Youth Camps (1) for ACA Accredited youth camps and (2) for camps with a history of passing at least two prior inspections. There will be some specific eligibility requirements for a waiver that MYCA will report on once the new regulations are published.

Note that inspection regarding Chapter 200, Maine Food Code and Chapter 202, Public Swimming Pools and Spas cannot be waived. This means that you should anticipate an HIP inspection at least every other year for these two rules even if you get an inspection waiver under Chapter 208.

At the same time MYCA is working with DHHS on their 2011 Food Code revision applicable to youth camps. MYCA will report once that work is complete. The Food Code amendments will not be applicable until 2013.

Department of Inland Fisheries and Wildlife (IF&W)

A Trip Leader Permit Committee of MYCA is currently working with IF&W to revise the Trip Leader Permit Regulations. The Committee is composed of Maine camp directors, Trip Leader Permit holders, Trip Leader Safety Course Instructors and Maine Guides. This work partly results from Warden reports of problems on wilderness trips in Maine conducted by groups.

MYCA's efforts include the re-education of IF&W about who licensed youth camps are so that reports about groups with problems will not be incorrectly attributed to youth camps.

In addition, MYCA is working to re-establish more formal and regular interaction between youth camps and IF&W to promote communication between youth camps and IF&W officials and wardens, to deepen their understanding of wilderness programs conducted by youth camps.

Finally, MYCA is working on updating the requirements for Trip Leader Instructors and Trip Leader Permits; and revising the Safety Course Curriculum and Trip Leader Permit Examination which were out of date. This should reduce any concern by IF&W appropriately attributable to youth camp wilderness tripping and harmonize the IF&W and DHHS regulations.

Changes will be effective for the camp season beginning in 2013.

Department of Conservation

Submerged Lands: The program to require leases/easements of State owned submerged land is continuing albeit still rather slowly. MYCA expects that any of you who have not yet begun or completed the leasing/easement process will be involved before the end of this year.

You should work with the Department to get you lease/easement complete. Fees will be retroactive to 1/1/11 and you will be expected to make back payments to that date. For-profit camps' annual lease fees are running from a few hundred to more than a thousand dollars. You can work with the Department to reduce your rent fee to the lowest possible amount consistent with your waterfront size and configuration. Non-profit camps are eligible for an easement, the fees for which are small.

Again MYCA is asking for-profit camps to keep it advised as this process moves forward so that it can be determined if there is any action that should be taken to amend the submerged land law. You can do this by sending to MYCA the completed "AREA/LEASE RENTAL FEE CALCULATION" you receive from the Department as a part of the process.

Swim Area Permits: There appears again be minimal effort by the Department for the permitting of swim areas. Our assumption is that with the budget deficit taking center stage there are not enough bureaucrats or not enough bureaucratic time to deal with this issue which was created by a poorly conceived and passed law three years ago.

Other Governmental Affairs Work

MYCA continues to work on a long term effort to build public and governmental awareness of the benefits to Maine of youth camps. In this regard, MYCA has had a preliminary meeting with the same Public Relations Agency that is working with Maine Summer Camps.

MYCA worked with ACA/NE and the New York association in their effort to publish a Northeast Regional (including the individual states in that region) Economic Impact Report. By now you have all seen the excellent outcome of that effort.