

FOAA Request – LD 1428 / Child Care Outdoor Recreational Space Records

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To: "DHHS, FOAA Requests" <foaarequests.dhhs@maine.gov>

Pursuant to Maine's Freedom of Access Act, 1 M.R.S. §§ 400–414, I am requesting existing public records maintained by the Maine Department of Health and Human Services (DHHS), including the Office of Child and Family Services (OCFS), concerning implementation of 22 M.R.S. § 8302-A(4), enacted through LD 1428/Public Law 2025, Chapter 288.

For purposes of this request, I am specifically seeking records concerning licensed child care facilities and family child care providers operating without outdoor recreational space at the facility or provider and relying upon outside public recreational space within a “reasonable distance,” as contemplated by 22 M.R.S. § 8302-A(4).

Unless otherwise stated, the requested timeframe is from the effective date of this statutory provision through the date this request is processed.

Please provide the following existing records:

1. Providers operating pursuant to § 8302-A(4)

Any existing list, report, spreadsheet, database extract, or other record sufficient to identify licensed child care facilities and family child care providers that have been licensed, relicensed, renewed, approved, or otherwise documented as operating without outdoor recreational space at the facility or provider pursuant to 22 M.R.S. § 8302-A(4).

For each identified provider, please include any existing electronically maintained fields showing the provider name, municipality, license or program number, license type, licensed capacity, licensing or approval date, and other associated licensing information.

2. Public recreational spaces

For each provider identified in Item 1, records sufficient to identify the outside public recreational space relied upon to satisfy § 8302-A(4), including the name, address, location, or other identifying information for that recreational space, to the extent maintained.

3. Reasonable-distance determinations

For each provider identified in Item 1, records sufficient to show the basis upon which DHHS/OCFS determined that the outside public recreational space was within a “reasonable distance” under § 8302-A(4).

This may include an existing licensing determination, inspection notation, checklist, measurement, map, approval, database entry, or other record documenting that determination. I am requesting records sufficient to show the determination rather than all records concerning each provider.

4. Standards for “reasonable distance”

Any current policy, procedure, guidance, memorandum, directive, written criteria, training material, decision-making guidance, or other record used by DHHS/OCFS personnel to interpret or apply the term “reasonable distance” under § 8302-A(4).

This includes any existing guidance addressing factors licensing personnel should consider, such as distance, travel time, children's ages, number of children, road crossings, traffic, sidewalks, accessibility, route conditions, or other potential hazards.

5. Licensing forms, checklists, and data fields

Please provide blank or template copies of any current licensing application, renewal form, inspection checklist, review form, compliance checklist, or similar document containing a field, question, checkbox, notation, or other section concerning outdoor recreational space or compliance with § 8302-A(4).

Additionally, please provide any existing record describing or identifying the database field, code, designation, checkbox, notation, or other electronic mechanism used by DHHS/OCFS to record whether a provider has outdoor recreational space at the facility or is relying upon outside public recreational space pursuant to § 8302-A(4).

If DHHS/OCFS does not maintain a specific list or report identifying providers operating pursuant to § 8302-A(4), I am not requesting that the Department create one. Instead, please provide any existing database extract, field, code, designation, report, or other record from which responsive providers are identified or their compliance with the provision is documented.

If DHHS/OCFS does not maintain records identifying which providers are operating pursuant to § 8302-A(4), please state that fact rather than creating a new record in response to this request.

I am requesting existing records and electronically stored information, not asking the Department to conduct research, answer substantive questions, perform new calculations, or create a new record.

Where responsive information is maintained electronically, I request that it be provided in its existing or native electronic format, including Excel, CSV, or database export where reasonably practicable, rather than converted to PDF.

To reduce staff time, costs, and unnecessary production, I am intentionally limiting this initial request to records necessary to identify the affected providers, the public recreational spaces relied upon, the Department’s reasonable-distance determinations, the standards used to make those determinations, and the manner in which this information is recorded within the licensing system.

If DHHS/OCFS maintains these records in a manner materially different from what is contemplated by this request, I welcome clarification regarding how the relevant information is maintained so that I may narrow or modify the request before substantial staff time is incurred.

Please provide responsive records on a rolling basis where reasonably practicable so that readily available electronic records need not await completion of any portions requiring additional review.

Please do not incur fees exceeding \$25 without first providing an estimate and obtaining my written authorization to proceed. If any portion of this request would require substantial staff time or expense, please contact me before processing that portion so that I may consider narrowing it.

If fees are anticipated, I also request consideration of a waiver or reduction of fees to the extent permitted by 1 M.R.S. § 408-A because disclosure of these records is intended to contribute to public understanding of the implementation and administration of Maine’s child care licensing laws and is not sought primarily for a commercial purpose.

If any responsive record or portion thereof is withheld or redacted, please identify the applicable legal basis for the withholding or redaction and provide all reasonably segregable nonexempt portions.

Thank you.

Ryan Michaels

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 Submit tips: tips@themaineMirror.com