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Date: (Filing No. S-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 75, L.D. 146, “An Act to Clarify Assessment of Fines for Tattoo Artists, Body Piercers, Electrologists and Micropigmentation Practitioners and to Change Requirements for the Approval of Public Pool and Spa Plans”

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify Assessment of Penalties for Tattoo Artists, Body Piercers, Electrologists and Micropigmentation Practitioners and to Change Requirements for the Approval of Public Pool and Spa Plans'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2662, sub-§4, as amended by PL 2007, c. 631, §4, is further amended to read:

4. Residential spa. "Residential spa" means any constructed spa, permanently installed or portable, that is used in connection with a single or multifamily residence, used by tenants of apartment buildings, owners of condominiums or members of property owners associations and available only to these residents and their private guests or used by guests of a lodging place as defined in section 2491, subsection 7-F that has 10 or fewer rooms or cottages.

Sec. 2. 22 MRSA §2665, 2nd ¶, as amended by PL 2007, c. 631, §7, is further amended to read:

~~The design criteria to be followed by the department in the review and approval is~~ Submitted plans and specifications must be sealed by a licensed professional engineer under Title 32, chapter 19 and must include a statement by the engineer indicating that the plans and specifications meet the minimum standard for all pools and the minimum standard for all spas published by the American National Standards Institute and the Association of Pool and Spa Professionals or successor organizations as identified by the department by rule.

COMMITTEE AMENDMENT

1 **Sec. 3. 32 MRSA §1222, sub-§3**, as enacted by PL 2013, c. 264, §8, is amended to
2 read:

3 **3. Civil Administrative penalty.** A person who practices electrology without a
4 license or who violates the sterilization, sanitation or safety standards adopted by the
5 department under this chapter ~~commits a civil violation for which a fine is subject to an~~
6 administrative penalty, imposed by the department, of not less than \$500 nor more than
7 \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected
8 may be counted as a separate offense.

9 **Sec. 4. 32 MRSA §1222, sub-§5** is enacted to read:

10 **5. Schedule of penalties.** The department shall adopt major substantive rules in
11 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties
12 according to the nature and duration of the violation of this section.

13 **Sec. 5. 32 MRSA §4204, sub-§1**, as enacted by PL 2013, c. 264, §14, is amended
14 to read:

15 **1. Penalty Administrative penalty.** A person who fails to be licensed as required by
16 this chapter, violates the sterilization, sanitation or safety standards adopted by the
17 ~~Department of Health and Human Services~~ department under section 4251 or performs
18 tattooing on a minor ~~commits a civil violation for which a fine is subject to an~~
19 administrative penalty, imposed by the department, of not less than \$500 nor more than
20 \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected
21 may be counted as a separate offense.

22 **Sec. 6. 32 MRSA §4204, sub-§4** is enacted to read:

23 **4. Schedule of penalties.** The department shall adopt major substantive rules in
24 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties
25 according to the nature and duration of the violation of this section.

26 **Sec. 7. 32 MRSA §4318, sub-§1**, as enacted by PL 2013, c. 264, §16, is amended
27 to read:

28 **1. Penalty Administrative penalty.** A person who fails to be licensed as provided by
29 section 4312 or violates the sterilization, sanitation or safety standards adopted by the
30 department under section 4313 ~~commits a civil violation for which a fine is subject to an~~
31 administrative penalty, imposed by the department, of not less than \$500 nor more than
32 \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected
33 may be counted as a separate offense.

34 **Sec. 8. 32 MRSA §4318, sub-§3** is enacted to read:

35 **3. Schedule of penalties.** The department shall adopt major substantive rules in
36 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties
37 according to the nature and duration of the violation of this section.

38 **Sec. 9. 32 MRSA §4327, sub-§1**, as enacted by PL 2013, c. 264, §17, is amended
39 to read:

40 **1. Penalty Administrative penalty.** A person who fails to be licensed as provided by
41 section 4324, violates the sterilization, sanitation or safety standards adopted by the
42 department under section 4326 or performs body piercing on a minor without parental

1 consent under section 4323 ~~commits a civil violation for which a fine is subject to an~~
2 ~~administrative penalty, imposed by the department, of not less than \$500 nor more than~~
3 ~~\$1,000 may be adjudged for each violation. Each day the violation remains uncorrected~~
4 ~~may be counted as a separate offense.~~

5 **Sec. 10. 32 MRSA §4327, sub-§4** is enacted to read:

6 **4. Schedule of penalties.** The department shall adopt major substantive rules in
7 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties
8 according to the nature and duration of the violation of this section.'

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
10 number to read consecutively.

11 SUMMARY

12 This amendment adds to the definition of "residential spa" to include a spa located at a
13 lodging place with 10 or fewer rooms or cottages. It replaces the bill's requirement that
14 pool and spa plans and specifications be signed and stamped by an engineer with a
15 requirement that the plans and specifications be sealed by a licensed professional engineer
16 to better reflect industry standards. It clarifies that successor organizations of the American
17 National Standards Institute and the Association of Pool and Spa Professionals will be
18 identified by department rule. It clarifies that the penalties imposed for violations for
19 practitioners of certain occupations are administrative penalties.