

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

S.P. 75 - L.D. 146

**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**

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Penalty Administrative penalty. A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards adopted by the department under section 4326 or performs body piercing on a minor without parental consent under section 4323 ~~commits a civil violation for which a fine is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 may be adjudged for each violation. Each day the violation remains uncorrected may be counted as a separate offense.~~

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

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