

CHAPTER 18

ELECTROLOGISTS

SUBCHAPTER 1

GENERAL PROVISIONS

§1221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 87, §1 (NEW).]

1. Department. "Department" shall mean the Department of Health and Human Services. [PL 1979, c. 87, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

1-A. Electrologist. "Electrologist" means a person who practices electrology. [PL 1991, c. 416, §1 (NEW).]

2. Electrology. "Electrology" shall mean the practice of removing hair permanently by applying electricity to the hair follicle to cause growth inactivity to the hair root. [PL 1979, c. 87, §1 (NEW).]

2-A. Electrolysis. "Electrolysis" means the process by which electrology is done. [PL 1991, c. 416, §1 (NEW).]

3. Person. "Person" shall mean any individual, firm, partnership, corporation or other association or organization. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §1 (AMD). PL 2003, c. 689, §B6 (REV).

§1222. Licensure; penalty

1. License required. A person may not practice electrology in this State unless that person is licensed by the department under this chapter. A license issued under this chapter is valid for one year from the date of issuance. [PL 2013, c. 264, §8 (AMD).]

1-A. License renewal. A license under this chapter may be renewed annually upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed and subject to compliance with rules of the department and this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of a license. [PL 2021, c. 125, §17 (NEW).]

1-B. Conditional license. When an applicant for an initial license or a renewal license is found, based upon an inspection by the department, not in compliance with this chapter or rules adopted pursuant to section 1242, the department may refuse issuance of the initial or renewal license, but shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license. The applicant may reapply for an annual license if the conditional license is voided or expires; however, the department may not reissue

another conditional license. All conditions must be met in order for an applicant to reapply for and be issued an annual license.

[PL 2021, c. 125, §18 (NEW).]

2. Criminal penalty.

[PL 2013, c. 264, §8 (RP).]

3. 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 is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

[PL 2023, c. 113, §3 (AMD).]

4. Enforcement. A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and [PL 2013, c. 264, §8 (NEW).]

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees. [PL 2013, c. 264, §8 (NEW).]

[PL 2013, c. 264, §8 (NEW).]

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.

[PL 2023, c. 113, §4 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 2013, c. 264, §8 (AMD). PL 2021, c. 125, §§17, 18 (AMD). PL 2023, c. 113, §§3, 4 (AMD).

§1223. Exception

This chapter shall not apply to any person who is licensed to practice any healing art or science, as defined in section 3751, and who is practicing electrology in the course of that practice. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW).

§1224. Maine Administrative Procedure Act

The provisions of this chapter and anyone acting under them are subject to the Maine Administrative Procedure Act. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW).

SUBCHAPTER 2

LICENSURE

§1231. Procedure

(REPEALED)

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §2 (RP).

§1231-A. Licensure requirements

1. Licensure requirements. Except as provided in section 1233-A, the department shall issue a license to any person under this chapter who:

A. Is at least 17 years of age; [PL 1991, c. 416, §3 (NEW).]

B. Has a high school diploma or its equivalent; and [PL 1991, c. 416, §3 (NEW).]

C. Passes an inspection under section 1243 within 60 days before the license is issued. [PL 2013, c. 264, §9 (AMD).]

[PL 2021, c. 125, §19 (AMD).]

2. Exemption. A person who has a valid electrology license from the department as of January 1, 1991 is exempt from the requirements of subsection 1.

[PL 1991, c. 416, §3 (NEW).]

3. Reciprocity. Except as provided in section 1233-A and notwithstanding the requirements of subsection 1, the department shall issue a license to any applicant under this chapter who provides the department with evidence that the applicant has 3 years of experience as an electrologist in another state. That proof must consist of notarized copies of the license or registration issued by the state where the applicant last practiced electrology.

[PL 2021, c. 125, §19 (AMD).]

SECTION HISTORY

PL 1991, c. 416, §3 (NEW). PL 2013, c. 264, §9 (AMD). PL 2021, c. 125, §19 (AMD).

§1232. Valid for one year

(REPEALED)

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 2013, c. 264, §10 (RP).

§1233. Grounds for refusal, suspension or revocation

(REPEALED)

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 264, §§11, 12 (AMD). PL 2021, c. 125, §20 (RP).

§1233-A. Grounds for refusal, suspension or revocation

The department may revoke, suspend or refuse to issue or renew a license under this chapter or place a licensee on probation if: [PL 2021, c. 125, §21 (NEW).]

1. Conviction of crime. The applicant or licensee has been convicted of a crime related to the practice of electrology;

[PL 2021, c. 125, §21 (NEW).]

2. Deception or misrepresentation. The applicant or licensee has engaged in any deception or misrepresentation to the department or the public in applying for a license or license renewal under this chapter or in the advertising or practice of electrology;

[PL 2021, c. 125, §21 (NEW).]

3. Negligence; incompetence; endangering the public. The applicant or licensee has demonstrated negligence or incompetence or has endangered the public in the practice of electrology; or

[PL 2021, c. 125, §21 (NEW).]

4. Violation of rule. The applicant or licensee has violated a rule adopted by the department under this chapter.

[PL 2021, c. 125, §21 (NEW).]

SECTION HISTORY

PL 2021, c. 125, §21 (NEW).

SUBCHAPTER 3

DEPARTMENT OF HUMAN SERVICES

§1241. Powers and duties

The department may investigate, inspect, examine and review persons and premises as necessary to properly administer this chapter and may make any appropriate complaint to the District Court. [PL 2013, c. 264, §13 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 264, §13 (AMD).

§1242. Rules

The department shall adopt: [PL 1979, c. 87, §1 (NEW).]

1. Administration. Rules for the proper administration of this chapter; and
[PL 1979, c. 87, §1 (NEW).]

2. Practices of electrology. Rules governing the practice of electrology relating to training, health, safety, sanitation, equipment, electrolysis procedures and record keeping.
[PL 1991, c. 416, §4 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §4 (AMD).

§1243. Right of entry, inspection and determination of compliance

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed, or a place where a licensed electrologist practices, pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules adopted by the department under this chapter. The right of entry and inspection extends to any premises that the department has reason to believe is being operated or maintained without a license or a place where a licensed electrologist practices, but no such entry and inspection of any premises or place may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. Determination of compliance with this chapter and any rules adopted under this chapter must be made at least once every 2 years by inspection or other method as determined by the department. [PL 2021, c. 125, §22 (NEW).]

Upon any person's request and payment of a fee not to exceed \$150, the department shall inspect that person's training, place of practice and equipment for compliance with this chapter and the rules adopted by the department under this chapter. All fees collected by the department must be deposited in a special revenue account dedicated to a health inspection program. [PL 2021, c. 125, §22 (AMD).]

1. Additional inspection fees. When an additional inspection is required to determine an applicant's eligibility for licensure under this chapter, the department is authorized to charge, in addition to the usual fees imposed pursuant to this chapter for one license, which includes one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a penalty for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

[PL 2021, c. 125, §22 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1979, c. 542, §D2 (AMD). PL 1981, c. 703, §A43 (RPR). PL 1991, c. 416, §5 (AMD). PL 2009, c. 589, §10 (AMD). PL 2021, c. 125, §22 (AMD).

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