



132nd MAINE LEGISLATURE

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Legislative Document

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S.P. 325

In Senate, February 25, 2025

**An Act to Amend the Laws Governing Licensing of Certain Types of
Establishments and Professions by the Department of Health and
Human Services**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator INGWERSEN of York.

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

2 **Sec. 1. 22 MRSA §2494, first ¶**, as amended by PL 2021, c. 125, §11, is further
3 amended to read:

4 Each application for, or for renewal of, a license to operate an eating establishment,
5 lodging place, recreational camp, youth camp, public pool, public spa or campground
6 within the meaning of this chapter must be accompanied by a fee, appropriate to the size
7 of the establishment, place, camp, pool, spa or area of the licensee, determined by the
8 department and not to exceed the fees listed below. All fees collected by the department
9 must be deposited into a special revenue account established for this purpose. No such fee
10 may be refunded. No license may be assignable or transferable, except as provided in
11 section 2495. The fees may not exceed:

12 **Sec. 2. 22 MRSA §2495**, as amended by PL 2021, c. 125, §13, is further amended
13 by enacting at the end a new paragraph to read:

14 In the case of death of the licensee, a license issued under this chapter may be
15 transferred, for the benefit of the estate of the deceased licensee, to the personal
16 representative, receiver or trustee of the deceased licensee's estate to operate the premises
17 to which the license applies for one year from the date the personal representative, receiver
18 or trustee is appointed, after which the license is void. Pending appointment of a personal
19 representative, receiver or trustee of the estate, the following individuals may be approved
20 by the department to operate the premises temporarily: the surviving spouse; a person who
21 has filed a petition for appointment as executor or administrator for the estate of the
22 deceased licensee; the sole heir of the deceased licensee or a person designated by all of
23 the heirs of the deceased licensee. A person may not operate under the license unless
24 approved by the department. The department may require an individual seeking approval
25 to operate the premises temporarily to provide documentation showing that the individual
26 is eligible pursuant to this paragraph.

27 **Sec. 3. 22 MRSA §2504** is enacted to read:

28 **§2504. Confidentiality of investigative records**

29 **1. Complaints and investigative records; confidentiality.** Information identifying
30 an individual who files a complaint in connection with the department's public health
31 activities associated with the department's licensing and regulatory functions authorized by
32 this chapter and Title 32, chapters 18, 63, 63-A and 64 is confidential unless otherwise
33 directed by the court. With the exception of information that identifies the complainant,
34 investigative records become public records upon the conclusion of an investigation, unless
35 confidentiality is required by some other provision of law. For the purposes of this section,
36 an investigation is concluded when:

37 A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has
38 been issued;

39 B. A consent agreement has been executed;

40 C. A letter of dismissal has been issued; or

41 D. The investigation has otherwise been closed.

1 **2. Exceptions.** Notwithstanding subsection 1, during the pendency of an investigation,
2 the identity of a complainant or the investigative record may be disclosed:

3 A. To department employees designated by the commissioner to facilitate the
4 investigation; and

5 B. To other state or federal agencies when disclosure is determined necessary by the
6 commissioner to avoid imminent and serious harm. The commissioner may not
7 delegate the commissioner's authority to disclose under this paragraph.

8 **Sec. 4. 32 MRSA §1222, sub-§1,** as amended by PL 2013, c. 264, §8, is further
9 amended to read:

10 **1. License required.** A person may not practice electrology in this State unless that
11 person is licensed by the department under this chapter. A license issued under this chapter
12 is valid for one year from the date of issuance. A license issued in error by the department
13 is void and must be returned to the department on demand. Notice of the demand to return
14 the license must be delivered by hand or by certified mail to the licensee.

15 **Sec. 5. 32 MRSA §4252,** as amended by PL 2021, c. 125, §26, is further amended
16 to read:

17 **§4252. Issuance of licenses**

18 The Department of Health and Human Services may license persons to practice the art
19 of tattooing. Such licenses are issued for a term of one year and may be renewed annually.
20 The fee for an initial license or a renewal license may not exceed \$250. The license for a
21 person engaged in both the arts of body piercing, as defined in section 4321, and tattooing
22 may not exceed \$300. All fees collected by the department pursuant to this section must
23 be deposited in a special revenue account dedicated to a health inspection program.

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

31 **2. License issued in error.** A license issued in error by the department is void and
32 must be returned to the department on demand. Notice of the demand to return the license
33 must be delivered by hand or by certified mail to the licensee.

34 **Sec. 6. 32 MRSA §4312, sub-§2,** as enacted by PL 1997, c. 383, §1, is amended to
35 read:

36 **2. Term of license.** A license issued under this chapter expires ~~on September 30th~~ 2
37 years from the date of issue and is renewable biennially.

38 **Sec. 7. 32 MRSA §4312, sub-§2-C** is enacted to read:

39 **2-C. License issued in error.** A license issued in error by the department is void and
40 must be returned to the department on demand. Notice of the demand to return the license
41 must be delivered by hand or by certified mail to the licensee.

1 **Sec. 8. 32 MRSA §4314, first ¶**, as amended by PL 2009, c. 589, §12, is further
2 amended to read:

3 ~~The fee for a license under this chapter may not exceed \$150. The fee required by this~~
4 ~~section includes the cost of a biennial inspection of the micropigmentation facility by the~~
5 ~~department. However, the A license issued by the department pursuant to this chapter is~~
6 ~~issued biennially upon payment of a fee not to exceed \$150. The department may inspect~~
7 ~~the micropigmentation facility at any time. All fees collected by the department pursuant~~
8 ~~to this section must be deposited into a special revenue account dedicated to a health~~
9 ~~inspection program.~~

10 **Sec. 9. 32 MRSA §4324, sub-§3**, as enacted by PL 2021, c. 125, §37, is amended
11 to read:

12 **3. Additional inspection fees.** When an additional inspection is required to determine
13 an applicant's eligibility for licensure, the department is authorized to charge, in addition
14 to the usual fees under section 4325 ~~for one license, one licensure inspection and one~~
15 ~~follow-up inspection~~, an additional fee not to exceed \$200 to cover the costs of each
16 additional inspection or visit. The department may impose on the applicant a penalty
17 assessment for the applicant's failure to pay an additional inspection fee within 30 days of
18 the billing date.

19 **Sec. 10. 32 MRSA §4325**, as amended by PL 2009, c. 589, §13, is further amended
20 to read:

21 **§4325. Issuance of licenses**

22 The department may license persons to practice the art of body piercing. Licenses are
23 issued annually by the department upon the payment of a fee not to exceed \$250. The
24 license fee for a person engaged in both the arts of tattooing, as defined by ~~chapter 63~~ in
25 section 4201, and body piercing may not exceed \$300. The fee required by this section
26 includes the cost of ~~an annual one inspection and one follow-up inspection~~ of the body
27 piercing establishment by the department. Licenses expire one year from date of issue. All
28 fees collected by the department pursuant to this section must be deposited into a special
29 revenue account dedicated to a health inspection program.

30 A license issued in error by the department is void and must be returned to the
31 department on demand. Notice of the demand to return the license must be delivered by
32 hand or by certified mail to the licensee.

33 **SUMMARY**

34 This bill amends the law governing the licensing of eating establishments, lodging
35 places, recreational camps, youth camps, public pools, public spas and campgrounds by
36 creating an exception that allows a license to be transferred when a licensee has died. Under
37 the bill, the personal representative of the deceased licensee, or another authorized person,
38 may take over the license for one year after the date of the personal representative's or
39 another authorized person's appointment.

40 The bill enacts a provision that makes confidential the identity of a person making a
41 complaint concerning actions taken by the Department of Health and Human Services
42 associated with the department's licensing or regulatory authority over several categories
43 of professions and establishments.

1 The bill clarifies that for licenses issued for electrology, tattooing, micropigmentation
2 and body piercing, any license issued in error is void and must be returned to the department
3 on demand.

4 With respect to licensing for micropigmentation, the bill removes language that
5 establishes a specific calendar date for the biennial expiration of licenses and clarifies that
6 the term of a license is 2 years beginning on the date it is issued.

7 The bill also removes duplicative language in the provisions governing licensing for
8 micropigmentation and body piercings concerning the use of licensing fees to cover the
9 cost of the department's inspection.