

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 325 - L.D. 767

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

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

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

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

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

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

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

§2504. Confidentiality of investigative records

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

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been issued;
- B. A consent agreement has been executed;
- C. A letter of dismissal has been issued; or
- D. The investigation has otherwise been closed.

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

- A. To department employees designated by the commissioner to facilitate the investigation; and
- B. To other state or federal agencies when disclosure is determined necessary by the commissioner to avoid imminent and serious harm. The commissioner may not delegate the commissioner's authority to determine the need for disclosure under this paragraph.

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

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

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

§4252. Issuance of licenses

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

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 under this section 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.

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

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

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

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

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

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

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

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

3. Additional inspection fees. When an additional inspection is required to determine an applicant's eligibility for licensure, the department is authorized to charge, in addition to the usual fees under section 4325 ~~for one license, 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 assessment for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

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

§4325. Issuance of licenses

The department may license persons to practice the art of body piercing. Licenses are issued annually by the department upon the payment of a fee not to exceed \$250. The license fee for a person engaged in both the arts of tattooing, as defined by ~~chapter 63 in~~ section 4201, and body piercing may not exceed \$300. The fee required by this section includes the cost of ~~an annual one inspection and one follow-up inspection~~ of the body piercing establishment by the department. Licenses expire one year from date of issue. All

fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

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