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

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204. Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 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 signed and stamped by a professional engineer licensed in this State 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.

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

3. Civil 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 is subject to a fine 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. 3. 32 MRSA §1222, sub-§5 is enacted to read:

5. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation of this section.

Sec. 4. 32 MRSA §4204, sub-§1, as enacted by PL 2013, c. 264, §14, is amended to read:

1. 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 under section 4251 or performs tattooing on a minor commits a civil violation for which is subject to a fine 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. 5. 32 MRSA §4204, sub-§4 is enacted to read:

4. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation of this section.

Sec. 6. 32 MRSA §4318, sub-§1, as enacted by PL 2013, c. 264, §16, is amended to read:

1. 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 is subject to a fine 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. 7. 32 MRSA §4318, sub-§3 is enacted to read:

3. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation of this section.
Sec. 8. 32 MRSA §4327, sub-§1, as enacted by PL 2013, c. 264, §17, is amended to read:

1. 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 is subject to a fine 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. 9. 32 MRSA §4327, sub-§4 is enacted to read:

4. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation of this section.

SUMMARY

This bill changes the penalty for electrologists, tattoo artists, micropigmentation practitioners and body piercers found to be in violation of licensing and sterilization, sanitation or safety standards laws and rules from a civil violation to an administrative fine. It provides that each day a violation remains uncorrected may be counted as a separate offense and requires the Department of Health and Human Services to establish a schedule of penalties according to the nature and duration of the violation.

This bill also adds the requirement that a professional engineer licensed in this State review and certify plans for public pool and spa construction prior to submittal to the department. These plans must include a signed statement from the engineer that the plans and specifications meet the minimum standard published by the American National Standards Institute and the Association of Pool and Spa Professionals.