

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1100

S.P. 365

In Senate, April 2, 1987

Reference to the Committee on Business Legislation suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator PERKINS of Hancock.

Cosponsored by Representative DIAMOND of Bangor,
Representative ALLEN of Washington, Representative HILLOCK of
Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Register Acupuncturists.

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

Sec. 1. 22 MRSA c. 260 is enacted to read:

CHAPTER 260

ACUPUNCTURISTS

SUBCHAPTER I

GENERAL PROVISIONS

§1511. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Acupuncture. "Acupuncture" means the inser-
5 tion of fine metal needles through the skin at spe-
6 specific points on or near the surface of the body, with
7 or without the application of electric current, with
8 or without the application of heat to the needles,
9 skin, or both, and with or without the palpitation of
10 specific points on the body. The practice of acu-
11 puncture is based on traditional oriental theories
12 and serves to normalize physiological function, treat
13 certain diseases and dysfunctions of the body, pre-
14 vent or modify the perception of pain and promote
15 health and well-being.

16 2. Department. "Department" means the Depart-
17 ment of Human Services.

18 3. Person. "Person" means any individual, firm,
19 partnership, corporation or other association or or-
20 ganization.

21 §1512. Registration; penalty

22 1. Registration required. No person may prac-
23 tice acupuncture in this State unless that person is
24 registered with the department under this chapter.

25 2. Penalty. Any person who practices acupunc-
26 ture in violation of subsection 1 is guilty of a
27 Class E crime.

28 §1513. Exception

29 This chapter does not apply to any person who is
30 licensed to practice any healing art or science and
31 who is practicing acupuncture in the course of that
32 practice.

33 SUBCHAPTER II

34 REGISTRATION

35 §1514. Procedure; duration

1 Except as provided in section 1515, the depart-
2 ment shall register any person under this chapter who
3 passes an inspection under section 1516 within 60
4 days before that person is registered. Registration
5 under this chapter shall be valid for one year from
6 the date of registration.

7 §1515. Grounds for refusal, suspension or revocation

8 The following shall be grounds for the depart-
9 ment's refusal to register any person or for the Ad-
10 ministrative Court's suspension or revocation of the
11 registration of any person:

12 1. Noncompliance with rules. Noncompliance with
13 the rules adopted by the department under this chap-
14 ter;

15 2. Conviction of crime. Conviction of any crime
16 directly related to that person's practice of acu-
17 puncture; and

18 3. Registering by fraud. Attempting to register
19 or registering under this chapter by means of fraud
20 or under false pretenses.

21 SUBCHAPTER III

22 POWERS AND DUTIES

23 §1516. Powers and duties

24 The department shall register or refuse to regis-
25 ter any person under this chapter, investigate, in-
26 spect, examine and review as necessary to properly
27 administer this chapter, and make any appropriate
28 complaint to the Administrative Court.

29 §1517. Rules

30 The department shall adopt:

31 1. Administration. Rules for the proper admin-
32 istration of this chapter pursuant to the Maine Ad-
33 ministrative Procedure Act, Title 5, chapter 375; and

1 2. Practices of acupuncture. Rules governing
2 the practice of acupuncture relating to health, safe-
3 ty, sanitation, equipment, acupuncture procedures and
4 record keeping. The department shall not adopt rules
5 relating to personal qualification, including, but
6 not limited to, a person's age, education, training,
7 experience or residency.

8 §1518. Inspections

9 Upon any person's request and payment of a \$50
10 license fee, the department shall inspect that
11 person's place of practice and equipment for compli-
12 ance with the rules adopted by the department under
13 this chapter. All fees collected by the department
14 shall be deposited in the General Fund.

15 STATEMENT OF FACT

16 This bill provides for registration of
17 acupuncturists. The purpose of this bill is to en-
18 sure the safe and responsible practice of acupuncture
19 and to encourage the more effective utilization of
20 acupuncturists in this State.

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