

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 459

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H.P. 335

House of Representatives, February 16, 2021

### An Act To Change the Licensing Authority for Tattoo Artists

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Received by the Clerk of the House on February 11, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative FECTEAU of Augusta.  
Cosponsored by Senator POULIOT of Kennebec and  
Representatives: COLLINGS of Portland, DOORE of Augusta, WARREN of Hallowell,  
Senator: STEWART of Aroostook.

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

2 **Sec. 1. 32 MRSA §4204**, as repealed and replaced by PL 2013, c. 264, §14, is  
3 amended to read:

4 **§4204. Penalties**

5 **1. Penalty.** A person who fails to be licensed as required by this chapter, violates the  
6 sterilization, sanitation or safety standards adopted by the Department of ~~Health and~~  
7 ~~Human Services~~ Professional and Financial Regulation under section 4251 or performs  
8 tattooing on a minor commits a civil violation for which a fine of not less than \$500 nor  
9 more than \$1,000 may be adjudged for each violation.

10 **2. Enforcement.** A person who fails to pay a penalty imposed pursuant to this chapter:

11 A. May be referred to the Attorney General for appropriate enforcement action; and

12 B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for  
13 any interest, costs and fees incurred by the Department of ~~Health and Human Services~~  
14 Professional and Financial Regulation, including attorney's fees.

15 **Sec. 2. 32 MRSA c. 63, sub-c. 2, headnote** is amended to read:

16 **SUBCHAPTER 2**

17 **DEPARTMENT OF HUMAN SERVICES LICENSING AUTHORITY**

18 **Sec. 3. 32 MRSA §4251**, as amended by PL 1975, c. 293, §4 and PL 2003, c. 689,  
19 Pt. B, §6, is further amended to read:

20 **§4251. Rules and regulations**

21 The Department of ~~Health and Human Services~~ Professional and Financial Regulation  
22 is authorized and empowered to make necessary rules and regulations governing the  
23 application of tattoos upon the bodies of human beings.

24 **Sec. 4. 32 MRSA §4252**, as amended by PL 2013, c. 264, §15, is further amended  
25 to read:

26 **§4252. Issuance of licenses**

27 The Department of ~~Health and Human Services~~ Professional and Financial Regulation  
28 may license persons to practice the art of tattooing. Such licenses are issued for a term of  
29 one year and may be renewed annually. The fee for an initial license or a renewal license  
30 may not exceed \$250. All fees collected by the department pursuant to this section must  
31 be deposited in a special revenue account dedicated to a health inspection program.

32 **Sec. 5. 32 MRSA §4301**, as amended by PL 1975, c. 293, §4 and PL 2003, c. 689,  
33 Pt. B, §6, is further amended to read:

34 **§4301. License required**

35 No person shall place a tattoo upon the body of another human being without first  
36 obtaining a license from the Department of ~~Health and Human Services~~ Professional and  
37 Financial Regulation.

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**SUMMARY**

This bill changes the licensing authority for tattoo artists from the Department of Health and Human Services to the Department of Professional and Financial Regulation.