

# MAINE STATE LEGISLATURE

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Date 5/11/23

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**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE**

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**SENATE**

7

**131ST LEGISLATURE**

8

**FIRST SPECIAL SESSION**

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COMMITTEE AMENDMENT "A" to SP 75, LD 146, "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"

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Amend the bill by striking out the title and substituting the following

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**'An Act to Clarify Assessment of Penalties for Tattoo Artists, Body Piercers, Electrologists and Micropigmentation Practitioners and to Change Requirements for the Approval of Public Pool and Spa Plans'**

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Amend the bill by striking out everything after the enacting clause and inserting the following

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**'Sec. 1. 22 MRSA §2662, sub-§4**, as amended by PL 2007, c 631, §4, is further amended to read

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**4 Residential spa** "Residential spa" means any constructed spa, permanently installed or portable, that is used in connection with a single or multifamily residence, used by tenants of apartment buildings, owners of condominiums or members of property owners associations and available only to these residents and their private guests or used by guests of a lodging place as defined in section 2491, subsection 7-F that has 10 or fewer rooms or cottages

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**Sec. 2. 22 MRSA §2665, 2nd ¶**, as amended by PL 2007, c 631, §7, is further amended to read

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~~The design criteria to be followed by the department in the review and approval is~~  
Submitted plans and specifications must be sealed by a licensed professional engineer under Title 32, chapter 19 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 as identified by the department by rule

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**COMMITTEE AMENDMENT**

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

3           **3 ~~Civil~~ Administrative penalty.** A person who practices electrology without a  
 4 license or who violates the sterilization, sanitation or safety standards adopted by the  
 5 department under this chapter ~~commits a civil violation for which a fine is subject to an~~  
 6 administrative penalty, imposed by the department, of not less than \$500 nor more than  
 7 \$1,000 ~~may be adjudged~~ for each violation Each day the violation remains uncorrected  
 8 may be counted as a separate offense

9           **Sec. 4. 32 MRSA §1222, sub-§5** is enacted to read

10           **5. Schedule of penalties** The department shall adopt major substantive rules in  
 11 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties  
 12 according to the nature and duration of the violation of this section

13           **Sec. 5. 32 MRSA §4204, sub-§1**, as enacted by PL 2013, c 264, §14, is amended  
 14 to read

15           **1. ~~Penalty~~ Administrative penalty** A person who fails to be licensed as required by  
 16 this chapter, violates the sterilization, sanitation or safety standards adopted by the  
 17 ~~Department of Health and Human Services~~ department under section 4251 or performs  
 18 tattooing on a minor ~~commits a civil violation for which a fine is subject to an~~  
 19 administrative penalty, imposed by the department, of not less than \$500 nor more than  
 20 \$1,000 ~~may be adjudged~~ for each violation Each day the violation remains uncorrected  
 21 may be counted as a separate offense

22           **Sec. 6. 32 MRSA §4204, sub-§4** is enacted to read

23           **4. Schedule of penalties** The department shall adopt major substantive rules in  
 24 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties  
 25 according to the nature and duration of the violation of this section

26           **Sec. 7. 32 MRSA §4318, sub-§1**, as enacted by PL 2013, c 264, §16, is amended  
 27 to read

28           **1. ~~Penalty~~ Administrative penalty.** A person who fails to be licensed as provided by  
 29 section 4312 or violates the sterilization, sanitation or safety standards adopted by the  
 30 department under section 4313 ~~commits a civil violation for which a fine is subject to an~~  
 31 administrative penalty, imposed by the department, of not less than \$500 nor more than  
 32 \$1,000 ~~may be adjudged~~ for each violation Each day the violation remains uncorrected  
 33 may be counted as a separate offense

34           **Sec. 8. 32 MRSA §4318, sub-§3** is enacted to read

35           **3. Schedule of penalties** The department shall adopt major substantive rules in  
 36 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties  
 37 according to the nature and duration of the violation of this section

38           **Sec. 9. 32 MRSA §4327, sub-§1**, as enacted by PL 2013, c 264, §17, is amended  
 39 to read

40           **1. ~~Penalty~~ Administrative penalty.** A person who fails to be licensed as provided by  
 41 section 4324, violates the sterilization, sanitation or safety standards adopted by the  
 42 department under section 4326 or performs body piercing on a minor without parental

1 consent under section 4323 ~~commits a civil violation for which a fine is subject to an~~  
2 administrative penalty, imposed by the department, of not less than \$500 nor more than  
3 \$1,000 may be adjudged for each violation Each day the violation remains uncorrected  
4 may be counted as a separate offense

5 **Sec. 10. 32 MRSA §4327, sub-§4** is enacted to read

6 **4. Schedule of penalties** The department shall adopt major substantive rules in  
7 accordance with Title 5, chapter 375, subchapter 2-A establishing a schedule of penalties  
8 according to the nature and duration of the violation of this section '

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
10 number to read consecutively

11 **SUMMARY**

12 This amendment adds to the definition of "residential spa" to include a spa located at a  
13 lodging place with 10 or fewer rooms or cottages It replaces the bill's requirement that  
14 pool and spa plans and specifications be signed and stamped by an engineer with a  
15 requirement that the plans and specifications be sealed by a licensed professional engineer  
16 to better reflect industry standards It clarifies that successor organizations of the American  
17 National Standards Institute and the Association of Pool and Spa Professionals will be  
18 identified by department rule It clarifies that the penalties imposed for violations for  
19 practitioners of certain occupations are administrative penalties

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 131st MAINE LEGISLATURE

LD 146

LR 148(02)

**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**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (5-86)**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

### Correctional and Judicial Impact Statements

The collection of additional fine revenue from electrologists, tattoo artists, micropigmentation practitioners and body piercers will increase General Fund and dedicated revenue by minor amounts

### Fiscal Detail and Notes

Any additional costs or increase in revenue to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources