

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

The payments shall ~~are~~ not be construed to be a prohibited use of the general assets of the State, county, city or other political subdivision.

Sec. 7. 5 MRSA §889, as enacted by PL 1973, c. 491, is repealed and the following enacted in its place:

§889. Liability limited

The financial liability of the State, county, city, town or other political subdivision under a tax-deferred arrangement under this chapter is limited in each instance to the transmittal to the provider of the investment product or products selected by an employee of that portion of the employee's compensation deferred under the tax-deferred arrangement while the enrollee remains an employee of the State, county, city, town or other political subdivision enrolled in the tax-deferred arrangement, and only to the amount of the portion of the employee's compensation.

Sec. 8. 5 MRSA §12004-I, sub-§25, as enacted by PL 1987, c. 786, §5, is amended to read:

25.	Advisory Council on- Deferred Compensation Plans Tax- deferred Arrangements	Expenses Only	5 MRSA §884
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Sec. 9. Report required. The Commissioner of Administrative and Financial Services shall issue a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than February 15, 1999. The report must include the following:

1. A list and addresses of firms that bid in accordance with the Maine Revised Statutes, Title 5, section 885;
2. A list and addresses of firms selected by the Advisory Council on Tax-deferred Arrangements; and
3. A statement that includes a rationale for decreasing, maintaining or expanding the number of firms eligible to participate in tax-deferred arrangements.

See title page for effective date.

CHAPTER 205

S.P. 338 - L.D. 1116

An Act to Prevent Discrimination

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

Sec. 1. 5 MRSA §4552, as amended by PL 1993, c. 327, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin; and in employment, discrimination on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, sexual orientation, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental disability.

Sec. 2. 5 MRSA §4553, sub-§9-C is enacted to read:

9-C. Sexual orientation. "Sexual orientation" means having a preference for heterosexuality, homosexuality or bisexuality, having a history of that preference or being identified with that preference.

Sec. 3. 5 MRSA §4553, sub-§10, ¶E, as amended by PL 1983, c. 578, §2, is further amended to read:

E. In determining whether ~~any~~ a person is acting as an agent or employee of another person so as to make ~~such the~~ other person responsible for ~~his~~ that person's acts, the question of whether the specific acts performed were actually authorized or subsequently ratified ~~shall is~~ not be controlling; ~~and~~

Sec. 4. 5 MRSA §4553, sub-§10, ¶F, as enacted by PL 1983, c. 578, §2, is amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter V-B-; and

Sec. 5. 5 MRSA §4553, sub-§10, ¶G is enacted to read:

G. Discrimination in employment, housing, public accommodations and credit on the basis of sexual orientation, except that a religious corpo-

ration, association or organization is exempt from these provisions.

See title page for effective date.

CHAPTER 206

H.P. 358 - L.D. 481

An Act to Regulate Body Piercing

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

Sec. 1. 32 MRSA c. 64 is enacted to read:

CHAPTER 64

BODY PIERCING

§4321. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Body piercer.** "Body piercer" means a person who performs body piercing on another.

2. **Body piercing.** "Body piercing" means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

3. **Body piercing establishment.** "Body piercing establishment" means the premises where a body piercer performs body piercing.

4. **Department.** "Department" means the Department of Human Services.

5. **Minor.** "Minor" means an individual under 18 years of age who is not emancipated as defined by Title 15, section 3003, subsection 6.

§4322. Safety standards

The department shall establish sterilization, sanitation and safety standards for persons engaged in the business of body piercing. The standards must be directed at establishment and maintenance of sterile conditions and safe disposal of instruments. The standards may be modified as appropriate to protect consumers from transmission of contagious diseases through cross-contamination of instruments and

supplies. The standards must be adopted by the department by November 1, 1997.

§4323. Body piercing of minors

A body piercer may not perform body piercing on a minor unless the individual obtains the prior written consent of the minor's parent or legal guardian. The prohibition contained in this section does not apply if:

1. **Proper identification.** The body piercer has been furnished with proper identification showing that the individual is 18 years of age or older; and

2. **Age.** The body piercer reasonably believes such a minor to be 18 years of age or older.

§4324. License required

A person may not engage in the art of body piercing without first obtaining a license from the department.

§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 \$75. The license for a person engaged in both the arts of tattooing, as defined by chapter 63, and body piercing may not exceed \$100. The fee required by this section includes the cost of an annual inspection of the body piercing establishment by the department. Licenses expire one year from date of issue.

§4326. Rules

The department shall adopt rules necessary for regulating the art of body piercing. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

§4327. Penalties

A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards or performs body piercing on a minor without parental consent is guilty of a civil violation for which a forfeiture of not less than \$50 nor more than \$500 may be adjudged for each violation.

§4328. Compliance

Beginning January 1, 1998, a person seeking to engage in the business of body piercing shall comply with the provisions of this chapter.

§4329. Restriction