

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

ration, association or organization is exempt from these provisions.

See title page for effective date.

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## 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

This chapter does not restrict the activities of a physician or surgeon licensed under chapter 48.

See title page for effective date.

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## CHAPTER 207

S.P. 49 - L.D. 159

### An Act to Clarify the Parity Provision in Maine Banking Law

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** while Maine law encourages parity between state and federally chartered financial institutions, it is unclear whether current parity provisions would permit state-chartered financial institutions the same powers as are accorded federally chartered financial institutions; and

**Whereas,** the majority of Maine's banking assets are in state-chartered financial institutions, and it is essential to the economy of Maine that state-chartered financial institutions have the same powers and abilities as federally chartered financial institutions; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 9-B MRSA §416,** as enacted by PL 1975, c. 500, §1, is amended to read:

#### §416. Powers of federally chartered institutions

To the extent authorized by the superintendent pursuant to regulations Notwithstanding any other provisions of law, a financial institution shall have has the power to engage in any activity which that financial institutions chartered by or otherwise subject to the jurisdiction of the Federal Government may hereafter be authorized to engage in by federal legislation or regulations issued pursuant to such legislation. In the event any law of this State is preempted or declared invalid pursuant to applicable federal law, by a court of competent jurisdiction or by the responsible federal chartering authority with respect to any power that may be exercised by a financial institution chartered by or otherwise subject to the jurisdiction of the Federal Government, that law

is invalid with respect to financial institutions authorized to do business in this State. The superintendent may adopt rules to ensure that such powers are exercised in a safe and sound manner with adequate consumer protections. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. 9-B MRSA §828,** as enacted by PL 1975, c. 500, §1, is amended to read:

#### §828. Powers of federally chartered credit unions

To the extent authorized by the superintendent pursuant to regulations Notwithstanding any other provisions of law, a credit union shall have has the power to engage in any activity which that a credit union chartered by or otherwise subject to the jurisdiction of the Federal Government may hereafter be authorized to engage in by Federal federal legislation or regulations issued pursuant to such legislation. In the event any law of this State is preempted or declared invalid pursuant to applicable federal law, by a court of competent jurisdiction or by the responsible federal chartering authority with respect to any power that may be exercised by a credit union chartered by or otherwise subject to the jurisdiction of the Federal Government, that law is invalid with respect to credit unions authorized to do business in this State. The superintendent may adopt rules to ensure that such powers are exercised in a safe and sound manner with adequate consumer protections. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 3. 24-A MRSA §212-A** is enacted to read:

#### §212-A. Parity for insurance agents and brokers

Notwithstanding any other provision of law, to the extent authorized by the superintendent by rule, a licensed agent or broker has the power to engage in any insurance activity that financial institutions chartered by or otherwise subject to the jurisdiction of the Federal Government are authorized to engage in pursuant to federal law or regulation or by a court of competent jurisdiction. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 16, 1997.

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