

# 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**

The court shall immediately forward the license to the Secretary of State together with the record of adjudication. Immediately upon receipt of the record, the Secretary of State shall suspend the license or right to operate or right to obtain a license of the minor for the required period without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.

**5. Execution of suspension stayed during appeal.** If any person adjudicated to be in violation of this section appeals from the judgment of the trial court, the execution of any suspension imposed on that person's license, right to obtain a license or right to operate a motor vehicle in the State must be stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn.

**6. Penalty.** If a minor is charged with a violation of this section, the minor may not be charged with a violation of section 2383 or Title 17-A, chapter 45.

See title page for effective date.

## CHAPTER 383

H.P. 1270 - L.D. 1796

### An Act to Provide Licensing for Micropigmentation Practitioners

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

Sec. 1. 32 MRSA c. 63-A is enacted to read:

#### CHAPTER 63-A

#### MICROPIGMENTATION

##### §4311. Definitions

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

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

**2. Micropigmentation.** "Micropigmentation" means placing nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or medical purposes. "Micropigmentation" does not include tattooing.

**3. Micropigmentation facility.** "Micropigmentation facility" means any space where micropigmentation is practiced.

**4. Micropigmentation practitioner.** "Micropigmentation practitioner" means a person who practices micropigmentation.

##### §4312. License required

**1. Requirement.** A person may not practice micropigmentation, display a sign or otherwise advertise or purport to be a micropigmentation practitioner unless that person holds a valid license issued by the department.

**2. Term of license.** A license issued under this chapter expires on September 30th and is renewable biennially.

**3. Exemption.** This chapter does not apply to a physician or a person acting under the control or supervision of a physician.

##### §4313. Licensing rules

The department shall adopt licensing rules governing the practice of micropigmentation under this chapter. Rules adopted under this chapter are routine technical rules for purposes of Title 5, chapter 375, subchapter II-A. The rules must include the following.

**1. Standards of practice.** The department shall adopt rules that provide standards for the practice of micropigmentation that include at least the following.

A. Instruments used for micropigmentation must be sterilized in a manner specified by the department.

B. Micropigmentation facilities must be equipped with appropriate sterilization equipment, hot and cold running water and a covered waste receptacle.

C. Case history records must be kept for each client.

D. A micropigmentation practitioner must demonstrate safety, sanitation and sterilization procedures and knowledge of infection control.

**2. Education and training.** The department shall adopt rules specifying the education and training standards for the practice of micropigmentation. The rules may require continuing education.

The licensing rules must be adopted by the department by November 1, 1997.

##### §4314. Fee

The fee for a license under this chapter may not exceed \$50. The fee required by this section includes the cost of a biennial inspection of the micropigmenta-

tion facility by the department. However, the department may inspect the facility at any time.

#### **§4315. Eligibility**

To be eligible for a license under this chapter a person must:

- 1. Age.** Be at least 18 years of age;
- 2. High school diploma.** Have a high school diploma or equivalent education;
- 3. Additional training.** Submit evidence of completion of education or training required by rules of the department under the direct supervision of a licensed micropigmentation practitioner; and
- 4. Compliance.** Demonstrate ability to comply with the rules of the department.

#### **§4316. Revocation; suspension; or refusal to issue**

The department may revoke, suspend or refuse to issue a license or renewal or place a licensee on probation if:

- 1. Conviction.** The person has been convicted of a crime related to the practice of micropigmentation;
- 2. Deception or misrepresentation.** Has engaged in any deception or misrepresentation to the department or the public in applying for a license under this chapter or in the advertising or practice of micropigmentation;
- 3. Incompetence.** Has demonstrated negligence, incompetence or danger to the public in the practice of micropigmentation; or
- 4. Violation of rules.** Has violated any of the rules adopted by the department under this chapter.

#### **§4317. Compliance**

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

See title page for effective date.

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## **CHAPTER 384**

**H.P. 1271 - L.D. 1797**

### **An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System**

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

**Whereas,** amendments were made to the Maine State Retirement System disability laws in earlier years for the purpose of compliance with the federal Older Workers Benefit Protection Act; and

**Whereas,** the way in which the amendments were enacted makes it very difficult for persons who did not elect to move to the Maine State Retirement System's "no-age" disability plan to know the requirements and terms of the disability plan under which they continue to be covered; and

**Whereas,** other amendments to the Maine State Retirement System disability laws made for the same purpose were not made to all of the affected sections of the law, such that inconsistencies now exist; and

**Whereas,** certain inconsistencies in the disability laws related to Legislators and judges also exist; and

**Whereas,** immediate enactment of legislation is necessary to clarify application of disability laws and to resolve inconsistencies in those laws; 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. 4 MRSA §1353, sub-§1-A, ¶B,** as enacted by PL 1983, c. 863, Pt. B, §§26 and 45, is repealed.

**Sec. 2. 4 MRSA §1353, sub-§2,** as amended by PL 1995, c. 643, §3, is further amended to read:

**2. Amount.** ~~Until July 1, 1996~~ When a member qualified under subsection 1 and, if applicable, subsection 1-A, paragraph A, retires, the amount of a disability retirement allowance is 59% of the member's average final compensation. The 59% level must be reviewed for cost-neutral comparability as a part of the actuarial investigation provided under Title 5, section 17107, subsection 2, paragraph E, beginning with the investigation made January 1, 1997 and every 6 years after that time. The review that takes place every 6 years must compare actual experience under the disability plans with actuarial assumptions regarding election and costs of benefits under the new options elected and identify possible options for compliance with the federal Older Workers Benefit