

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

A. For a first violation, revocation of the person's hunting licenses for one year from the date the commissioner or the commissioner's designee issues a decision under this subsection;

B. For a 2nd violation, revocation of the person's hunting licenses for 2 years from the date the commissioner or the commissioner's designee issues a decision under this subsection; or

C. For subsequent violations, revocation of the person's hunting licenses for 3 years from the date the commissioner or the commissioner's designee issues a decision under this subsection.

4. Additional penalties; mutually exclusive penalties. In addition to the penalties specified in subsection 3, a person who violates section 10657 while hunting, as determined by the presiding officer, the commissioner or the commissioner's designee under this section, must successfully complete the outdoor ethics course for hunters under section 10903-A before the person is eligible to obtain a hunting license. If a person who violates section 10657 while hunting does not possess a hunting license at the time of violation, the commissioner or commissioner's designee may refuse to issue a hunting license to that person for up to 5 years following the violation in accordance with the procedures established in this section. If the person alleged to have violated section 10657 is convicted or adjudicated of a crime or civil violation under that section, the commissioner or the commissioner's designee may not impose an administrative penalty under this section.

5. Appeal. A person may appeal an administrative action under subsection 3 or 4 to the Superior Court within 30 days of receipt of the commissioner's or the commissioner's designee's decision under subsection 3 or 4.

See title page for effective date.

**CHAPTER 125**

**S.P. 337 - L.D. 1069**

**An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities**

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

**Sec. 1. 22 MRSA §2175**, as amended by PL 2013, c. 533, §21 to 23, is repealed.

**Sec. 2. 22 MRSA c. 562, headnote** is amended to read:

**CHAPTER 562**

**EATING ESTABLISHMENTS, LODGING PLACES, CAMPGROUNDS, RECREATIONAL AND SPORTING CAMPS, YOUTH CAMPS AND EATING ESTABLISHMENTS, PUBLIC POOLS AND PUBLIC SPAS**

**Sec. 3. 22 MRSA §2491, sub-§1**, as amended by PL 2011, c. 193, Pt. A, §1, is further amended to read:

**1. Campground.** "Campground" means, in addition to the generally accepted definitions, camping areas, recreational vehicle parks, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents, recreational vehicles, rental cabins and cottages are permitted on 5 or more sites for compensation ~~either directly or indirectly or indirect compensation.~~ "Campground" includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. "Campground" does not include parking lots or areas where camping is not authorized.

**Sec. 4. 22 MRSA §2491, sub-§7-F**, as amended by PL 2013, c. 264, §4, is further amended to read:

**7-F. Lodging place.** "Lodging place" means a ~~building or fixed structure, or any part of a building or structure, used, maintained, or advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes that offers stays that are temporary in nature and consist of fewer than 183 days in the aggregate per year.~~ "Lodging place" includes, ~~accommodations in the entertainment, hospitality, recreation and tourism industries, including, but is not limited to, hotels, motels, bed and breakfasts and, inns where the owner or managing entity maintains the lodging facilities and the structures are located in the same general physical location.~~ "Lodging place" includes a ~~property and properties~~ under common management ~~at the same location~~ where 4 or more rooms, cottages or condominium units are ~~rented to the public available.~~ "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated with educational institutions, permanent residences, ~~rooming houses, tenancies at will~~ or rental properties with tenant and landlord relationships ~~as described under Title 14, chapters 709 to 710-D, nursing facilities as defined in section 1812-A, assisted living programs as defined in section 7852, subsection 4 or residential care facilities as defined in section 7852, subsection 14.~~

**Sec. 5. 22 MRSA §2491, sub-§7-G** is enacted to read:

**7-G. Indirect compensation.** "Indirect compensation" means nonmonetary consideration provided to a consumer or patron.

**Sec. 6. 22 MRSA §2491, sub-§10-C** is enacted to read:

**10-C. Permanent residence.** "Permanent residence" means the primary location where a person lives 183 days or more in a year in the aggregate, as determined in accordance with department rule.

**Sec. 7. 22 MRSA §2491, sub-§11,** as repealed and replaced by PL 2011, c. 193, Pt. A, §9, is amended to read:

**11. Recreational camp or sporting camp.** "Recreational camp" or "sporting camp" means a building or group of buildings devoted primarily to the offering of primitive eating and lodging facilities to guests only, with 4 or more rooms or cottages for rent, for a fee to persons who want primitive seeking recreation, including snowmobiling, hunting, fishing and similar camps activities, not including ~~summer sports~~ programs overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

**Sec. 8. 22 MRSA §2491, sub-§16,** as amended by PL 2011, c. 193, Pt. A, §13, is further amended to read:

**16. Youth camp.** "Youth camp" means a combination of program and facilities established for the primary purpose of providing an outdoor group living experience for children with social, recreational, spiritual and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year. "Youth camp" includes day camps, residential camps and trip and travel camps. "Youth camp" does not include ~~summer sports~~ programs overseen by employees or volunteers of municipalities and educational institutions when the activities generally take place at municipal or institutional properties and buildings.

**Sec. 9. 22 MRSA §2492, sub-§1,** as amended by PL 2017, c. 322, §4, is further amended to read:

**1. License required.** A person, corporation, firm or copartnership may not conduct, control, manage or operate the following establishments for compensation, ~~directly or indirectly,~~ indirect compensation without a license issued by the department:

- A. An eating establishment;
- C. A lodging place;
- D. A recreational camp or sporting camp;
- E. A campground;
- F. A youth camp;
- G. A public pool; or
- H. A public spa.

Licenses issued must be displayed in a place readily visible to customers or other persons using a licensed establishment.

**Sec. 10. 22 MRSA §2492, sub-§3,** as amended by PL 2011, c. 193, Pt. A, §15, is further amended to read:

**3. Campground; presumption.** If a campground consists of 5 or more tents or recreational vehicles on a commercial lot, regardless of fees charged, it is presumed that the owner or renter of the lot is receiving compensation for the use of a campground. The owner or renter may rebut the presumption if the owner or renter presents a preponderance of evidence to the contrary.

**Sec. 11. 22 MRSA §2494, first ¶,** as amended by PL 2017, c. 322, §5, is further amended to read:

Each application for, or for renewal of, a license to operate an eating establishment, lodging place, recreational camp, youth camp, public pool, public spa or campground within the meaning of this chapter must be accompanied by a fee, appropriate to the size of the establishment, place, camp, pool, spa or area of the licensee, determined by the department and not to exceed the fees listed below. All fees collected by the department must be deposited into a special revenue account established for this purpose. No such fee may be refunded. No license may be assignable or transferable. The fees may not exceed:

**Sec. 12. 22 MRSA §2494, sub-§2,** as amended by PL 2011, c. 193, Pt. B, §2, is further amended to read:

**2. ~~Sixty One hundred dollars. Sixty One hundred~~ dollars for each inspection for any an establishment that is located in a municipality that requires local inspections of establishments to cover the costs of standardizing inspection practices; administrative licensing and maintaining a centralized database; ongoing training, investigation, compliance and technical assistance; and legal interpretation and advice; and**

**Sec. 13. 22 MRSA §2495,** as amended by PL 2017, c. 322, §6, is further amended to read:

**§2495. Issuance of licenses**

The department shall, within 30 days following receipt of a complete application, issue an annual license to operate any eating establishment, lodging place, recreational camp, youth camp ~~or,~~ campground, public pool or public spa that is found to comply with this chapter and the rules adopted by the department.

When any ~~initial~~ applicant is found, based upon an inspection by the department or by municipal inspection made according to section 2499, not in compliance with the requirements of this chapter or departmental ~~regulations~~ rules adopted and approved pursuant to section 2496 or 2499, subsection 1, the department may refuse

issuance of the ~~initial~~ license, ~~but~~ and shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. ~~A conditional license may not exceed 90 days. The department may issue only one conditional license per applicant, which is valid for up to one year.~~ Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license.

The conditional license ~~shall be~~ is void when the department has delivered in hand or by certified mail a written notice to the conditional licensee or, if the licensee cannot be reached for service in hand or by certified mail, has left notice thereof at the facility.

A conditional licensee may apply for an annual license if the conditional license is voided or expires. A conditional licensee must meet all conditions before applying for an annual license.

The department may redistribute expiration dates for new and renewed licenses to provide for comparable distribution of licenses on a quarterly basis throughout the year and shall prorate the fees for licenses with a term less or more than one year. The prescribed fee ~~shall~~ must accompany the application for a new license, or the renewal of a license.

Licenses ~~shall~~ must be renewed ~~upon application therefor~~ annually and upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed, and subject to compliance with ~~regulations~~ rules of the department and with this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of the license.

The issuance of the license provided for in this chapter does not provide exemption from other state or local laws, ordinances or ~~regulations~~ rules, notwithstanding any other provision of law.

Licenses erroneously issued by the department are void and ~~shall~~ must be returned to the department on demand in a notice delivered by hand or by certified mail to the licensee. For cause, the department may revoke or suspend any license pursuant to section 2500.

**Sec. 14. 22 MRSA §2498, sub-§1, ¶C,** as amended by PL 2017, c. 322, §7, is further amended to read:

C. ~~Any~~ The department may impose penalties up to \$5,000 on any person, corporation, firm or partnership that operates any eating establishment, lodging place, recreational camp, youth camp, public pool or public spa or campground without ~~first obtaining a license as required by this chapter~~ must be punished, upon adjudication of unlicensed operation, by a fine of not less than \$25 nor more than \$200, and upon a 2nd or subsequent adjudication of unlicensed operation must be punished by a fine of

~~not less than \$200 nor more than \$500 an active, valid license, as determined by the department. Each day any such person, corporation, firm or co-partnership operates without obtaining a an active, valid license constitutes a separate offense.~~

**Sec. 15. 22 MRSA §2499, sub-§6,** as amended by PL 2011, c. 193, Pt. A, §17, is further amended to read:

**6. License fee.** When a license is issued to an establishment, as described in section 2492, subsection 1, located in a municipality to which authority to conduct inspection has been delegated by the department as specified in this section, the requirement for payment of a license fee by the establishment to the department as set forth in section 2494 must be waived. However, the licensee is required to pay the department a sum not to exceed \$100 to ~~support the costs of mailing and handling~~ cover the costs of standardizing inspection practices; administrative licensing and maintaining a centralized database; ongoing training, investigation, compliance and technical assistance; and legal interpretation and advice.

**Sec. 16. 22 MRSA §2503** is enacted to read:  
**§2503. Articles detained, embargoed and condemned**

Whenever a duly designated officer or employee of the department finds or has reason to believe that an establishment licensed under this chapter prepares or sells any food that is adulterated pursuant to section 2156 or misbranded pursuant to section 2157, an order detaining or embargoing that food may be issued to any person or persons with possession or control thereof and the officer or employee may affix or require the person to whom the order is directed to affix to such article a tag or other appropriate marking giving notice that such article is or is suspected of being adulterated or misbranded and has been detained or embargoed and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such officer or employee or the court. It is unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission. Orders relating to detention and embargo issued pursuant to this chapter may not be considered licensing or an adjudicatory proceeding, as those terms are defined under Title 5, chapter 375.

When any such officer or employee finds an article detained or embargoed under this section to be adulterated or misbranded, the officer or employee may petition the District Court or Superior Court in whose jurisdiction the article is detained or embargoed for a libel for condemnation of such article if the licensee is unwilling to dispose of the article. When such officer or employee has found that an article so detained or embargoed is not adulterated or misbranded, the officer or employee shall remove the tag or other marking.

If the court finds that a detained or embargoed article is adulterated or misbranded, such article must, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such officer or employee, and all court costs and fees and storage and other proper expenses must be taxed against the claimant of such article or the claimant's agent. When the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article will be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an officer or employee of the department. The expense of such supervision must be paid by the claimant. Such bond must be returned to the claimant of the article on representation to the court by the commissioner that the article is no longer in violation of this chapter and that the expenses of such supervision have been paid. For purposes of this paragraph, proper labeling may include displaying required information by law, on a menu board, on a sign or in an open manner at the location where the article is for sale and served.

Whenever the commissioner or an officer or employee of the department finds in any room, building, vehicle of transportation or other structure of an establishment licensed under this chapter any meat, seafood, poultry, vegetable, fruit or other perishable articles that are unsound or contain any filthy, decomposed or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe, the same being declared to be a nuisance, the commissioner or the officer or employee shall forthwith destroy the same or in any other manner render the same unsalable as human food.

The department is authorized to enact rules pursuant to this chapter to ensure compliance with this chapter and to protect public health.

**Sec. 17. 32 MRSA §1222, sub-§1-A** is enacted to read:

**1-A. License renewal.** A license under this chapter may be renewed annually upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed and subject to compliance with rules of the department and this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of a license.

**Sec. 18. 32 MRSA §1222, sub-§1-B** is enacted to read:

**1-B. Conditional license.** When an applicant for an initial license or a renewal license is found, based upon an inspection by the department, not in compliance with this chapter or rules adopted pursuant to section 1242, the department may refuse issuance of the

initial or renewal license, but shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license. The applicant may reapply for an annual license if the conditional license is voided or expires; however, the department may not reissue another conditional license. All conditions must be met in order for an applicant to reapply for and be issued an annual license.

**Sec. 19. 32 MRSA §1231-A**, as amended by PL 2013, c. 264, §9, is further amended to read:

**§1231-A. Licensure requirements**

**1. Licensure requirements.** Except as provided in section ~~1233~~ 1233-A, the department shall issue a license to any person under this chapter who:

- A. Is at least 17 years of age;
- B. Has a high school diploma or its equivalent; and
- C. Passes an inspection under section 1243 within 60 days before the license is issued.

**2. Exemption.** A person who has a valid electrology license from the department as of January 1, 1991 is exempt from the requirements of subsection 1.

**3. Reciprocity.** Except as provided in section ~~1233~~ 1233-A and notwithstanding the requirements of subsection 1, the department shall issue a license to any applicant under this chapter who provides the department with evidence that the applicant has 3 years of experience as an electrologist in another state. That proof must consist of notarized copies of the license or registration issued by the state where the applicant last practiced electrology.

**Sec. 20. 32 MRSA §1233**, as amended by PL 2013, c. 264, §§11 and 12, is repealed.

**Sec. 21. 32 MRSA §1233-A** is enacted to read:

**§1233-A. Grounds for refusal, suspension or revocation**

The department may revoke, suspend or refuse to issue or renew a license under this chapter or place a licensee on probation if:

**1. Conviction of crime.** The applicant or licensee has been convicted of a crime related to the practice of electrology;

**2. Deception or misrepresentation.** The applicant or licensee has engaged in any deception or misrepresentation to the department or the public in applying for a license or license renewal under this chapter or in the advertising or practice of electrology;

**3. Negligence; incompetence; endangering the public.** The applicant or licensee has demonstrated

negligence or incompetence or has endangered the public in the practice of electrology; or

**4. Violation of rule.** The applicant or licensee has violated a rule adopted by the department under this chapter.

**Sec. 22. 32 MRSA §1243**, as amended by PL 2009, c. 589, §10, is further amended to read:

**§1243. Inspections Right of entry, inspection and determination of compliance**

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed, or a place where a licensed electrologist practices, pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules adopted by the department under this chapter. The right of entry and inspection extends to any premises that the department has reason to believe is being operated or maintained without a license or a place where a licensed electrologist practices, but no such entry and inspection of any premises or place may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. Determination of compliance with this chapter and any rules adopted under this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

Upon any person's request and payment of a fee not to exceed \$150, the department shall inspect that person's training, place of practice and equipment for compliance with this chapter and the rules adopted by the department under this chapter. All fees collected by the department must be deposited in a special revenue account dedicated to a health inspection program.

**1. Additional inspection fees.** When an additional inspection is required to determine an applicant's eligibility for licensure under this chapter, the department is authorized to charge, in addition to the usual fees imposed pursuant to this chapter for one license, which includes one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a penalty for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

**Sec. 23. 32 MRSA §4201** is repealed and the following enacted in its place:

**§4201. 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 Health and Human Services.

**2. Tattoo.** "Tattoo" means to insert pigment under the skin of a human being by pricking with a needle or otherwise so as to produce an indelible mark or figure visible through the skin.

**Sec. 24. 32 MRSA §4204, sub-§3** is enacted to read:

**3. Grounds for refusal, suspension or revocation.** The department may revoke, suspend or refuse to issue or renew a license under this chapter or place a licensee on probation if:

A. The applicant or licensee has been convicted of a crime related to the practice of tattooing;

B. The applicant or licensee has engaged in any deception or misrepresentation to the department or the public in applying for a license or license renewal under this chapter or in the advertising or practice of tattooing;

C. The applicant or licensee has demonstrated negligence or incompetence or has endangered the public in the practice of tattooing; or

D. The applicant or licensee has violated a rule adopted by the department under this chapter.

**Sec. 25. 32 MRSA §4205** is enacted to read:

**§4205. Right of entry, inspection and determination of compliance**

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed, or a place where a person licensed under this chapter practices, pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules adopted by the department under this chapter. The right of entry and inspection extends to any premises that the department has reason to believe is being operated or maintained without a license or a place where a person licensed under this chapter practices, but no such entry and inspection of any premises or place may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. Determination of compliance with this chapter and any rules adopted under this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

**Sec. 26. 32 MRSA §4252, sub-§1** is enacted to read:

**1. Additional inspection fees.** When an additional inspection is required to determine an applicant's eligibility for licensure under this chapter, the department is authorized to charge, in addition to the usual fees under this section for one license, which includes one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs

of each additional inspection or visit. The department may impose on the applicant a penalty for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

**Sec. 27. 32 MRSA §4301, sub-§1** is enacted to read:

**1. License renewal.** A license under this chapter may be renewed annually upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed and subject to compliance with rules of the department and this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of a license.

**Sec. 28. 32 MRSA §4301, sub-§2** is enacted to read:

**2. Conditional license.** When an applicant for initial licensure or license renewal is found, based upon an inspection by the department, not in compliance with this chapter or rules adopted pursuant to section 4251, the department may refuse issuance of the initial or renewal license, but shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license. The applicant may reapply for an annual license if the conditional license is voided or expires; however, the department may not reissue another conditional license. All conditions must be met in order for an applicant to reapply for and be issued an annual license.

**Sec. 29. 32 MRSA §4311, sub-§2,** as enacted by PL 1997, c. 383, §1, is amended to read:

**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.

**Sec. 30. 32 MRSA §4312, sub-§2-A** is enacted to read:

**2-A. License renewal.** A license under this chapter may be renewed biennially upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed and subject to compliance with rules of the department and this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of a license.

**Sec. 31. 32 MRSA §4312, sub-§2-B** is enacted to read:

**2-B. Conditional license.** When an applicant for initial licensure or license renewal is found, based upon an inspection by the department, not in compliance with

this chapter or rules adopted pursuant to section 4313, the department may refuse issuance of the initial or renewal license, but shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license. The applicant may reapply for a biennial license if the conditional license is voided or expires; however, the department may not reissue another conditional license. All conditions must be met in order for an applicant to reapply for and be issued a biennial license.

**Sec. 32. 32 MRSA §4314, sub-§1** is enacted to read:

**1. Additional inspection fees.** When an additional inspection is required to determine an applicant's eligibility for licensure under this chapter, the department is authorized to charge, in addition to the usual fees under this section for one license, which includes one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a penalty for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

**Sec. 33. 32 MRSA §4316,** as enacted by PL 1997, c. 383, §1, is amended to read:

**§4316. ~~Revocation; Grounds for refusal, suspension; or refusal to issue revocation~~**

The department may revoke, suspend or refuse to issue or renew a license ~~or renewal~~ under this chapter or place a licensee on probation if:

**1. Conviction.** The ~~person~~ applicant or licensee has been convicted of a crime related to the practice of micropigmentation;

**2. Deception or misrepresentation.** ~~Has~~ The applicant or licensee has engaged in any deception or misrepresentation to the department or the public in applying for a license ~~or license renewal~~ under this chapter or in the advertising or practice of micropigmentation;

**3. ~~Incompetence~~ Negligence; incompetence; endangering the public.** ~~Has~~ The applicant or licensee has demonstrated negligence, incompetence or danger to the public in the practice of micropigmentation; or

**4. Violation of rules.** ~~Has~~ The applicant or licensee has violated any of the rules adopted by the department under this chapter.

**Sec. 34. 32 MRSA §4319** is enacted to read:

**§4319. Right of entry, inspection and determination of compliance**

The department and any duly designated officer or employee of the department have the right, without an



administrative inspection warrant, to enter upon and into the premises of any establishment licensed, or a place where a person licensed under this chapter practices, pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules adopted by the department under this chapter. The right of entry and inspection extends to any premises that the department has reason to believe is being operated or maintained without a license or a place where a person licensed under this chapter practices, but no such entry and inspection of any premises or place may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. Determination of compliance with this chapter and any rules adopted under this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

**Sec. 35. 32 MRSA §4324, sub-§1** is enacted to read:

**1. License renewal.** A license under this chapter may be renewed annually upon payment of the prescribed fee, including late fees, additional inspection fees and fines if assessed and subject to compliance with rules of the department and this chapter. The department shall provide licensees with notice of the need for renewal and necessary forms no less than 30 days prior to the expiration of a license.

**Sec. 36. 32 MRSA §4324, sub-§2** is enacted to read:

**2. Conditional license.** When an applicant for initial licensure or license renewal is found, based upon an inspection by the department, not in compliance with this chapter or rules adopted pursuant to section 4326, the department may refuse issuance of the initial or renewal license, but shall issue a conditional license, except when conditions are found that present a serious danger to the health and safety of the public. Failure by the conditional licensee to meet the conditions specified by the department permits the department to void the conditional license. The applicant may reapply for an annual license if the conditional license is voided or expires; however, the department may not reissue another conditional license. All conditions must be met in order for an applicant to reapply for and be issued an annual license.

**Sec. 37. 32 MRSA §4324, sub-§3** is enacted to read:

**3. Additional inspection fees.** When an additional inspection is required to determine an applicant's eligibility for licensure, the department is authorized to charge, in addition to the usual fees under section 4325 for one license, one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a

penalty assessment for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

**Sec. 38. 32 MRSA §4327, sub-§3** is enacted to read:

**3. Grounds for refusal, suspension or revocation.** The department may revoke, suspend or refuse to issue or renew a license under this chapter or place a licensee on probation if:

A. The applicant or licensee has been convicted of a crime related to the practice of body piercing;

B. The applicant or licensee has engaged in any deception or misrepresentation to the department or the public in applying for a license or license renewal under this chapter or in the advertising or practice of body piercing;

C. The applicant or licensee has demonstrated negligence or incompetence or has endangered the public in the practice of body piercing; or

D. The applicant or licensee has violated a rule adopted by the department under this chapter.

**Sec. 39. 32 MRSA §4330** is enacted to read:

**§4330. Right of entry, inspection and determination of compliance**

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed, or a place where a person licensed under this chapter practices, pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules adopted by the department under this chapter. The right of entry and inspection extends to any premises that the department has reason to believe is being operated or maintained without a license or a place where a person licensed under this chapter practices, but no such entry and inspection of any premises or place may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. Determination of compliance with this chapter and any rules adopted under this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

**Sec. 40. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides allocation for an expected increase in revenue from increasing a municipal license fee from \$60 to \$100.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$40,000	\$40,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$40,000	\$40,000

See title page for effective date.

**CHAPTER 126**  
**S.P. 365 - L.D. 1104**

**An Act To Increase the Time for Which a Temporary Motor Vehicle Registration Plate Is Valid**

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

**Sec. 1. 29-A MRSA §462, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Payment of fee for temporary registration plate.** The fee for a temporary registration plate is \$1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of ~~14~~ 30 consecutive days without payment of a regular fee. ~~If the purchaser is a nonresident member of the Armed Services, the purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days without payment of a regular fee.~~ At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.

See title page for effective date.

**CHAPTER 127**  
**H.P. 810 - L.D. 1132**

**An Act To Encourage the Renovation of Available Housing Stock**

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

**Sec. 1. 36 MRSA §946-B, sub-§1**, as enacted by PL 2013, c. 521, Pt. D, §2, is amended to read:

**1. Tax liens recorded after October 13, 2014.** A Except as provided in section 946-C, a person may not

commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes upon the expiration of a 5-year period immediately following the expiration of the period of redemption. This subsection applies to a tax lien recorded after October 13, 2014.

**Sec. 2. 36 MRSA §946-C** is enacted to read:

**§946-C. Abandoned tax-acquired property**

**1. Evidence of abandonment.** For the purposes of this section, evidence of abandonment showing that the property taken for nonpayment of property taxes is vacant and the occupant has no intent to return may include, but is not limited to, the following:

- A. Doors and windows on the property are continuously boarded up, broken or left unlocked;
- B. Rubbish, trash or debris has observably accumulated on the property;
- C. Furnishings and personal property are absent from the property;
- D. The property is deteriorating so as to constitute a threat to public health or safety;
- E. Reports of trespassers, vandalism or other illegal acts being committed on the property have been made to local law enforcement authorities; and
- F. Other reasonable indicia of abandonment.

**2. Determination of abandonment.** Upon acquiring title to residential real estate for nonpayment of property taxes under section 943, a municipality may, through its code enforcement officer or other public official, make a determination that the property is abandoned. The code enforcement officer or other public official making the determination that the property is abandoned shall certify that determination and file a copy of that certification with the registry of deeds in the county in which the property is located. The certification must contain the following information:

- A. The name and title of the code enforcement officer or other public official making the determination of abandonment;
- B. A description of the real estate and information regarding the filing of a tax lien and foreclosure with regard to the property;
- C. The name of the owner of the property at the time of foreclosure;
- D. A description of the factors considered by the code enforcement officer or other public official that contributed to the determination of abandonment; and
- E. The signature of the code enforcement officer or other public official making the determination of abandonment.