

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

Whereas, in 2019, the 129th Legislature enacted Public Law 2019, chapter 370, which gave the Emergency Medical Services' Board the authority to deny, refuse to renew or revoke an emergency medical services person's license; and

Whereas, prior to the enactment of Public Law 2019, chapter 370, the Emergency Medical Services' Board was not permitted to revoke emergency medical services licenses of emergency medical services personnel, but instead was required to request the Office of the Attorney General to file a complaint with the District Court to revoke a license; and

Whereas, language in the prior law referencing the revocation pathway through the Office of the Attorney General was not removed, which has created ambiguity; and

Whereas, it is imperative that this ambiguity be resolved as soon as possible to clarify the Emergency Medical Services' Board's authority over the licensing of emergency medical services personnel; 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. 32 MRSA §90-A, sub-§4, ¶D, as amended by PL 2001, c. 229, §7, is further amended to read:

D. Except in the specific circumstances where Title 5, section 10004 may be invoked, if the board or its staff concludes that suspension beyond the authority conferred by section 88 ~~or revocation~~ of the license is in order, the board or its staff shall request the Attorney General to file a complaint in the District Court in accordance with Title 4, chapter 5 and the Maine Administrative Procedure Act to commence either full or emergency proceedings.

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

Effective June 1, 2023.

**CHAPTER 112
H.P. 68 - L.D. 100**

**An Act to Require Annual
Financial Audits of Certain
Private Schools Approved for
Tuition Purposes**

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

Sec. 1. 20-A MRSA §2953, sub-§3 is enacted to read:

3. Annual audit required. A private school approved for tuition purposes that enrolls 60% or more publicly funded students shall, within 6 months after the end of the school's audit period, submit to the State Auditor and the commissioner satisfactory proof that the books, accounts, financial documents and reports of the school for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. The audit required under this subsection must be conducted by the Office of the State Auditor, a public accountant licensed to practice in the State or an individual or firm the department has determined is a competent auditor by training and experience. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement this subsection.

See title page for effective date.

**CHAPTER 113
S.P. 75 - L.D. 146**

**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**

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

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

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.

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

~~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.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Penalty Administrative penalty. A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards adopted by the department under section 4326 or performs body piercing on a minor without parental consent under section 4323 ~~commits a civil violation for which a fine~~ is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 ~~may be adjudged~~ for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

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

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

See title page for effective date.

CHAPTER 114

H.P. 111 - L.D. 170

An Act to Clarify the Authority of the Director of the Real Estate Commission to Investigate Complaints

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

Sec. 1. 32 MRSA §13069, sub-§6, as amended by PL 2007, c. 402, Pt. BB, §15, is repealed and the following enacted in its place:

6. Investigations. The director may, in accordance with this subsection, investigate the actions of any licensee under this chapter, or any person or entity that assumes to act in a capacity requiring a license under this chapter, upon receipt of a written complaint or in accordance with the guidelines prescribed by the commission by rule.

A. If the director receives a written complaint under this subsection, the director shall review the complaint to determine whether the complaint describes a violation of law or rule that is within the authority of the commission to enforce. If the director determines that a complaint does not describe a violation of law or rule that is within the