

CHAPTER 63

TATTOO ARTISTS

SUBCHAPTER 1

GENERAL PROVISIONS

§4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 125, §23 (NEW).]

1. Department. "Department" means the Department of Health and Human Services. [PL 2021, c. 125, §23 (NEW).]

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. [PL 2021, c. 125, §23 (NEW).]

SECTION HISTORY

PL 2021, c. 125, §23 (RPR).

§4202. Exemptions

This chapter is not intended to apply to any act of a practitioner of the healing arts licensed in the State and performed in the course of his practice.

§4203. Minors

No person shall place a tattoo mark or figure upon a person under the age of 18 years. [PL 1975, c. 701, §16 (RPR).]

SECTION HISTORY

PL 1969, c. 433, §92 (AMD). PL 1971, c. 598, §82 (AMD). PL 1975, c. 701, §16 (RPR).

§4204. Penalties

1. 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 under section 4251 or performs tattooing on a minor is subject to an administrative penalty, imposed by the department, of not less than \$500 nor more than \$1,000 for each violation. Each day the violation remains uncorrected may be counted as a separate offense.

[PL 2023, c. 113, §5 (AMD).]

2. Enforcement. A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and [PL 2013, c. 264, §14 (NEW).]

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the Department of Health and Human Services, including attorney's fees. [PL 2013, c. 264, §14 (NEW).]

[PL 2013, c. 264, §14 (NEW).]

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; [PL 2021, c. 125, §24 (NEW).]
- 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; [PL 2021, c. 125, §24 (NEW).]
- C. The applicant or licensee has demonstrated negligence or incompetence or has endangered the public in the practice of tattooing; or [PL 2021, c. 125, §24 (NEW).]
- D. The applicant or licensee has violated a rule adopted by the department under this chapter. [PL 2021, c. 125, §24 (NEW).]
[PL 2021, c. 125, §24 (NEW).]

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.
[PL 2023, c. 113, §6 (NEW).]

SECTION HISTORY

PL 2013, c. 264, §14 (RPR). PL 2021, c. 125, §24 (AMD). PL 2023, c. 113, §§5, 6 (AMD).

§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. [PL 2021, c. 125, §25 (NEW).]

SECTION HISTORY

PL 2021, c. 125, §25 (NEW).

SUBCHAPTER 2

DEPARTMENT OF HUMAN SERVICES

§4251. Rules and regulations

The Department of Health and Human Services is authorized and empowered to make necessary rules and regulations governing the application of tattoos upon the bodies of human beings. [PL 1975, c. 293, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 2003, c. 689, §B6 (REV).

§4252. Issuance of licenses

The Department of Health and Human Services may license persons to practice the art of tattooing. Such licenses are issued for a term of one year and may be renewed annually. The fee for an initial

license or a renewal license may not exceed \$250. All fees collected by the department pursuant to this section must be deposited in a special revenue account dedicated to a health inspection program. [PL 2013, c. 264, §15 (AMD).]

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. [PL 2021, c. 125, §26 (NEW).]

SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 589, §11 (AMD). PL 2013, c. 264, §15 (AMD). PL 2021, c. 125, §26 (AMD).

SUBCHAPTER 3

LICENSES

§4301. License required

No person shall place a tattoo upon the body of another human being without first obtaining a license from the Department of Health and Human Services. [PL 1975, c. 293, §4 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

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. [PL 2021, c. 125, §27 (NEW).]

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. [PL 2021, c. 125, §28 (NEW).]

SECTION HISTORY

PL 1975, c. 293, §4 (AMD). PL 2003, c. 689, §B6 (REV). PL 2021, c. 125, §§27, 28 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and Frist Special Session of the 131st Maine Legislature and is current through November

1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.