

CHAPTER 18

ELECTROLOGISTS

SUBCHAPTER 1

GENERAL PROVISIONS

§1221. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [PL 1979, c. 87, §1 (NEW).]

1. Department. "Department" shall mean the Department of Health and Human Services. [PL 1979, c. 87, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

1-A. Electrologist. "Electrologist" means a person who practices electrology. [PL 1991, c. 416, §1 (NEW).]

2. Electrology. "Electrology" shall mean the practice of removing hair permanently by applying electricity to the hair follicle to cause growth inactivity to the hair root. [PL 1979, c. 87, §1 (NEW).]

2-A. Electrolysis. "Electrolysis" means the process by which electrology is done. [PL 1991, c. 416, §1 (NEW).]

3. Person. "Person" shall mean any individual, firm, partnership, corporation or other association or organization. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §1 (AMD). PL 2003, c. 689, §B6 (REV).

§1222. Licensure; penalty

1. License required. A person may not practice electrology in this State unless that person is licensed by the department under this chapter. A license issued under this chapter is valid for one year from the date of issuance. [PL 2013, c. 264, §8 (AMD).]

2. Criminal penalty. [PL 2013, c. 264, §8 (RP).]

3. Civil 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 of not less than \$500 nor more than \$1,000 may be adjudged for each violation. [PL 2013, c. 264, §8 (NEW).]

4. 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, §8 (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, including attorney's fees. [PL 2013, c. 264, §8 (NEW).]

[PL 2013, c. 264, §8 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 2013, c. 264, §8 (AMD).

§1223. Exception

This chapter shall not apply to any person who is licensed to practice any healing art or science, as defined in section 3751, and who is practicing electrology in the course of that practice. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW).

§1224. Maine Administrative Procedure Act

The provisions of this chapter and anyone acting under them are subject to the Maine Administrative Procedure Act. [PL 1979, c. 87, §1 (NEW).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW).

SUBCHAPTER 2

LICENSURE

§1231. Procedure

(REPEALED)

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §2 (RP).

§1231-A. Licensure requirements

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

- A. Is at least 17 years of age; [PL 1991, c. 416, §3 (NEW).]
- B. Has a high school diploma or its equivalent; and [PL 1991, c. 416, §3 (NEW).]
- C. Passes an inspection under section 1243 within 60 days before the license is issued. [PL 2013, c. 264, §9 (AMD).]

[PL 2013, c. 264, §9 (AMD).]

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.

[PL 1991, c. 416, §3 (NEW).]

3. Reciprocity. Except as provided in section 1233 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.

[PL 2013, c. 264, §9 (AMD).]

SECTION HISTORY

PL 1991, c. 416, §3 (NEW). PL 2013, c. 264, §9 (AMD).

§1232. Valid for one year

(REPEALED)

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 2013, c. 264, §10 (RP).

§1233. Grounds for refusal, suspension or revocation

The following are grounds for the department's refusal to issue a license to any person or for the District Court's suspension or revocation of the license of any person: [PL 2013, c. 264, §11 (AMD).]

1. Noncompliance with rules. Noncompliance with the rules adopted by the department under this chapter;

[PL 1979, c. 87, §1 (NEW).]

2. Conviction of crime. Conviction of any crime directly related to that person's practice of electrology; and

[PL 1979, c. 87, §1 (NEW).]

3. Fraudulently obtaining license. Attempting to obtain a license or obtaining a license under this chapter by means of fraud or under false pretenses.

[PL 2013, c. 264, §12 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 264, §§11, 12 (AMD).

SUBCHAPTER 3

DEPARTMENT OF HUMAN SERVICES

§1241. Powers and duties

The department may investigate, inspect, examine and review persons and premises as necessary to properly administer this chapter and may make any appropriate complaint to the District Court. [PL 2013, c. 264, §13 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2013, c. 264, §13 (AMD).

§1242. Rules

The department shall adopt: [PL 1979, c. 87, §1 (NEW).]

1. Administration. Rules for the proper administration of this chapter; and
[PL 1979, c. 87, §1 (NEW).]

2. Practices of electrology. Rules governing the practice of electrology relating to training, health, safety, sanitation, equipment, electrolysis procedures and record keeping.

[PL 1991, c. 416, §4 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1991, c. 416, §4 (AMD).

§1243. Inspections

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 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. [PL 2009, c. 589, §10 (AMD).]

SECTION HISTORY

PL 1979, c. 87, §1 (NEW). PL 1979, c. 542, §D2 (AMD). PL 1981, c. 703, §A43 (RPR). PL 1991, c. 416, §5 (AMD). PL 2009, c. 589, §10 (AMD).

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