

CHAPTER 127

MASSAGE THERAPISTS

§14301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 403, §1 (NEW).]

1. Commissioner. "Commissioner" means Commissioner of Professional and Financial Regulation.

[PL 1991, c. 403, §1 (NEW).]

2. Department. "Department" means Department of Professional and Financial Regulation.

[PL 1991, c. 403, §1 (NEW).]

3. Massage therapist or massage practitioner. "Massage therapist" or "massage practitioner" means a person who provides or offers to provide massage therapy for a fee, monetary or otherwise.

[PL 1997, c. 681, §1 (AMD).]

4. Massage therapy. "Massage therapy" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph D.

[PL 1991, c. 548, Pt. E (AMD).]

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1991, c. 548, §E (AMD). PL 1993, c. 245, §1 (AMD). PL 1997, c. 681, §1 (AMD).

§14302. Commissioner; powers and duties

The commissioner or the commissioner's designee has the following powers and duties in addition to all other powers and duties set forth in this chapter. [PL 1991, c. 403, §1 (NEW).]

1. Standards. The commissioner shall administer and enforce this chapter.

[PL 1991, c. 403, §1 (NEW).]

2. Rules. The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out the purposes of this chapter.

[PL 1991, c. 403, §1 (NEW).]

3. Complaints.

[PL 2007, c. 402, Pt. II, §1 (RP).]

4. Contracts.

[PL 2007, c. 402, Pt. II, §2 (RP).]

5. Register.

[PL 2007, c. 402, Pt. II, §3 (RP).]

6. Hearings.

[PL 2007, c. 402, Pt. II, §4 (RP).]

7. Advisory council.

[PL 2005, c. 294, §25 (RP).]

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §2 (AMD). PL 1997, c. 681, §§2,3 (AMD). PL 2005, c. 294, §25 (AMD). PL 2007, c. 402, Pt. II, §§1-4 (AMD).

§14303. Employees

(REPEALED)

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1995, c. 397, §124 (RP).

§14304. Registration

(REPEALED)

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §3 (AMD). PL 1997, c. 681, §4 (RP).

§14305. Requirements for registration

(REPEALED)

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §§4,5 (AMD). PL 1997, c. 681, §5 (RP).

§14306. Registration not allowed

(REPEALED)

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §6 (RP).

§14306-A. Certification

(REPEALED)

SECTION HISTORY

PL 1993, c. 245, §7 (NEW). PL 1997, c. 681, §6 (RP).

§14306-B. Requirements for certification

(REPEALED)

SECTION HISTORY

PL 1993, c. 245, §7 (NEW). PL 1997, c. 681, §6 (RP).

§14306-C. Licensing

1. License required. Beginning on the effective date of this section, a person may not, unless specifically exempted by this chapter, claim to be a massage therapist or a massage practitioner unless licensed in accordance with this chapter.

[PL 1997, c. 681, §7 (NEW).]

2. Individual licensing. Only an individual who is qualified under this chapter may be issued a license to practice massage therapy.

[PL 1997, c. 681, §7 (NEW).]

SECTION HISTORY

PL 1997, c. 681, §7 (NEW).

§14306-D. Qualifications; massage therapists

Each applicant for licensure must demonstrate competence to engage in the practice of massage therapy in a manner that safeguards the interests of the public. [PL 1997, c. 681, §7 (NEW).]

1. Requirements. The following requirements are considered minimum evidence satisfactory to the department that an applicant is qualified for licensure under this chapter. An applicant must:

A. Pass the examination sponsored by the National Certification Board for Therapeutic Massage and Bodywork or the Federation of State Massage Therapy Boards or their successor or other organizations approved by the department; or demonstrate completion of a course of training consisting of 500 or more hours approved by the department; [PL 2007, c. 402, Pt. II, §5 (AMD).]

B. Be 18 years of age or older; [PL 1997, c. 681, §7 (NEW).]

C. Possess a high school diploma or its equivalent; and [PL 2007, c. 402, Pt. II, §5 (AMD).]

D. [PL 2007, c. 402, Pt. II, §5 (RP).]

E. Pay an application fee and an annual licensing fee as set under section 14306-G. [PL 2007, c. 402, Pt. II, §5 (AMD).]

[PL 2007, c. 402, Pt. II, §5 (AMD).]

2. Existing certified massage therapists.

[PL 2007, c. 402, Pt. II, §5 (RP).]

SECTION HISTORY

PL 1997, c. 681, §7 (NEW). PL 2001, c. 323, §31 (AMD). PL 2007, c. 402, Pt. II, §5 (AMD).

§14306-E. Requirements for licensure; registered massage practitioners

(REPEALED)

SECTION HISTORY

PL 1997, c. 681, §7 (NEW). PL 2001, c. 323, §32 (AMD). PL 2007, c. 402, Pt. II, §6 (RP).

§14306-F. Terms of license

1. Renewal. A license renewal fee as set under section 14306-G must be paid by the licensee. Licenses issued under this chapter expire annually on their anniversary date or as otherwise provided by the commissioner. Any license not renewed by its date of expiration automatically expires. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 14306-G. Any person who submits an application for renewal more than 90 days after the renewal date is subject to all requirements governing new applicants under this chapter, except that the commissioner may, giving due consideration to the protection of the public, waive examination if the renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration.

[PL 2011, c. 286, Pt. N, §1 (AMD).]

2. Continuing education and supervision. The department, by rule, may establish continuing education and supervision requirements. An applicant for a renewal of a license must show proof of satisfying the continuing education requirements set forth by the department. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 1997, c. 681, §7 (NEW).]

SECTION HISTORY

PL 1997, c. 681, §7 (NEW). PL 2001, c. 323, §33 (AMD). PL 2007, c. 402, Pt. II, §7 (AMD). PL 2011, c. 286, Pt. N, §1 (AMD).

§14306-G. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$100 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [PL 2001, c. 323, §34 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2001, c. 323, §34 (NEW). PL 2011, c. 286, Pt. B, §5 (REV).

§14306-H. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the commissioner, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the commissioner determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §46 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §46 (NEW).

§14307. Exemptions to registration or certification

1. Other professionals. This chapter does not apply to the activities or services of members of other professions licensed, certified or registered by the State, including, but not limited to, physicians, chiropractors, physical therapists, cosmetologists or registered nurses performing soft tissue manipulation consistent with the laws of the State governing their practices, provided they do not use the title "massage therapist" or "massage practitioner."
[PL 1993, c. 245, §8 (AMD).]

2. Other exemptions. This chapter does not apply to the activities and services of individuals who practice other forms of tissue work exclusive of massage therapy, such as rolfing, Trager, reflexology, Shiatsu, Reiki and polarity, if those practitioners do not use the title "massage therapist" or "massage practitioner," unless they choose to meet the requirements of this chapter.
[PL 1993, c. 245, §8 (AMD).]

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §8 (AMD).

§14308. Disciplinary action; grounds; procedure; complaints

(REPEALED)

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §8 (AMD). PL 1993, c. 600, §A278 (AMD). RR 1997, c. 2, §56 (COR). PL 1997, c. 681, §8 (AMD). PL 2007, c. 402, Pt. II, §8 (RP).

§14308-A. Denial or refusal to renew license; disciplinary action

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the commissioner may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for: [PL 2007, c. 402, Pt. II, §9 (NEW).]

1. Habitual substance use. Habitual substance use that has resulted or is foreseeably likely to result in the applicant's or licensee's performing services in a manner that endangers the health or safety of clients;

[PL 2017, c. 407, Pt. A, §148 (AMD).]

2. Mental incompetence. A current medical finding of mental incompetence that affects the applicant's or licensee's ability to perform that person's occupation in a healthy and safe manner; or

[PL 2007, c. 402, Pt. II, §9 (NEW).]

3. Revocation or denial. Revocation in any state of a professional or occupational license, certification or registration for disciplinary reasons or rejection of any application for reasons related to untrustworthiness, within 3 years of the date of application.

[PL 2007, c. 402, Pt. II, §9 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. II, §9 (NEW). PL 2017, c. 407, Pt. A, §148 (AMD).

§14309. Unlicensed practice

A person who violates section 14306-C is subject to the provisions of Title 10, section 8003-C. [PL 2007, c. 402, Pt. II, §10 (AMD).]

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 421, §B105 (AMD). PL 2001, c. 421, §C1 (AFF). PL 2007, c. 402, Pt. II, §10 (AMD).

§14310. Home rule

Nothing in this chapter prohibits a municipality from adopting or enforcing an ordinance that regulates massage, massage practitioners or massage therapists. If a municipality adopts such an ordinance, an individual must comply with the provisions of this chapter and any provision of the local ordinance that is more restrictive than this chapter. [PL 1993, c. 245, §9 (AMD).]

SECTION HISTORY

PL 1991, c. 403, §1 (NEW). PL 1993, c. 245, §9 (AMD).

§14311. Reciprocity

(REPEALED)

SECTION HISTORY

PL 1993, c. 245, §10 (NEW). PL 2007, c. 402, Pt. II, §11 (RP).

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