

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1457

S. P. 416

In Senate, February 8, 1961

Referred to Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Lord of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Revising Laws Relating to Barbers and Hairdressers.

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

Sec. 1. R. S., c. 25, §§ 213 - 218, repealed and replaced. Sections 213 to 218 of chapter 25 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

‘Hairdressing and Beauty Culture.

Sec. 213. State Board of Hairdressers; executive secretary; compensation. The State Board of Hairdressers, as heretofore established and hereinafter in sections 213 to 230 designated as the “board,” shall consist of 3 members who shall be citizens of this State, all of whom shall have been engaged in the practice of hairdressing for at least 5 years immediately prior to their appointment. The tenure of each board member shall be for 6 years, initially appointed as follows: the present senior hairdresser board member, as appointed under this section prior to the effective date of this act, shall serve for a term of 6 years, the junior hairdresser member, similarly elected, shall serve for a term of 4 years and its 3rd member, created by this section shall serve for a term of 2 years, the 3rd member to be appointed by the Governor with advice and consent of the Council. Thereafter, each of the members of the board shall be appointed by the Governor, with the advice and consent of the Council, for a term of 6 years and until his successor is appointed and qualified. Board members shall be actively engaged in the practice of hairdressing during membership on said board. Senior board member shall serve as chairman.

The board shall employ a full-time executive secretary, who may act as executive secretary for the barbers and hairdressers, the salary of said executive secre-

tary to be determined by the Board of Barbers, if such executive secretary acts solely for the barbers, and by the Board of Barbers and Board of Hairdressers if the executive secretary acts for both boards, any such salary to be approved by the Governor and Council and to be paid from funds received under sections 213 to 230 and sections 230-A to 230-P. The executive secretary of said board shall keep a record of all proceedings, issue all notices, certificates of regulation and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 213 to 230 and sections 230-A to 230-P, as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the Board of Hairdressers during the year, together with such recommendations as deemed necessary. The board shall employ inspectors who shall make inspections of shops and other establishments subject to license under the direction of the executive secretary, the salary of such inspectors to be determined by the board, subject to the approval of the Governor and Council and to be paid from funds received under sections 213 to 230 and sections 230-A to 230-P. The board shall have the right to dismiss, with cause, the executive secretary or the inspectors provided for in this section. No person operating or employed by a school of hairdressing and beauty culture shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school of hairdressing and beauty culture, his membership on the board shall immediately terminate and the vacancy shall be filled by the Governor and Council in the manner provided for the appointment of new members for the remaining unexpired term of their predecessor.

Members shall be appointed in the same manner to fill vacancies caused by death, resignation or removal, who shall serve during the unexpired term of their predecessors.

Each member of the board shall be allowed the sum of \$20 per day and their necessary expenses for actual attendance upon any examination of candidates for registration and for any necessary hearings and board meetings.

Sec. 214. Definitions. The following words and phrases, when used in sections 213 to 230 shall be construed as follows:

I. Practice of hairdressing and beauty culture. "The practice of hairdressing and beauty culture" shall mean the engaging by any person for hire or reward in any one or more of the following practices: the application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays, to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands or to manicure the fingernails of any person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any person.

II. Apprentice. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and beauty culture under the direction and supervision of a person duly authorized under sections 213 to 230 to practice hairdressing and beauty culture.

Sec. 215. Rules and regulations. The board shall make rules and regulations not contrary to law to be approved by the Bureau of Health concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 214, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing or beauty culture are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law to be approved by the Bureau of Health, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of hairdressing and beauty culture, subject to a license under sections 213 to 230.

Any member of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours for the purpose of ascertaining whether or not the rules and regulations are being observed.

No person shall give service in any establishment licensed under sections 213 to 230 who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license, but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.

Any such shop or establishment in which tools, appliances and furnishings in use therein are kept in an unclean and insanitary condition so as to endanger health is declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment by a fine of not less than \$200 nor more than \$1,000, and in addition thereto by imprisonment for not less than 60 days nor more than 11 months, and in default of payment of said fine shall be imprisoned for an additional term of not less than 60 days nor more than 11 months.

The board shall have the right to require the physical examination of any person employed in any beauty parlor suspected of having any contagious or infectious disease. Failure to submit to such an examination shall be grounds for suspension of said person, his license or certificate.

Sec. 216. Electrolysis. The use of electrolysis for the removal of hair is not a part of the practice of hairdressing and beauty culture and is prohibited, except under the direction of a licensed physician.

Sec. 217. Registration and licenses. No person shall practice hairdressing and beauty culture in this State unless he shall first have obtained a certificate of registration as provided in sections 213 to 230 or unless he shall be acting within the scope of his employment as an apprentice.

No apprentice hairdresser may independently practice hairdressing but he may, as an apprentice, do any or all acts constituting the practice of hairdressing under the immediate personal supervision of a registered hairdresser, and only one such apprentice shall be employed in any licensed hairdressing shop.

No person, firm or corporation shall operate or cause to be operated a shop or establishment where hairdressing and beauty culture are practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a beauty shop shall be \$5 in the first instance and \$3 but not exceeding \$5 for each yearly renewal thereof. The license shall run from the first day of July in each year for one year and the fee shall be payable to the secretary of said board.

Booths, attached to or within a beauty shop that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.

Sec. 218. Persons exempted. The prohibitions and penalties of sections 213 to 230 shall not apply to the following persons when acting within the scope of their profession or occupation:

- I. Practice medicine and surgery. Persons authorized by the laws of this State to practice medicine and surgery;
- II. United States medical officers. Commissioned medical officers of the United States army, navy or marine hospital service;
- III. Registered nurses. Registered nurses.

Sections 213 to 230 apply only to those cosmetic preparations and apparatus sold or offered for sale in intrastate commerce.'

Sec. 2. R. S., c. 25, § 219, repealed. Section 219 of chapter 25 of the Revised Statutes, as amended, is repealed.

Sec. 3. R. S., c. 25, §§ 220-230, repealed and replaced. Sections 220 to 230 of chapter 25 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

'**Sec. 220. Registration of hairdressing and beauty culture.** Any person shall be eligible to obtain a certificate of registration under sections 213 to 230 for the practice of hairdressing and beauty culture:

- I. Age. Who is at least 17 years of age;
- II. Character. Who is of good respectable character;
- III. Training. Who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said board, or in

lieu thereof has had a total experience in the practice of hairdressing and beauty culture or as an apprentice of 2,500 hours distributed over a period of at least 18 months;

IV. Examination. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under sections 213 to 230, and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory. If not successful, applicant shall have the privilege of taking a 2nd examination without fee at any subsequent examination held by the board within a period of one year. Any certificate outstanding shall be revoked after the failure of any person to successfully pass the 2nd examination.

Sec. 221. Registration without examination. Any person licensed to practice hairdressing and beauty culture in another state whose requirements are equal to those specified in sections 213 to 230 may upon the payment of a fee of \$25, be entitled to a certificate of registration without examination, providing that each such state accepts without examination applicants registered in this State for registration or licenses, as the case may be, in a similar manner.

Sec. 222. Schools of hairdressing and beauty culture; fees. No school of hairdressing and beauty culture shall be approved by said board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture, nor unless it has a minimum requirement of a continuous course of study of 1,500 hours distributed over a term of not less than 9 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. Time spent in any out-of-state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the board. No school of hairdressing and beauty culture shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause. Notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 214 unless said instructor has a certificate to practice hairdressing and beauty culture under sections 213 to 230, excepting physicians as specified.

Sec. 223. Apprentices. The board shall furnish to each registered apprentice a certificate of registration of said apprenticeship.

Every apprentice, in order to avail himself of sections 213 to 230 to practice hairdressing and beauty culture shall, within 10 days after entering upon his apprenticeship, file with the secretary of the board the name and place of his employer, the date of commencement of such apprenticeship and the full name and age of said apprentice, which age shall not be less than 16 years. Any such apprentice who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 220.

Sec. 224. Examinations. The board shall hold at least 2 public examinations each year, and at such times and places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the State of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant until the results of the applicant's examination have been given, a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. The permit shall terminate with the examination following applicant's qualification. No permit shall be renewable. Said person shall have the privilege of taking the 2 following examinations. Such applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of \$3.

Sec. 225. Certificate of registration; limited certificate for manicuring, renewal; fees. Said board shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration bearing the seal of the board and the names of all of its members, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this State, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said certificate of registration shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of \$3 for said renewal. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees as provided by sections 213 to 230.

Any person registered to practice hairdressing or beauty culture who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.

Sec. 226. Board to keep register. The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under sections 213 to 230 and said register shall be at all times open to public inspection.

Sec. 227. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under sections 213 to 230 for:

I. Felony. Conviction of a felony shown by a certified copy of the record of the court of conviction;

II. Malpractice or incompetency. Gross malpractice or gross incompetency;

III. Disease. Continued practice by a person knowingly having an infectious or contagious disease;

IV. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

V. Conduct. Immoral or unprofessional conduct;

VI. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;

VII. Requirements of law. Failure to comply with any of the prescribed requirements of sections 213 to 230;

VIII. Misrepresentation of qualifications. For misrepresentation of qualifications. Before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.

Sec. 228. Hearings. The board may neither refuse to issue nor refuse to renew, nor suspend nor revoke any certificate of registration for any of the causes enumerated in section 227, unless the person accused has been given at least 10 days' notice in writing of the charge against him and an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Justice of the Superior Court or of the Supreme Judicial Court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration.

Sec. 229. Disposition of fees. The fees received by the board under sections 213 to 230 shall be paid to the Treasurer of State. Fees received under said sections shall be used for carrying out the purposes of sections 213 to 230 and sections 230-A to 230-P.

Sec. 230. Penalties. Any person engaged in the practice of hairdressing and beauty culture in this state without having obtained a certificate of registration as provided by sections 213 to 230 or employing a person to practice hairdressing and beauty culture who has not such a certificate, unless he be an apprentice within the meaning of said sections, or falsely pretending to be qualified to practice hairdressing and beauty culture under sections 213 to 230 or violating any of the provisions of said sections shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$20 nor more than \$100 or by imprisonment for not more than 3 months. Every such person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of sections 213 to 230. In any case where a specific penalty is not provided for in this chapter, a violation of any section shall constitute a misdemeanor.'

Sec. 4. R. S., c. 25, §§ 230-A - 230-P, additional. Chapter 25 of the Revised Statutes, as amended, is further amended by adding 16 new sections, to be numbered 230-A to 230-P, to read as follows:

'Barbers and Barber Shops.

Sec. 230-A. State Board of Barbers; executive secretary; compensation. The State Board of Barbers, as heretofore established and hereinafter in sections 230-A to 230-P designated as the "board," shall consist of 3 members who shall be citizens of this State, all of whom shall have been engaged in the practice of barbering for at least 5 years immediately prior to their appointment. The tenure of each board member shall be for 6 years, initially appointed as follows: The present senior barber board member, as appointed under section 213 prior to the effective date of this act, shall serve for a term of 6 years, the junior barber board member, similarly elected, shall serve for a term of 4 years and its 3rd member, created by this section shall serve for a term of 2 years, the 3rd member to be appointed by the Governor with advice and consent of the Council. Thereafter, each of the members of the board shall be appointed by the Governor, with advice and consent of the Council, for a term of 6 years and until his successor is appointed and qualified. Board members shall be actively engaged in the practice of barbering during membership on said board. The senior board member shall serve as chairman.

The board shall employ a full-time executive secretary, who may act as executive secretary for the barbers and hairdressers. The salary of said executive secretary shall be determined by the Board of Barbers if such executive secretary acts solely for the barbers, and by the board of barbers and board of hairdressers if the executive secretary acts for both boards, any such salary to be approved by the Governor and Council and to be paid from funds received under sections 213 to 230 and sections 230-A to 230-P. The executive secretary of said board shall keep a record of all proceedings, issue all notices, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to license under sections 230-A to 230-P as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the board of barbers during the year, together with such recommendations as deemed necessary. The board shall employ inspectors who shall make inspections of shops and other establishments subject to license under sections 230-A to 230-P under the direction of the executive secretary, the salary of such inspectors to be determined by the board, subject to the approval of the Governor and Council, and to be paid from funds received under sections 213 to 230 and sections 230-A to 230-P. The board shall have the right to dismiss, with cause, the executive secretary or the inspectors provided for in this section.

No person operating or employed by a school of barbering shall be appointed as a member of the board, and if any member of the board, after appointment, shall affiliate himself in any way with any such school of barbering, his membership on the board shall immediately terminate and the unexpired term of such member shall be filled by the Governor and Council.

Members shall be appointed in the same manner to fill vacancies caused by death, resignation or removal, who shall serve during the unexpired term of their predecessors.

Each member of the board shall be allowed the sum of \$20 per day and their necessary expenses for actual attendance upon any examination of candidates for registration, and for any necessary hearings and board meetings.

Sec. 230-B. Definitions. The following words and phrases, when used in sections 230-A to 230-P shall be construed as follows:

I. "The practice of barbering" shall mean any one or any combination of the following practices, when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly:

- A. Shaving or trimming the beard or cutting the hair;
- B. Giving facial and scalp massage or treatments with cosmetic preparations, either by hand or mechanical or electrical appliances;
- C. Singeing, shampooing or applying cosmetic preparations to the scalp, face, neck or upper part of the body;
- D. Removing superfluous hair from the face, neck or upper part of body.

II. "Apprentice barber" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of barbering under the direction and supervision of a person duly authorized under sections 230-A to 230-P to practice barbering.

Sec. 230-C. Rules and regulations. The board shall make rules and regulations not contrary to law, to be approved by the Bureau of Health, concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 230-B, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering is practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The board shall make rules and regulations not contrary to law, to be approved by the Bureau of Health, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of barbering subject to a license under sections 230-A to 230-P.

Any member of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours for the purpose of ascertaining whether or not the rules and regulations are being observed.

No person shall give service in any establishment licensed under sections 230-A to 230-P who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rule or regulation made by said board shall be cause for the suspension or revocation of such license, but no license shall be suspended or revoked without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the board upon demand.

Any such shop or establishment in which tools, appliances and furnishings in use therein are kept in an unclean and insanitary condition so as to endanger health is declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment by a fine of not less than \$200 nor more than \$1,000, and in addition thereto by imprisonment for not less than 60 days nor more than 11 months, and in default of payment of said fine shall be imprisoned for an additional term of not less than 60 days nor more than 11 months.

The board shall have the right to require the physical examination of any person employed in any barber shop suspected of having any contagious or infectious disease. Failure to take a physical examination, as herein required, will subject such person to a suspension of his or her license at the pleasure of the board.

Sec. 230-D. Registration and licenses. No person shall practice barbering in this State unless he shall first have obtained a certificate of registration as provided in sections 230-A to 230-P or unless he shall be acting within the scope of his employment as an apprentice.

No apprentice barber may independently practice barbering but he may, as an apprentice, do any or all acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any licensed barber shop.

No person, firm or corporation shall operate or cause to be operated a shop or establishment where barbering is practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a barber shop shall be \$5 in the first instance and \$3 but not exceeding \$5 for each yearly renewal thereof. The license shall run from the first day of January in each year for one year and the fee shall be payable to the secretary of the board.

Sec. 230-E. Persons exempt. The prohibitions and penalties of sections 230-A to 230-P shall not apply to the following persons when acting within the scope of their profession or occupation:

- I. Practice medicine and surgery. Persons authorized by law of this State to practice medicine and surgery;
- II. United States medical officers. Commissioned medical officers of the United States army, navy or marine hospital service;
- III. Registered nurses. Registered nurses.

Sections 230-A to 230-P apply only to those cosmetic preparations and apparatus sold or offered for sale in intrastate commerce.

Sec. 230-F. Registration for barbers. Any persons shall be eligible to obtain a certificate of registration under sections 230-A to 230-P as a barber:

- I. Age. Who is at least 17 years of age;
- II. Character. Who is of good respectable character and temperate habits;
- III. Training. Who has satisfactorily completed a course of instruction, of 1,000 hours in not less than 6 months, in a school of barbering approved by said board and a total experience as an apprentice of a period of at least 6 months under a licensed barber; or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said board; or in lieu thereof has had a total experience in the practice of barbering or as an apprentice of 2,500 hours distributed over a period of at least 18 months.
- IV. Examination. Who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate.

Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under

sections 230-A to 230-P and shall be sworn to by the applicant. Said applications shall be filed with the secretary of the said board and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory. If not successful, applicant shall have the privilege of taking a 2nd examination without fee at any subsequent examination held by said board within a period of one year.

Sec. 230-G. Registration without examination. Any person licensed to practice barbering in another state whose requirements are equal to those specified in sections 230-A to 230-P may, upon payment of a fee of \$25, be entitled to a certificate of registration without examination, providing that each such state accepts without examination applicants registered in this State for registration or licenses, as the case may be, in a similar manner.

Sec. 230-H. Schools of barbering, fees. No school of barbering shall be approved by the board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, nor unless it has a minimum requirement of a continuous course of study of 1,000 hours distributed over a term of not less than 6 months, or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said board, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, fundamentals for barbering, hygiene, histology of the hair, skin, face and neck, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching, tinting the hair, sterilization and the use of antiseptics, cosmetics and electrical appliances customarily used in the practice of barbering, which course of study and instruction shall be subject to the approval of said board. No school of barbering shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$25 and it shall be good for one year from date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause. Notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard.

No person shall be engaged to instruct in any practice of barbering as defined in section 230-B unless said instructor has a certificate to practice barbering under sections 230-A to 230-P, excepting physicians as specified.

Sec. 230-I. Apprentices. Every apprentice barber, in order to avail himself of sections 230-A to 230-P shall, within 10 days after entering upon his apprenticeship, file with the secretary of the board, on blanks which shall be provided by said board, the name and place of business of his employer, the date of commencement of such apprenticeship and full name and age of said apprentice, which age shall not be less than 17 years, and said blanks shall be accompanied

by a registration fee of \$3. Any such apprentice who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice barber, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with requirements of section 230-F.

The board shall furnish to each registered apprentice a certificate of registration of said apprenticeship.

Sec. 230-J. Examinations. The board shall hold at least 2 public examinations each year, at such times and places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.

If any applicant to practice barbering, who has been a resident of the State of Maine for a period of at least 6 months, qualifies for examination, the board may issue to such applicant, until the results of the applicant's examination have been given, a permit to practice barbering under the supervision of a person registered to practice barbering. The permit shall terminate with the examination following applicant's qualification. If applicant fails first examination following qualification, said applicant may renew permit to practice barbering under supervision of a person registered to practice barbering, until the results of the next consecutive examination have been given, at which time said permit expires and shall not be renewable. Such applicant shall be considered an apprentice. The applicant shall pay to the board a fee of \$3.

Sec. 230-K. Certificate of registration; renewal; fees. The board shall furnish to each registered barber a certificate of registration in form prescribed by the board, bearing the seal of the board, certifying that the holder thereof is entitled to practice barbering in this State, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons on or before the first day of January in each year, and the holder of said certificate of registration shall pay to the secretary of the board the sum of \$5 in the first instance and \$3 but not exceeding \$5, for each yearly renewal thereof.

Any registered barber who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.

Sec. 230-L. Board to keep register. The board shall keep a register in which shall be entered the names of all persons to whom certificates and licenses are issued under sections 230-A to 230-P and said register shall be at all times open to the public inspection.

Sec. 230-M. Suspension or revocation of certificates of registration; appeal. The board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under sections 230-A to 230-P for:

- I. Felony. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Malpractice or incompetency. Gross malpractice or gross incompetency;
- III. Disease. Continued practice by a person knowingly having an infectious or contagious disease;
- IV. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to use of morphine, cocaine or other habit forming drugs;
- V. Conduct. Immoral or unprofessional conduct;
- VI. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. Requirements of law. Failure to comply with any of the prescribed requirements of sections 230-A to 230-P.
- VIII. Misrepresentation of qualifications. For misrepresentation of qualifications; provided that before any certificate shall be suspended or revoked, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended or revoked may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.

Sec. 230-N. Hearings. The board may neither refuse to issue nor refuse to renew, nor suspend nor revoke any certificate of registration for any of the causes enumerated in section 230-M, unless the person accused has been given at least 10 days' notice in writing of the charge against him and given an opportunity to be heard at a public hearing held by the board.

It shall be deemed that the board has duly notified the person accused of such hearing when the notice has been sent to the last known address of accused by registered letter.

Upon hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Justice of the Superior Court or of the Supreme Judicial Court, either in term time or in vacation, upon application either of the accused or of the board may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension or revocation of certificates of registration.

Sec. 230-O. Disposition of fees. The fees received by the barbers board and hairdressers board under sections 213 to 230 and 230-A to 230-P shall be paid to the Treasurer of the State. Fees received under said sections shall be used for carrying out the purposes of sections 213 to 230 and sections 230-A to 230-P.

Sec. 230-P. Penalties. Any person engaged in the practice of barbering in this State without having obtained a certificate of registration as provided by sections 230-A to 230-P or employing a person to practice barbering who has not such a certificate of registration or who has not a certificate of registration as an apprentice barber, or falsely pretending to be qualified to practice barbering under sections 230-A to 230-P or violating any of the provisions of said sections, wherein a specific penalty is not provided for, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$20 nor more than \$100, or by imprisonment for not more than 3 months. Every such person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of sections 230-A to 230-P.'

Sec. 5. R. S., c. 18, § 31, amended. The first sentence of section 31 of chapter 18 of the Revised Statutes, as last amended by section 3 of chapter 303 of the public laws of 1959, is further amended to read as follows:

'All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the Board of Examiners of Funeral Directors and Embalmers, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Architects, the Electricians' Examining Board, the Oil Burnermen's Licensing Board, the State Board of Barbers ~~and Hairdressers~~, **State Board of Hairdressers**, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'