

MAINE STATE LEGISLATURE

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**CHAPTER 11
COSMETICIANS**

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SUBCHAPTER I

GENERAL PROVISIONS

- Sec.**
 601. Definitions.
 602. Penalties.

§ 601. Definitions

“Cosmetic preparations” shall mean tonics, lotions, creams, powders, antiseptics, clays, bleaches, colors, dyes or other substance used with or without mechanical or electrical apparatus to massage, cleanse, stimulate, manipulate, color, bleach or otherwise to treat, improve or to beautify the scalp, face, neck, shoulders, busts, arms, arm pits, hands or to manicure the fingernails of any person, or to arrange, dress, curl, wave, cleanse, bleach, color or similarly treat the hair of any person, and shall include all shampoo preparations. Household and toilet soaps shall not be held to be cosmetic preparations but shall be subject to this chapter, if such soaps are represented by the manufacturer or the producer thereof as a preparation for the treatment of disease.

R.S.1954, c. 25, § 207.

§ 602. Penalties

Any person, firm or corporation that violates any of the provisions of this chapter or regulation made thereunder shall be punished by a fine of not more than \$100.

All fines, forfeitures and costs collected under this chapter shall be paid to the county.

R.S.1954, c. 25, § 212.

SUBCHAPTER II

REGISTRATION

Sec.

651. Certificate required.

652. Issuance of certificate; regulations; fees; appeals.

§ 651. Certificate required

No person, firm, corporation or copartnership shall hold for sale, sell or offer for sale in intrastate commerce, or give away or deal in within this State, or supply or apply in the conduct of a beauty shop, barber shop, hairdressing establishment or similar establishment any cosmetic preparation unless the said preparation has been registered with and a certificate of registration secured from the Department of Health and Welfare. This section shall apply only to persons, firms, corporations or copartnerships which manufacture or produce cosmetic preparations within this State.

R.S.1954, c. 25, § 208.

§ 652. Issuance of certificate; regulations; fees; appeals

The Department of Health and Welfare is authorized to issue and shall issue a certificate of registration to the manufacturer, proprietor or producer of any cosmetic preparation manufactured or produced in this State on the payment of an initial registration fee of 50¢ per preparation, which certificate shall be renewed annually on or before the first day of January in each succeeding year on the payment of a fee of 50¢.

The department is authorized to regulate or to refuse the issuance of certificates of registration or to prohibit the sale of cosmetic preparations which in its judgment contain injurious substances in such amounts as to be poisonous, injurious or detrimental to the person. Temporary certificates of registration may be issued by the department for any preparation pending investigation of the same.

The department is authorized to make such regulations as may be necessary for carrying out the purposes of this chapter to safeguard the public health.

Fees received under this chapter shall be used by the department for carrying out the purposes of this chapter.

32 § 652 PROFESSIONS AND OCCUPATIONS Title 32

From the refusal of the department to issue a certificate of registration for any cosmetic preparation, the person so aggrieved may file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307.

R.S.1954, c. 25, § 206; 1961, c. 394, § 10; 1963, c. 412, § 23.

SUBCHAPTER III

ADMINISTRATION

Sec.

701. Unlawful use or sale; forfeit.

702. Duty of officer or agent.

703. Claimant's nonappearance; forfeiture; proceeding where claimant is party.

§ 701. Unlawful use or sale; forfeit

Cosmetic preparations kept or deposited within the State intended for unlawful sale or use and the vessels in which they are contained are contraband and are subject to forfeiture to the State unless they have been registered with the said department as prescribed in this chapter. Sheriffs, deputy sheriffs, police officers, state police officers and duly authorized agents of the said department shall have the power to seize the same with or without process. In cases where cosmetic preparations are seized without a warrant, said preparations shall be kept in some safe place for a reasonable time until a warrant can be procured.

R.S.1954, c. 25, § 209.

§ 702. Duty of officer or agent

When cosmetic preparations and vessels are seized as provided in this chapter, the officer or duly authorized agent of the department who made such seizure shall immediately file with the judge before whom such warrant is returnable a libel against such preparations and vessels, setting forth the seizure by him describing the cosmetic preparations, their vessels and the place of seizure, and that they were kept or intended for unlawful sale and use in violation of law, and pray for a decree of forfeiture thereof. Such judge shall fix a time for the hearing of such libel and shall issue his monition and notice of the same to all persons interested, citing them to appear at the time and place appointed to show cause why said preparations and vessels in which they are contained should not be declared forfeited, by causing a true

and attested copy of said libel and monition to be posted in 2 public and conspicuous places in the town or place where such preparations were seized, 10 days at least before said libel is returnable.

R.S.1954, c. 25, § 210.

§ 703. Claimant's nonappearance; forfeiture; proceeding where claimant is party

If no claimant appears, such judge shall, on proof of notice, declare the same to be forfeited to the State. If any person appears and claims such preparations, or any part thereof, as having a right to the possession thereof at the time when the same were seized, he shall file with the judge such claim in writing, stating specifically the right so claimed, the foundation thereof, the items so claimed, the time and place of the seizure and the name of the officer or duly authorized agent of the Department of Health and Welfare by whom the same were seized, and in it declare that they were not so kept or deposited for unlawful sale and use as alleged in said libel and monition, and state his business and place of residence, and shall sign and make oath to the same before said judge. If any person so makes claim, he shall be admitted as a party to the process. The judge shall proceed to determine the truth of the allegations in said claim and libel, and may hear any pertinent evidence offered by the libelant or claimant. If the judge, upon hearing, is satisfied that said preparations were not so kept or deposited for unlawful sale or use, and that the claimant is entitled to the custody of any part thereof, he shall give him an order in writing, directed to the officer or duly authorized agent of the department having the same in custody, commanding him to deliver to said claimant the cosmetic preparation to which he is so found to be entitled, within 48 hours after demand. If the judge finds the claimant entitled to no part of said preparation, he shall render judgment against him for the libelant for costs, to be taxed as in civil cases before such judge, and issue execution thereon, and shall declare said preparation forfeited to the State. The claimants may appeal and shall recognize with sureties as on appeals in civil actions.

R.S.1954, c. 25, § 211.