

MAINE STATE LEGISLATURE

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May 5, 1939

Dr. Elmer W. Campbell, Chief Clerk
State Board for the Regulation of
Hairdressing and Beauty Culture
Augusta, Maine

Dear Doctor Campbell:

Confirming our conversation of this morning relative to the matter of licenses for the operating of shops for the operation of hairdressing and beauty culture, and of barber shops as provided for by Section 3 of Chapter 112, P. L. 1935, and by Section 1 of Chapter 190, P. L. 1937, I am of the opinion that the advice given to you in a letter of June 10, 1936, by this office does not outline to you a fair and equitable manner of handling these situations. I understand from you that in the great majority of cases where a registered operator of a shop moves to another location during the period covered by the license, such operator takes with him all of the equipment in the licensed shop leaving only such fixtures as have become a part of the realty, and that it is your practice of necessity to inspect such abandoned location in the event that a new operator wishes to occupy it, and also to inspect any new location to which the first operator has moved his equipment.

It seems to me, therefore, that there is nothing left in the old location to which a license could be attached and be available for a new occupant. It would also seem to me that it would not be proper to say that the first occupant could take his shop license with him to his new location in view of the necessity of an inspection of this new location by the Board and, therefore, I have come to the conclusion that the best way to handle this matter is to treat a shop license as having terminated when the operator to whom it is issued abandons the location and to require a new license from such operator in his new quarters, if any, and also a new license from any subsequent occupant of the old quarters.

I believe further that it would be fair and equitable, in the event that a registered occupant moves from one location to another, for your Board to give him credit for the unexpired portion of his license in the old location and to charge him pro rata for the remainder of the licensed year in his new location which would, in effect of course, mean that no additional fee was collected from him because of such change of location.

Very truly yours,

Franz U. Burkett
Attorney General

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