

MAINE STATE LEGISLATURE

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January 9, 1941

To Joel Earnest, Director of Health
Re: Employees of the Board of Barbers

By the provisions of Section 7 of Chapter 227 a State Board "for the regulation of the practice of hairdressing and beauty culture consisting of three members" was created and it was further provided that one member of this Board should be a physician.

The entire Chapter 227 was repealed by Chapter 282 of the Public Laws of 1933 at the Special Session of December 4-20. Section 7 therein changed the designation of the third member of the Board and provided that

"the third member of the Board shall be the Director of Health who shall be the executive secretary of the Board and who shall serve without additional compensation for such services."

Chapter 190 of the Public Laws of 1937 added additional duties and functions to those of the State Board and provided that it should thereafter be known as "The State Board of Barbers and Hairdressers". The Board was enlarged to include two additional members who must be practical barbers. Under Section 7 of said chapter the organization of the Board was changed by providing that the new Board should immediately elect one of its members as chairman, but further provided that all other officers of the Board should continue in office and perform such duties as would be necessary to carry out the provisions of the new Act.

The Act provides that the executive secretary shall keep a record of proceedings, issue all notices, registration certificates, et cetera, attest all such papers and orders as said Board might direct, make sanitary inspections and perform such other duties as should be designated by the Board.

The Act clearly indicates that it was the intention thereof to make the Director of Health a member of this Board by virtue of his office with certain functions to be performed under the direction of the Board. I do not find anything which would indicate an intention to make this Board any part or division of the Department of Health and Welfare.

I am, therefore, of the opinion that persons employed by the Board of Barbers and Hairdressers are employees of that Board, paid from the fees collected by said Board, and that the inspections made by the executive secretary of the Board are made in his capacity as such executive secretary and not in his capacity as Director of Health.

LeRoy R. Folsom
Assistant Attorney General

(Apparently re-issued on June 17, 1941)