

MAINE STATE LEGISLATURE

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January 10, 1966

Frank T. Kelly, Exec. Sec.

Board of Hairdressers

George C. West, Deputy

Attorney General

Continuous Hours of Study

Reference is made to your memo of January 5 and attached material.

FACTS:

Generally, the facts disclose that a girl entered a Maine Hairdressers School on June 17, 1963. She continued in the school until January, 1965, having acquired 1292 hours of a required 1500 hours. At that time she dropped out of this school. She went to Maryland to assist a sick sister, intending to enroll in a school in Maryland or District of Columbia. She did not so enroll because she could not find one where she could continue her studies and assist her sister. So she assisted her sister and upon return to Maine in June, 1965, applied for readmission. She was advised by the Board that her 1292 hours were lost because of the interruption from February to June 1965.

This general question has been a problem to the Board for many years. Undoubtedly there have been verbal assents from this office to the practice of the Board's refusal to allow resumption of studies after an interruption. We can find no written opinion from this office. (There may have been an opinion when the Board was a combined Board and an adjunct of the Department of Health and Welfare.) However, we are now re-examining the law and issuing an opinion on the subject.

QUESTION:

May a person who has interrupted her school course be allowed to resume her course of study and be granted the hours of credit earned prior to the interruption?

ANSWER:

Yes.

REASONS:

There are two sections of the Hairdressers and Beauticians Law involved. They are a portion of the first sentence of 32 M.R.S.A., section 1553, and 32 M.R.S.A., section 1652, 3.

The portion of section 1553 pertinent to the question reads:

"No school of hairdressing and beauty culture shall be approved by the State Board of Hairdressers . . . 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, . . ."

The above language means that a school of hairdressing and beauty culture must have the approval of the Board in order to operate. One requirement by which approval is granted is "a minimum requirement of a continuous course of study of 1,500 hours." In other words, a school must offer "a continuous course of study" of a minimum number of stated hours. The particular provision does not, by its language, make any requirement as to a student who goes to the school. The requirement relates only to the course offered by a school.

By way of example, a school could not be approved which offered a course from July 1 to August 31, then from December 1 to February 28, and then from April 1 to May 31. Such a course would not be continuous. (It is not here suggested that a school may not close for holidays or vacations.)

Now we must look at the law to see what requirement there is relative to a student's attendance at a school. The only pertinent provision is section 1652, 3.

"Any person shall be eligible to obtain a certificate of registration"

"3. Who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said board,"

The provision simply states, in relation to attendance at a hairdressing school, the applicant must have "satisfactorily completed a course of instruction." Nothing is stated concerning a "continuous" course of instruction. Just a plain and simple completion of a course of instruction.

Frank T. Kelly

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It is only logical to conclude that an applicant who has completed 1,500 hours in an approved school is eligible for the examination, assuming other requirements are met. There is stated no requirement of satisfactorily completing a "continuous" course of instruction.

Hence, it must be concluded that the Board has no authority to refuse a student credit for hours completed prior to an interruption in her course.

George C. West
Deputy Attorney General

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