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January 8, 1969

AS
KCM
JE
Alice B. Mann, Secretary

Board of Barbers

Leon V. Walker, Jr., Assistant

Attorney General

Cutting Hair at Academies

SYLLABUS:

Registered barbers may cut the hair of students at academies which have no licensed barber shop.

FACTS:

Registered barbers have been cutting hair at certain academies which have no licensed barber shop.

QUESTION:

May registered barbers cut the hair of students at academies which have no licensed shop?

ANSWER:

Yes.

OPINION:

32 M.R.S.A. § 301, subsection 3, provides that cutting of hair shall be done only in a licensed barber shop by registered barbers, with enumerated exceptions.

One of the exceptions is subsection 3C, which provides: "When done upon inmates of institutions."

The New Standard Dictionary defines "inmate" as "one who lives in a place with others; an associate or mate in occupancy . . . ; as, one of the inmates of a dwelling" Webster's Seventh New Collegiate Dictionary defines the word to mean "one of a family or other group occupying a single residence."

"Institution" is defined in the New Standard Dictionary to mean "a corporate body or establishment instituted and organized for public use, or the building occupied by such a corporate body"

"Private schools and colleges" and "universities" have been held synonymous with "institution."

Dodge v. Williams (Wis.) 50 N.W. 1103, 1107

Hobbes County v. Hamline University (Minn.) 44 N.W. 1119, 1120

In re Durand (N.Y.), 87 N.E. 677, 678.

McKies v. Lounsberry (Iowa), 111 N.W. 2d. 638, 645.

It is our opinion, therefore, that reference practice of cutting hair is permitted under 32 N.E.S.A. § 301, subsection 3C.

Leon V. Walker, Jr.
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