

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

W. E. Gilpatrick, Executive Secretary

Licensing Beauty Shops in Nursing Homes

*SYLLABUS:*

A space in a nursing home reserved and equipped for the practice of hairdressing and beauty culture for the benefit of patients of the home must be licensed in accordance with 32 M.R.S.A. §1651.

*FACTS:*

A number of nursing homes have equipped a space as a beauty shop to serve the patients in the home, as a convenience to them. The shops are normally equipped like any other shops set up on a commercial basis.

*QUESTION:*

Is such a shop required to be licensed under 32 M.R.S.A. § 1651?

*ANSWER:*

Yes.

*OPINION:*

32 M.R.S.A. §1651 provides:

“No person, firm or corporation shall operate or cause to be operated a shop or establishment where hairdressing and beauty culture are practiced unless such shop or establishment has been duly licensed. . . .”

The spaces in nursing homes, reserved and equipped for the practice of hairdressing and beauty culture constitute shops or establishments within the meaning and intent of § 1651. There is no exception in the law governing hairdressing and beauty culture, such as is found in the law governing the practice of barbering, where it is provided (32 M.R.S.A. § 301, sub § 3):

“Cutting of hair, barbering and the practice of barbering shall be done only in a licensed barber shop by persons duly registered to practice barbering in this state, except in the following situations:

A. When done upon patients in hospitals or nursing homes; . . . .”

In view of the above, it seems clear that the Legislature intended that a beauty shop in a nursing home be licensed under § 1651.

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