

MAINE STATE LEGISLATURE

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August 27, 1973

Etta B. Hall, Executive Secretary

Board of Hairdressers

Leon V. Walker, Jr., Asst.

Attorney General

Rules and Regulations Governing Schools of Hairdressing

Section E of the Rules and Regulations of your Board contains the requirements for the physical plant and equipment of schools of hairdressing. Paragraph 11 of Section E states that the "total area for school purpose shall be not less than 2500 square feet." Paragraph 12 then provides that "a school may apply for approval of a substitute allocation or combination of function areas" which "may include an overall diminution in size if no more than 30%."

The Association of Beauty School operators is opposed to the Board granting permission to a prospective school operator to open with less than 2500 square feet of space, on the ground that the word "school" in paragraph 12 means an existing school only, and not a prospective school.

Since your Board has already granted permission to a prospective school operator, a Mrs. Olsen, to recruit students and operate a school with less than 2500 feet of operating space, an opinion from this office as to the meaning of the word "school" would involve a matter which has already been decided by the Board, and is moot. (Section A, paragraph 2, of the Board's rules and regulations defines the word "school.")

Since the question involves only an interpretation of this definition and not an interpretation of a statute, it is suggested that the Board may amend this regulation by redefining "school" to include prospective schools. The Board also may include in section E, paragraph 12, a phrase indicating that prospective, as well as existing schools may make application thereunder.

LVWJr/mf

NOT A FORMAL OPINION