

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 629

H. P. 488

House of Representatives, February 5, 1971

Referred to Committee on Health and Institutional Services. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bustin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Clarifying the Laws Relating to Hairdressing.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 32, § 1551, sub-§ 1, repealed and replaced. Subsection 1 of section 1551 of Title 32 of the Revised Statutes, as amended by section 1 of chapter 272 of the public laws of 1967, is repealed and the following enacted in place thereof:

1. Cosmetology or hairdressing and beauty culture. "Cosmetology or hairdressing and beauty culture" shall mean any or all work performed or demonstrated by any person, which work is generally and usually performed by so-called hairdressers, cosmetologists, cosmeticians, beauticians, hairstylists, coiffeurists or beauty culturists and however denominated, in so-called hairdressing and beauty shops and hairstyling salons, which work is for the cleanliness and beautification of the hair, such as arranging, modeling, dressing, combing, brushing, beautifying, curling, waving, straightening, dyeing, tinting, permanent waving, cleansing, cutting, styling, singeing, bleaching or coloring; and the massaging, cleansing, stimulating, exercising or similar work upon the scalp, face, arms, hands or neck with the hands, or by use of mechanical or electrical application of creams, tonics and soothing lotions, and antiseptics for use with instruments or with the hands; and of manicuring the fingernails and beautifying of the hands of males and females, and pedicuring toenails of females, and of the bleaching of external hair upon the scalp, face, arms, hands, neck and legs, and the fitting, dressing, combing, brushing, curling, waving, cleaning, cutting, singeing, bleaching, coloring of a wig, wiglet or hairpiece made of human hair, animal hair or synthetics on or off the head other than incident to original retail sales, or doing similar

work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting on any person. Nothing in this subsection or otherwise in this chapter shall be construed to authorize any person not licensed by the board to, at the time of original sale of a wig, wiglet or hairpiece, any more than place said wig, wiglet or hairpiece on the head of a buyer or prospective buyer and measure the head.

Sec. 2. R. S., T. 32, § 1553, amended. The first sentence of section 1553 of Title 32 of the Revised Statutes is amended to read as follows:

No school of hairdressing and beauty culture shall be approved by the State Board of ~~Hairdressers~~ **Cosmetology** until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture, 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, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board.

Sec. 3. R. S., T. 32, § 1553, amended. The 3rd sentence of the next to the last paragraph of section 1553 of Title 32 of the Revised Statutes, is amended to read as follows:

Said application shall be filed with the secretary of said board and shall be accompanied by an examination fee of ~~\$15~~ **\$25** which shall include registration, if examination is satisfactory.

Sec. 4. R. S., T. 32, § 1553, amended. The last sentence of the next to the last paragraph of section 1553 of Title 32 of the Revised Statutes, is amended to read as follows:

Renewal fee for instructors shall be ~~\$5~~ **\$10**.

Sec. 5. R. S., T. 32, § 1553, amended. The first 2 sentences of the last paragraph of section 1553 of Title 32 of the Revised Statutes are amended to read as follows:

Students to be accepted shall have reached at least the age of 16 and ~~have completed the 10th grade in a secondary school~~ **be a high school graduate or the equivalent.** An enrollment record of each new student admitted to a school shall be sent to the secretary of the board on the first day of each month, accompanied by a registration fee of ~~\$3~~ **\$5** for each new student.

Sec. 6. R. S., T. 32, § 1555, repealed and replaced. Section 1555 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 1555. Penalties

Any person violating this chapter, including but not limited to the practicing of cosmetology in this State, without having obtained a certificate of

registration as provided by this chapter or employing a person to practice cosmetology who has not such a certificate, unless he is an apprentice within the meaning of this chapter, or falsely pretending to be qualified to practice cosmetology under this chapter, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both.

Sec. 7. R. S., T. 32, § 1601, amended. The first 3 paragraphs of section 1601 of Title 32 of the Revised Statutes, as amended, are further amended to read as follows:

The State Board of ~~Hairdressers~~ **Cosmetology**, as heretofore established and in this chapter designated as the "board," shall consist of 6 members who shall be citizens of this State, 5 of whom shall have been engaged in the practice of hairdressing for a least 5 years immediately prior to their appointment. The tenure of each board member shall be for ~~a~~ 3 years.

The 5 members of the board who are ~~hairdressers~~ **cosmetologists** shall be appointed by the Governor with the advice and consent of the Council. The Director of the Bureau of Health shall be a member of the board but shall have no vote. The board members who are ~~hairdressers~~ **cosmetologists** shall be actively engaged in the practice of hairdressing during their membership on said board **and shall annually, in January, elect a chairman.** ~~The senior hairdresser board member shall serve as chairman.~~

The present ~~hairdressing~~ **cosmetologist** members of the board shall serve until the expiration of their present term of office and shall be eligible for reappointment. **However, no person shall be eligible to serve more than 3 consecutive terms.**

Sec. 8. R. S., T. 32, § 1601, amended. The 4th paragraph of section 1601 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

The board shall employ, subject to the Personnel Law, a full-time executive director. The salary of said executive director shall be determined by the Personnel Board and shall be paid from funds received under this chapter.

The executive director of said board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as said board shall direct, cause to be made sanitary inspections at least twice a year of shops, schools and other establishments subject to a license under this chapter as part of the duties of administering the affairs of said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary.

The executive director shall employ, subject to the Personnel Law, sanitarians, clerical help and such other staff as may be required to carry out the functions of the board. The salary of such staff shall be determined by the Personnel Board and shall be paid from funds received under this chapter.

The board shall have the right to dismiss, with cause, the executive director provided for in this section.

Sec. 9. R. S., T. 32, § 1601, amended. The last paragraph of section 1601 of Title 32 of the Revised Statutes is amended to read as follows:

Each member of the board shall be allowed the sum of ~~\$20~~ \$35 per day and their necessary expenses for actual attendance upon any examination of candidates for registration and for any necessary hearings and board meetings.

Sec. 10. R. S., T. 32, § 1602, amended. The 3rd paragraph of section 1602 of Title 32 of the Revised Statutes is amended to read as follows:

Any ~~member~~ authorized representative of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours for the purpose of ascertaining whether or not the rules and regulations are being observed.

Sec. 11. R. S., T. 32, § 1651, amended. Section 1651 of Title 32 of the Revised Statutes is amended by adding at the end a new paragraph to read as follows:

It shall be unlawful for any person to practice cosmetology in any place other than a registered beauty shop, provided that a registered cosmetologist may in an emergency furnish cosmetological treatments to persons in the permanent or temporary residences of such persons by appointment.

Sec. 12. R. S., T. 32, § 1652, amended. The last sentence of the last paragraph of section 1652 of Title 32 of the Revised Statutes is repealed as follows:

~~If not successful, applicant shall have the privilege of taking a 2nd examination by payment of a fee of \$10 at any subsequent examination held by the board within a period of one year.~~

Sec. 13. R. S., T. 32, § 1653, amended. Section 1653 of Title 32 of the Revised Statutes is amended to read as follows:

§ 1653. Examinations; temporary permits

The board shall hold at least ~~2~~ 4 public examinations each year, and at such times and places as it shall designate, however, in any event, each applicant shall be examined within 90 days of receipt of his application. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least ~~7~~ 7 days before the holding of any such examination in at least ~~2~~ 2 daily newspapers printed and published in the county in which such examinations shall be held the state newspaper or a newspaper of general circulation printed and published in the county where the examination is to be held.

If any applicant to practice ~~hairdressing and beauty culture~~ cosmetology, who has been a resident of the State for a period of at least ~~6 months~~ 30 days and the applicant files with the board a certificate indicating applicant's intention to reside in Maine for the next 6 months, if in the board's judgment such certificate was filed in good faith, qualifies for examination, the board

may issue to such applicant, until the results of the applicant's examination have been given, a permit to practice ~~hairdressing and beauty culture cosmetology~~ under the supervision of a person registered to practice ~~hairdressing and beauty culture cusmetology~~. The permit shall terminate with a return of the results of the examination ~~following applicant's qualification for which applicant is scheduled for examination~~. ~~If applicant fails first examination following qualification, said applicant may renew permit to practice hairdressing and beauty culture under supervision of a person registered to practice hairdressing and beauty culture, until the results of the next consecutive examination has been given, at which time said permit expires and shall not be renewable. Such applicant shall not be considered an apprentice.~~ The applicant shall pay to the board a fee of \$3.

Any student currently enrolled in a licensed Maine School of Cosmetology may be granted a work permit upon satisfactory completion of 1200 hours of study, that will permit said student to work part-time in a licensed beauty shop, under the supervision of a licensed cosmetologist.

Sec. 14. R. S., T. 32, § 1654, amended. Section 1654 of Title 32 of the Revised Statutes is amended by adding a new paragraph at the end to read as follows:

The board may promulgate rules under which any person licensed to practice cosmetology in another state or country may, consistent with said rules upon the payment of a fee of \$25, be entitled to a certificate of registration without examination. In promulgating said rules, the board shall consider the applicant's education, experience and the standards existing for licensing at the time of applicant's initial licensing in the state or country in which the applicant is licensed.

STATEMENT OF FACT

Most of the changes are minor variations of the basic law, except for the definition of hairdressing, beauty culture and cosmetology, etc. Hopefully, this will make a more workable law that would better serve the public and the people in this field of endeavor.

The only item that will cause any increased cost is raising the board members' pay from \$20 to \$35 per day. This would run approximately \$900 a year more than at the \$20 rate. The proposed increase in exam and license fees should raise over \$2,000.