

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 578**

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H. P. 508

House of Representatives, February 23, 1977

Reported by Ms. Clark of Freeport from the Committee on Business Legislation, pursuant to H. P. 1599. Printed under Joint Rules No. 17.

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Business Legislation under Joint Rule 17, pursuant to H. P. 1599.

Presented by Ms. Clark of Freeport.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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### AN ACT to Revise the Laws Relating to Barbers and Cosmetologists.

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

Sec. 1. 5 MRSA § 151, 1st sentence, as amended by PL 1975, c. 705, § 1, is further amended to read:

All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Certification for Geologists and Soil Scientists, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the State Board of Architects, the Electricians' Examining Board, the Oil Burner Men's Licensing Board, the Penobscot Bay and River Pilotage Commission, the State Board of Barbers and Cosmetologists, ~~State Board of Cosmetology~~ State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, the Board of Examiners on Speech Pathology and Audiology and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the ex-

penses of the board and for executing the law relating to each board respectively and so much thereof as may be required is appropriated for said purposes.

Sec. 2. 5 MRSA § 2301, sub-§ 1, 3rd ¶, is amended to read:

Board of Barbers and Cosmetologists;

Sec. 3. 5 MRSA § 2301, sub-§ 1, 10th ¶, as amended by PL 1973, c. 101, § 2, is repealed as follows:

~~Board of Cosmetology;~~

Sec. 4. 32 MRSA c. 7-A is enacted to read:

**CHAPTER 7-A  
BARBERS AND COSMETOLOGISTS**

**SUBCHAPTER I  
GENERAL PROVISIONS**

§ 411. Definitions

When used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Apprentice barber. "Apprentice barber" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of barbering under the direction and supervision of a person duly authorized under this chapter to practice barbering.

2. Barber shop. "Barber shop" means any shop or establishment where the practice of barbering is carried on.

3. Barber technician. "Barber technician" means a person authorized to do or perform only the following acts constituting the practice of barbering: Shampooing and drying of hair and manicuring.

4. Beauty shop or cosmetology shop. "Beauty shop or cosmetology shop" means any shop or establishment where the practice of cosmetology is carried on.

5. Board. "Board" shall mean the Board of Barbers and Cosmetologists established pursuant to this chapter.

6. Demonstrator. "Demonstrator" shall mean any person who engages on behalf of a manufacturer, wholesaler, retailer or distributor in demonstrating the use of any machine or other article pertaining to cosmetology without charge to the person who is subject to the demonstration. The term demonstrator shall not include one who performs such a demonstration for the benefit of persons who have a certificate to practice cosmetology under this chapter or under the licensing provisions of any other state.

7. Practice of barbering. The "practice of barbering" shall mean any one or any combination of the following practices when done for hire upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

A. Shaving or trimming the beard, manicuring the fingernails, cutting, arranging, waving or styling the hair;

B. Giving facial and scalp massage or treatments with cosmetic preparations, either by hand or mechanical or electrical appliances;

C. Singeing, dyeing, tinting, bleaching or shampooing the hair or applying cosmetic preparations to the hair, scalp, face, neck or upper part of the body; such dyeing, tinting or bleaching shall not be practiced unless the barber has taken a course in such practices, approved by the board;

D. Removing superfluous hair from the face, neck or upper part of the body; and

E. Cutting, fitting, coloring or styling hairpieces or wigs.

8. Practice of cosmetology. "The practice of, teaching of or demonstration of cosmetology" shall mean the engaging by any person for hire or reward in any one or more of the following practices:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands or to manicure the fingernails of any person;

B. Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similarly treating the hair of any person; or

C. Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similarly treating a wig, wiglet or hair piece made of human hair, animal hair or synthetics.

9. Student or apprentice cosmetologist. "Student or apprentice cosmetologist" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of cosmetology under the direction and supervision of a person duly authorized under this chapter to teach cosmetology and under the rules and regulations of the board relating to students and apprentices.

#### § 412. Persons and practices not affected

1. General exceptions. The prohibitions and penalties of this chapter shall not apply to the following persons when acting within the scope of their profession or occupation:

A. Persons authorized by law of this State to practice medicine and surgery or any branch thereof;

B. Commissioned medical officers of the United States army, navy or marine hospital service; and

C. Registered nurses and licensed practical nurses.

2. Barbers only. The practice of barbering shall be carried out only in a licensed barber shop or in a licensed beauty 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;
- B. When done upon residents of summer camps;
- C. When done upon inmates or residents of institutions of the Department of Mental Health and Corrections;
- D. When done by a member of a household cutting the hair of immediate members of his family;
- E. When done upon an invalid in the invalid's place of residence; or
- F. When done upon a hotel or motel occupant in that person's hotel or motel room.

3. **Electrolysis.** The use of electrolysis for the removal of hair is not a part of the practices of cosmetology or barbering and is prohibited, except under the direction of a licensed physician.

#### § 413. Schools

1. **Approval.** Schools of barbering and schools of cosmetology shall be approved both by the board and by the Department of Educational and Cultural Services.

2. **Schools of barbering.**

A. No school of barbering shall be approved until it provides for instruction to be given to all its students by lectures or demonstrations on subjects of sanitation, sterilization, general anatomy and diseases.

No school of barbering shall be approved unless it has a minimum requirement of a course of study of 2,000 hours distributed over a term of not less than one year, including practical demonstrations, written or oral tests and theoretical and practical instructions in fundamentals of sanitation for barbering, hygiene, histology of the hair, skin, face and neck, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching, tinting the hair, sterilization and the use of antiseptics, cosmetics and electrical appliances customarily used in the practice of barbering.

B. The fee for a certificate of approval shall be \$50. The certificate shall be valid for one year from the date issued, unless suspended. The certificate may, so long as the school continues to meet the approval of the board and the Department of Educational and Cultural Services, be renewed from year to year upon payment of a fee of \$50 for each renewal.

C. No person shall be engaged to instruct in any practice of barbering as defined in section 411 unless the instructor has a certificate to practice barbering under this chapter, excepting those persons instructing in the subjects of sanitation, sterilization, general anatomy and diseases, and unless the person has in addition obtained an instructor's license, requirements of which shall be prescribed by the board and the Department of Educational and Cultural Services. The holder of an instructor's license shall pay to the secretary of the board the sum of \$5 in the first instance and \$5 for

each yearly renewal thereof. The license shall run from the first day of January in each year for one year.

### 3. Schools of cosmetology.

A. No school of cosmetology shall be approved until it shall attach to its staff a physician duly licensed to practice medicine in this State, and familiar with the installation and use of electrical appliances adapted to cosmetology, 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. Practical demonstrations will include supervised practice which shall consist of rendering service to persons other than fellow students, but such practice shall be of a clinical nature and under the direct supervision of a duly licensed instructor. Time spent in any out-of-state school of cosmetology may be credited in full or in part against said 1,500 hours, subject to the approval of the board.

B. The fee for a certificate of approval shall be \$200. Such certificate shall be valid for one year from the date issued, unless suspended. The certificate may, so long as the school continues to meet the approval of the board and the Department of Educational and Cultural Services, be renewed from year to year upon payment of a fee of \$50 for each renewal.

C. No person shall be engaged to instruct in any of the branches of cosmetology unless said instructor has a certificate to practice cosmetology under this chapter, excepting physicians as specified.

The board and the Department of Educational and Cultural Services shall make rules and regulations for the examination of applicants for certificates of registration as instructors of cosmetology. Examination applications shall be furnished by the board. The application shall be filed with the secretary of the board and shall be accompanied by an examination fee of \$50 which shall include registration, if examination is satisfactory. All certificates of registration as instructors shall expire June 30th biennially. The renewal fee for instructors shall be \$16 biennially.

D. Students to be accepted shall have reached at least the age of 16 and have completed the 10th grade in a secondary school. 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 \$5 for each new student. The board shall furnish each student registered a certificate of registration as a student. The certificate of registration shall expire 12 months from date of issue.

4. License; refusal to issue or renew; suspension; revocation. The board shall investigate or cause to be investigated all complaints involving a school or an instructor and all cases of noncompliance with or violation of this section. The board shall have the authority, after hearing, to refuse to issue or renew a certificate, or to suspend a certificate until the complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall

have the power to suspend or revoke the certificate of any school or instructor found guilty of violating any provision of this section or of violating any lawful order, rule or regulation rendered or adopted by the board.

#### § 414. Penalties

Any person engaged in the practice of cosmetology or in the practice of barbering in this State without having obtained a certificate of registration as provided by this chapter or employing a person to practice cosmetology or barbering who does not have such a certificate, unless the person is an apprentice within the meaning of this chapter, or falsely pretending to be qualified to practice cosmetology or barbering under this chapter or violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 3 months. Every such person shall be deemed guilty of a separate and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of this chapter.

#### § 415. Practicing in same shop

Any registered barber may practice barbering in a licensed shop. Any registered cosmetologist may practice hairdressing and beauty culture in a licensed barber shop. Partitions between or separate rooms for the 2 practices shall not be required in any shop where both practices are carried on.

### SUBCHAPTER II

#### BOARD OF BARBERS AND COSMETOLOGY

#### § 421. Board

1. **Membership.** There is created the Board of Barbers and Cosmetologists to consist of 10 members who shall be appointed by the Governor. All members shall have been residents of this State for at least one year immediately preceding their appointment. Four members shall have been engaged full-time in the practice of cosmetology for at least one year immediately preceding their appointment. Three members shall have been engaged full-time in the practice of barbering for at least one year immediately preceding their appointment. All such professional members shall at all times be licensed practitioners. Two members shall be representatives of the public. The 10th member of the board shall be the Director of Health, Department of Human Services, who shall not have a board vote.

No person operating or employed by a school of barbering or a school of cosmetology shall be appointed as a member of the board, and if any member of the board, after appointment, shall become affiliated in any way with any such school, that person's membership on the board shall immediately terminate and the unexpired term of that member shall be filled by the Governor.

The Governor shall appoint, within 60 days of the effective date of this Act, 3 board members for terms of one year; 3 board members for terms of 2 years and one board member for a term of 3 years. Appointments thereafter

shall be for 3-year terms, with no person being eligible to serve more than 2 full consecutive terms. Any vacancy in the board shall be filled by the appointment by the Governor of a person, qualified as was the board member being replaced, to hold office during the unexpired term of the member whose place is thus filled.

2. Meetings; chairperson; quorum. The board shall meet during the first month of each calendar year to select a chairperson and a secretary, and for other appropriate purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairperson or the written request of any 2 board members. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade or administer examinations, or upon request of an applicant who fails an examination to prepare a response indicating any reason for the applicant's failure. Four members of the board shall constitute a quorum for all purposes.

3. Employees. The board shall employ, subject to the Personnel Law, an executive secretary. The salary of the executive secretary shall be determined by the board and shall be paid from funds received under this chapter. The executive secretary of the board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Court Judge under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as the board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by the board, and shall report annually to the Governor 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 board shall employ, subject to the Personnel Law, inspectors who shall be registered barbers or cosmetologists and who shall, under the direction of the executive secretary, make inspections of shops and other establishments subject to license. The salary of such inspectors shall be determined by the board and shall be paid from funds received under this chapter. The board shall have the right to dismiss, for cause, the executive secretary or the inspectors.

4. Compensation. The members of the board shall receive as compensation for their services \$35 per day for no more than 18 days per calendar year and in addition thereto all necessary expenses incurred in the discharge of their duties, whether or not compensated for said services, provided that expenses as related to duties out of the State shall be reimbursable for no more than 5 calendar days per calendar year unless approved in advance by the Governor.

#### § 422. Powers and duties

The Board of Barbers and Cosmetologists shall have the powers and duties set forth in this section.

1. Board to administer, coordinate and enforce. The board shall administer, coordinate and enforce this chapter, evaluate the qualifications and



supervise the examinations of applicants for registration under this chapter and shall, at its discretion, investigate allegations of violations of this chapter.

Any member or employee of the board shall have power to enter and make reasonable examination of any approved school or any barber or beauty shop during business hours for the purpose of ascertaining whether or not the rules and regulations are being observed.

2. Rules and regulations. The board shall make rules and regulations commensurate with this chapter, subject to Title 5, chapters 301 to 307, except as otherwise provided in this subsection, and subject to the approval of the Commissioner of Human Services.

The rules and regulations shall include rules and regulations concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 411, and prescribing the sanitary requirements to be observed by proprietors of barber and beauty shops and schools and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses and certificates of registration. The board shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

The rules and regulations shall include rules and regulations prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of barbering or cosmetology, subject to a license under this chapter.

The board, at its first meeting after its appointment, may adopt temporary rules and regulations to be in effect for no longer than 6 months. Thereafter, the board may adopt rules and regulations only after sending, at least 14 days before a public hearing, to all persons licensed under this chapter, a copy of all proposed rules and regulations and a written notice of and agenda for a public hearing and only after holding such a public hearing. A copy of all rules and regulations which are adopted by vote of the board after such hearing and which are approved by the Commissioner of Human Services shall be sent forthwith to all persons licensed under this chapter and shall not take effect until 30 days after the date of such vote.

3. Hearings. The board shall conduct such hearings and keep such records and minutes as are necessary to the ordinary dispatch of its functions. The board shall provide written notice of the time, place and subject of such hearing to all parties whose interests are to be dealt with at such hearings at least 7 days in advance of such hearing, except as provided in subsection 2.

4. Diseases. No person shall give service in any barber or beauty shop or school who has a disease in a communicable state. The board shall have the right to require the physical examination of any person employed in any such barber or beauty shop or school suspected of having any contagious or infectious disease. Failure to submit to such an examination shall be grounds for suspension or revocation.

**§ 423. Register of names**

The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this chapter. The register shall be at all times open to public inspection.

**§ 424. Disposal of fees**

The fees received by the board under this chapter shall be paid to the Treasurer of State. Fees received under this chapter shall be used for carrying out the purposes of this chapter. Any balance of such fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**SUBCHAPTER III****REGISTRATION****§ 431. Registration and licenses**

No person shall practice barbering or cosmetology in this State unless that person shall first have obtained a certificate of registration as provided in this chapter or unless that person shall be acting within the scope of employment as an apprentice.

No apprentice barber or cosmetologist may independently practice barbering or cosmetology but he may, as an apprentice, do any or all acts constituting the practice of barbering or cosmetology under the immediate personal supervision of a registered barber or cosmetologist. Only one such apprentice shall be employed in any licensed shop.

No person, firm or corporation shall operate or cause to be operated a shop where barbering or cosmetology is practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a barber shop and the yearly renewal thereof shall be \$15. Shop licenses that require a special inspection, such as new barber shops, change of barber shop location and change of barber shop ownership shall be \$35 in the first instance including the license, and \$15 for each yearly renewal thereof. The license shall run from the first day of January in each year for one year and the fee shall be payable to the secretary of the board. The fee for a license to operate a beauty shop shall be \$30 for a new shop or change in location or ownership and \$20 but not exceeding \$35 for each biennial renewal thereof. The license shall run from the first day of July biennially and the fee shall be payable to the secretary of the board. Booths, attached to or within a beauty shop that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.

The board shall furnish to each registered barber who qualifies following an approved course in dyeing, tinting and bleaching hair, a certificate of registration in the form prescribed by the board, bearing the seal of the board, certifying that the holder is entitled to practice hair coloring in this State, and the holder of such certificate shall pay to the secretary of the board the sum of \$2 in the first instance and \$2 for each yearly renewal thereof. The registration shall run from the first day of January in each year for one year.

Each student upon enrollment in an approved school of barbering, whose age shall not be less than 17 years, shall make written application for a student permit therefor on a form prescribed and supplied by the board, which application shall contain satisfactory evidence of the qualifications required of an applicant under this chapter and shall be notarized. The applicant shall pay to the secretary of the board a fee of \$2 and the permit shall expire with termination of the school course for which the permit was obtained.

§ 432. Qualifications; examination

Any person shall be eligible to obtain a certificate of registration under this chapter for the practice of cosmetology or barbering:

1. Age. Who is at least 17 years of age;
2. Training.

A. Barbers. In the case of barbering, who has satisfactorily completed a course of instruction of 2,000 hours in not less than one year in a school of barbering approved by the board; or in lieu thereof has had a total experience in the practice of barbering or as an apprentice of 3,000 hours distributed over a period of at least 24 months; or

B. Cosmetologists. In the case of cosmetology, who has satisfactorily completed a course of instruction in a school of cosmetology approved by the board, or in lieu thereof has had a total experience in the practice of cosmetology or as an apprentice of 2,500 hours distributed over a period of at least 18 months; and

3. Examination. Who has satisfactorily passed an examination conducted by the board to determine his fitness to receive such certificate.

Each applicant for an examination shall make written application therefor on a form prescribed and supplied by the board. The application shall contain satisfactory evidence of the qualifications required of the applicant under this chapter and shall be sworn to by the applicant.

The applications shall be filed with the secretary of the board and shall be accompanied by an examination fee of \$15. If examination is satisfactory, the applicant shall pay a fee of from \$10 to \$15 to receive a first license, which shall be valid until the next renewal period. The board shall determine the exact amount of this fee. If not successful, the 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. Any applicant, who has failed a 2nd examination, may take a further examination at a time to be determined by the board upon payment of a \$10 fee for each subsequent examination.

The board shall hold at least 2 public examinations each year, and at such times and places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at last 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations will be held.

### § 433. Temporary permit

If any applicant to practice barbering or cosmetology 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 barbering or cosmetology under the supervision of a person registered to practice barbering or cosmetology. The permit shall terminate with the examination following applicant's qualification. If the applicant fails the first examination following qualification, the applicant may renew his permit to practice barbering or cosmetology under supervision of a person registered to practice barbering or cosmetology until the results of the next consecutive examination have been given, at which time the permit expires and shall not be renewable. The applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of \$5.

### § 434. Reciprocity with other states

The board shall waive the examination and grant registration to any applicant who shall present proof of current registration or licensure in another state or other jurisdiction in the United States which grants similar privileges to persons registered under this chapter.

The board shall allow an applicant to take the examination who presents proof of training or experience of an amount at least equal to that required under section 432, subsection 2, in another state or jurisdiction of the United States which maintains standards considered by the board to be equivalent to those set forth in this chapter.

### § 435. Apprentices

The board shall furnish to each registered apprentice a certificate of registration of apprenticeship.

Every apprentice in order to avail himself of this chapter to practice barbering or cosmetology shall, before entering upon his apprenticeship, file with the secretary of the board the name and place of business of his employer, the date of commencement of the apprenticeship and the full name and age of said apprentice, which age shall not be less than 17 years. Any such apprentice who shall change his place of employment shall promptly notify the board of the name and place of business of the new employer and the date of the change.

Each apprentice shall make application on a form supplied by the board for certificates of registration. The application shall be filed with the secretary of the board and shall be accompanied by a registration fee of \$10. The certificate of registration shall expire 18 months from date of issue and shall not be renewable.

Every apprentice, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 432.

### § 436. Technicians and manicurists

1. Barber technicians. Every barber technician, in order to avail himself of this chapter shall, before entering employment as a barber technician, file with the secretary of the board, on forms which shall be provided by the board, the name and place of business of the employer, the date on which employment will be commenced and the barber technician's full name and age, which age shall not be less than 17 years. The forms shall be accompanied by a registration fee of \$5. Every barber technician must have satisfactorily completed a minimum of 2 years of secondary education or its equivalent. Any barber technician who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of the new employer and the date of the change.

The board shall furnish to each barber technician a certificate of registration in the form prescribed by the board, bearing the seal of the board, certifying that the holder is a barber technician. It shall be the duty of the holder of such a certificate of registration to post it, in a conspicuous place where it may readily be seen by all persons, on or before the first day of January in each year. The fee for such a certificate shall be \$5 in the first instance and \$5 for each yearly renewal thereof. The certificate shall run from the first day of January in each year for one year.

A barber technician shall not be considered an apprentice nor shall any time which he has been registered and been employed as a barber technician count toward training for eligibility to obtain a certificate of registration as a barber.

2. Manicurists. A certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees in the same amount as provided in subsection 1.

#### § 437. Certificates; renewal; fees

The board shall furnish to each registered operator in the practice of barbering or cosmetology a certificate of registration bearing the seal of the board and the names of all of its members, certifying that the holder thereof is entitled to practice barbering or cosmetology in this State, and it shall be the duty of the holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he serves.

The certificate of registration shall be renewed on or before the first day of July biennially, and the holder of the certificate of registration shall pay to the secretary of the board the sum of \$30 for said renewal biennially.

Any registered person who fails to renew his certificate of registration during any license year in subsequent years may renew his certificate of registration upon payment of the biennial fee.

Any person registered to practice cosmetology may apply to the secretary of the board for application as a demonstrator. Certificate of registration limited to demonstrations only may be issued upon complying with such requirements as may be determined by the board and upon payment of the

fee of \$25. Certificates shall be renewed on or before July 1st each year by paying a renewal fee of \$30 biennially.

§ 438. Suspension, revocation and refusal to issue or to renew registration or license

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to refuse to issue or renew a registration or license or to suspend a registration or license until the complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the registration or license of any person registered under this chapter who is found guilty of:

1. Obtaining registration or license by fraud. Obtaining registration or license by means of fraud, misrepresentation or concealment of material facts;
2. Violation of any lawful order or rule. Violating any lawful order, rule or regulation rendered and adopted by the board;
3. Conviction of a felony. Being convicted of a felony in any court of the United States if the acts for which the person is convicted are found by the board to have a direct bearing on whether the person should be entrusted to serve the public in a capacity which is subject to license or registration under this chapter; or
4. Violations. Violating any provision of this chapter.

The board may reissue a license or registration to any person whose license or registration has been revoked, if 5 or more members of the board vote in favor of such reissuance.

Sec. 5. 32 MRSA c. 7, as amended, is repealed.

Sec. 6. 32 MRSA c. 23, as amended, is repealed.

Sec. 7. Transitional provisions.

1. **Funds.** On the effective date of this Act, the Treasurer of State shall transfer any funds in the accounts of the State Board of Barbers and the State Board of Cosmetology to the account of the Board of Barbers and Cosmetologists.

2. **Employees.** On the effective date of this Act, as many of the employees of the State Board of Barbers and the State Board of Cosmetology as will be necessary for the operation of the Board of Barbers and Cosmetologists, as determined by that board, shall be transferred to that board.

3. **Equipment, property, records.** On the effective date of this Act, all equipment, property and records of the State Board of Barbers and the State Board of Cosmetology shall be transferred or relocated to the Board of Barbers and Cosmetologists.

4. **Rules.** The rules and regulations of the State Board of Barbers and the State Board of Cosmetology, which were in effect immediately prior to the effective date of this Act, shall remain in effect until the first meeting of the Board of Barbers and Cosmetologists insofar as such rules do not conflict with this Act.

**5. Licenses and registrations.** All licenses and registrations issued by the State Board of Barbers and the State Board of Cosmetology, that are in effect on the effective date of this Act, shall remain in effect, unless suspended or revoked, until the times provided in this Act for renewal of such licenses or registrations.

### STATEMENT OF FACT

This bill is a result of a study of the laws regulating barbers and cosmetologists (hairdressers) conducted by the Joint Standing Committee on Business Legislation of the 107th Legislature, and is supported by a majority of the members of the committee.

The most important feature of the bill is the consolidation of the State Board of Barbers and the State Board of Cosmetology into a single Board of Barbers and Cosmetologists. A similar joint board had existed until 1961. The committee felt that the jurisdictional disputes between the 2 occupations, which had come before the Legislature frequently in recent years, will be resolved better under a joint board.

The new board, to be appointed by the Governor, would consist of 4 cosmetologists and 3 barbers, since there are now more of the former than the latter, as well as of 2 public members and of the Director of Health, Department of Human Services, as a nonvoting member.

The bill makes the powers and duties of the board closer and more consistent than those of the 2 present boards. The rule-making authority of the board is limited. No new rules can be adopted without sending a copy of the proposed rules to all licensed persons in advance of a required public hearing.

Schools of barbering and cosmetology would have to be approved by the Department of Educational and Cultural Services as well as by the board. This will help to improve the quality of education at these schools.

Reciprocity of licenses with other states is strengthened. Licensing of practitioners from out of this State is not left to the discretion of the board, which is the effect of the current law, but is granted to any person from a state which grants the same recognition to Maine licensees.

Under the bill, a barber may practice in a beauty shop, and a cosmetologist may practice in a barber shop. The arbitrary restriction in the present rules is eliminated.

Overly broad and arbitrary basis for licenses or for suspension or revocation, such as "good character" and "unprofessional conduct," are removed from the law.

The bill, in combining the 2 current laws, generally clarifies and improves their language and procedures.