

MAINE STATE LEGISLATURE

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D. OF R.

STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-229)

SENATE AMENDMENT "D" to H.P. 1639, L.D. 1838, Bill, "AN ACT to Revise the Laws Relating to Barbers and Cosmetologists."

Amend the bill by striking out all of section 7 and inserting in its place the following:

'Sec. 7. 32 MRSA §351, as last amended by PL 1975, c. 575, §8 and c. 771, §§334 and 335, is repealed and the following enacted in its place:

§351. Membership; executive secretary; compensation

1. Membership. The State Board of Barbers, as heretofore established and in this chapter designated as the "board," shall consist of 5 members who shall be citizens of this State, 3 of whom shall have been engaged in the practice of barbering for at least 5 years immediately prior to their appointment and one of whom shall be a representative of the public. The 5th member of the board shall be the Director of Health who shall have no board vote. The tenure of each barber member of the board shall be for 3 years, initially appointed as follows: The present senior barber board member, as appointed under section 1601 prior to September 16, 1961, shall serve for a term of 3 years, the junior barber board member, similarly elected, shall serve for a term of 2 years and its 3rd barber member, created by this section, shall serve for

a term of one year, and shall be appointed by the Governor. Thereafter, each of the barber members of the board shall be appointed by the Governor for a term of 3 years and until his successor is appointed and qualified. The public member of the board shall be appointed by the Governor for a term of 3 years, and until his successor is appointed and qualified. Barber members of the board shall be actively engaged in the practice of barbering during membership on the board.

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

Members shall be appointed in the same manner to fill vacancies caused by death, resignation or removal, who shall serve during the unexpired term of their predecessors.

2. Meetings; chairman; quorum. The board, in its first meeting each year, shall elect a chairman. The chairman shall serve for a term of one year or until a successor is elected. 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 chairman 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. Three 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 State Personnel 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 may be registered barbers 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 State Personnel 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, or, in the case of the chairman for no more than 25 days per calendar year, and in addition thereto all necessary expenses incurred in the discharge of their duties whether or not compensated for those services. 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.

Statement of Fact

The purpose of this amendment is to remove from the bill changes made in the current law concerning the membership of the State Board of Barbers.

(Farley)
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