

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 57

H. P. 48

House of Representatives, January 10, 1979

Referred to the Committee on Business Legislation. Sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Mrs. Berube of Lewiston.

Cosponsor: Mr. Cunningham of New Gloucester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Establish Registration of Electrologists.

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, State Board of Cosmetology, **the Board of Electrologists**, 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 expenses 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. 32 MRSA c. 89, is enacted to read:

CHAPTER 89
ELECTROLOGISTS
SUBCHAPTER I
GENERAL PROVISIONS

§ 8001. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Board.** "Board" means the State Board of Electrologists.
2. **Electrologist.** "Electrologist" means any person practicing follicular electrolysis for the permanent removal of hair.
3. **Electrology.** "Electrology" means the act and practice relating to removal of hair from the normal skin of the body by the application of electricity to the hair follicle to cause growth inactivity of the hair root and permanently remove the hair.
4. **Electrolysis.** "Electrolysis" means the process by which hair is removed from the normal skin by the application of electricity to the hair root to bring about growth inactivity.

§ 8002. State Board of Electrologists

1. **Membership.** There is created a State Board of Electrologists, which shall consist of 7 members who shall be citizens of this State and who shall be appointed by the Governor as follows: Three members who shall have been engaged in the practice of electrology for at least 3 years immediately prior to their appointments; one member who shall be a representative of the public; one member from the Department of Business Regulation, Central Licensing Division; one member from the Department of Educational and Cultural Services; and one member from the Department of Human Services, Health Engineering Division.

The initial electrologist members of the board shall be appointed for terms of one, 2 and 3 years, and the initial public member shall be appointed for a term of 3 years. The initial members representing state agencies shall be appointed for one, 2 and 3 years. Thereafter, all appointments shall be for terms of 3 years. The electrologist members and the public member of the board shall not be eligible to

serve more than 3 consecutive 3-year terms or to serve more than 9 years consecutively. The electrologist members shall at all times be licensed electrologists and shall be actively engaged in the practice during their membership on the board.

Any vacancy on the board shall be filled by 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. Conflict of interest. No members of the board while in office shall have any direct or indirect financial interest in the manufacture or sale of equipment or supplies used in the practice of electrolysis, nor shall any member have any connection in the management or ownership of a school of electrolysis.

3. Meetings. The board shall meet during the first month of each calendar year to select a chairman 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 chairman or the written request of any 2 board members. Four members of the board shall constitute a quorum for all purposes.

4. Compensation. The electrologist members and the public member 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 members of the board shall be paid all necessary expenses incurred in the discharge of their duties whether or not compensated for the 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.

§ 8003. Powers and duties

The board 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 of applicants for licensing under this chapter and shall, at its discretion, investigate allegations of violations of this chapter.

2. Rules and regulations. The board shall make rules and regulations commensurate with this chapter, subject to the Maine Administrative Procedure Act, Title 5, section 8051, et seq., and subject to the approval of the Department of Business Regulation.

3. Employees. The board shall employ, subject to the Personnel Law, an executive secretary. The salary of the executive secretary shall be paid from funds received under this chapter. The executive secretary of the board shall keep a record of all proceedings and licenses; issue all notices, except those required to be issued by the Administrative Court Judge under Title 4, chapter 25; and attest all papers and orders as the board shall direct. The board may, subject to the

approval of the Commissioner of Business Regulation and subject to the Personnel Law, employ such other employees as may be necessary to carry out this chapter.

4. **Hearings.** The board shall conduct such hearings and keep such records and minutes as are necessary to the ordinary dispatch of its functions. All hearings shall be conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

On or before August 1st of each year, the board shall submit to the Commissioner of Business Regulation, for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the commissioner deems essential.

The commissioner shall act as a liaison between the board and the Governor.

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board unless specifically authorized to do so by statute.

The board shall submit to the commissioner its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

SUBCHAPTER II LICENSING

§ 8021 Licenses

No person shall practice electrolysis in this State unless that person shall first have obtained a license as an electrologist as provided in this chapter.

§ 8022. Qualifications

Any person shall be eligible to obtain a license under this chapter for the practice of electrolysis:

1. **Age.** Who is at least 17 years of age;
2. **Education.** Who is the recipient of a high school diploma or a certificate of equivalency;
3. **Residency.** Who is a resident of the State of Maine; and
4. **Training.** Who has obtained a certificate of completion from a qualified electrolysis school. Such a school shall be qualified by providing at least 1100 hours of theoretical and practical training.

§ 8023. Licensure of persons already practicing

Notwithstanding the provisions of section 8022, the board shall, upon application and payment of the licensing fee, issue a license to any person who has practiced

in this State as an electrologist for a minimum of 12 months prior to enactment of this chapter.

§ 8024. License fee

Each applicant, when the requirements of sections 8022 or 8023 have been met, shall pay to the board a licensure fee of \$100. The board shall then issue a license to that person.

§ 8025. Licensure by endorsement

The board, upon application to it by any electrologist who meets the qualifications set out in section 8022, subsection 1, 2 and 4, and who has been practicing electrology in a state maintaining a standard equal to or exceeding that maintained in this State, shall issue a license to practice as an electrologist in this State, upon payment of all appropriate fees.

§ 8026. Renewals

All licenses issued under this chapter shall expire 2 years after the date of their issuance. The board shall notify, at the last known address, every registered electrologist by April 30th of the year of expiration for that electrologist's license. The notice shall state that the recipient electrologist shall apply to the board and pay a renewal fee of \$50 in order to obtain a new license. Any person who fails to renew his license within 30 days following the expiration date shall be required to make new application to the board, unless extenuating circumstances exist and unless a letter to the board with satisfactory explanation for the failure to renew has been sent by certified mail.

§ 8027. Suspension, revocation and refusal to issue or to renew 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 a hearing in conformance with Title 5, section 9051, et. seq., to refuse to issue or renew a registration or license. The Administrative Court Judge shall have the power to suspend or revoke the license of any person licensed under this chapter who is guilty of:

1. Obtaining license by fraud. Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

2. Conviction of a crime. Conviction of a crime involving moral turpitude which is punishable by a maximum term of imprisonment equal to or exceeding one year; or

3. False name or impersonation. The practice of electrolysis under a false name or the impersonation of another electrologist with a like or different name.

§ 8028. Disposal of fees

All fees for licensure shall be paid to the Treasurer of State to be used for carrying out this chapter. Any balance of funds from fees shall not lapse, but shall

be carried forward as a continuing account to be expended for that same purpose in the following fiscal year.

§ 8029. Penalties

Any person engaged in the practice of electrolysis in this State without having obtained a license as provided in this chapter or falsely pretending to be qualified to practice electrolysis under this chapter or violating any of the provisions of this chapter is guilty of a Class E crime.

STATEMENT OF FACT

The purpose of this bill is to establish a licensing system for electrologists.