

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 639, L.D. 873, Bill, "An Act Regarding Traveling Barbers"

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

'An Act Regarding Freelance Cosmetologists and Barbers'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 32 MRSA §302, sub-§2, as amended by PL 1987, c. 395, Pt. A, §123, is further amended to read:

2. Exceptions. The practice of barbering shall be carried on only by persons duly licensed to practice barbering in this State and only in a licensed barber shop, except as provided in this subsection. A duly licensed barber may practice barbering:

- A. ~~Upon~~ On patients in hospitals or nursing homes;
- B. ~~Upon~~ On residents of summer camps;
- C. ~~Upon~~ On inmates or residents of institutions of the Department of Mental Health and Mental Retardation;
- D. ~~Upon~~ On an invalid or handicapped person in that person's place of residence;
- E. ~~Upon~~ On a resident of a nursing home;
- F. ~~Upon~~ On a hotel or motel occupant in that person's hotel or motel room; and
- G. ~~Upon~~ On a person in the person's residence, if the barber maintains or is employed in a licensed barber shop; or

1 H. On persons in their private businesses.

3 The exceptions listed in this subsection shall not permit the
5 practice of barbering in food establishments or food preparation
7 areas.

9 Sec. 2. 32 MRSA §352, sub-§2, as amended by PL 1987, c. 395,
11 Pt. A, §129, is further amended to read:

13 2. Rules. The board shall adopt rules pursuant to the
15 authority vested in it by this chapter, subject to the Maine
17 Administrative Procedure Act, Title 5, chapter 375, except as
19 otherwise provided in this subsection and subject to the approval
21 of the Commissioner of Professional and Financial Regulation.

23 The rules shall include, but not be limited to, the following
25 matters:

27 A. The proper use of appliances, apparatus and electrical
29 machines used in any establishment in connection with the
31 practice of barbering, as defined in section 301;

33 B. The sanitary requirements for proprietors of barber
35 shops and persons engaged in the practice of barbering, as
37 defined in section 301; and

39 C. Requirements for licenses and registrations consistent
41 with this chapter.

43 The rules may ~~shall~~ also include reasonable requirements,
45 including sanitary standards, to govern the practice of barbering
47 by persons outside of licensed shops, as authorized by section
49 302, subsection 2.

51 A copy of all valid rules issued by the board shall be sent to
53 all persons licensed or registered under this chapter.

 Sec. 3. 32 MRSA §1552, sub-§2, as amended by PL 1987, c. 395,
 Pt. A, §146, is further amended to read:

 2. Exceptions. The practice of cosmetology shall be carried
 on only by persons duly licensed to practice in this State and
 only in a licensed beauty shop, except as provided in this
 subsection. A duly licensed cosmetologist may practice
 cosmetology:

 A. Upon On patients in hospitals or nursing homes;

 B. Upon On residents of summer camps;

 C. Upon On inmates or residents of institutions of the
 Department of Mental Health and Mental Retardation and the
 Department of Corrections;

- 1 D. Open On an invalid or handicapped person in that
- 3 person's place of residence;
- 5 E. Open On a resident of a nursing home;
- 7 F. Open On a hotel or motel occupant in that person's hotel
- 9 or motel room; and
- 11 G. Open On a person in the person's residence, ~~when done~~
- 13 ~~for the usual fees~~; or

15 The exceptions listed in this subsection shall not permit the

17 practice of cosmetology in food establishments or food

19 preparation areas.

21 **Sec. 4. 32 MRSA §1602, sub-§2, as amended by PL 1983, c. 413,**

23 **§69, is further amended to read:**

25 **2. Rules.** The board may adopt rules commensurate with the

27 authority vested in it by this chapter, subject to the Maine

29 Administrative Procedure Act, Title 5, chapter 375, and subject

31 to the approval of the Commissioner of Human Services.

33 The rules shall include, but not be limited to, rules concerning

35 the proper use of appliances, apparatus and electrical machines

37 used in any establishment for or in connection with the practice

39 of cosmetology, and prescribing the sanitary requirements to be

41 observed by proprietors of beauty shops and by persons engaged in

43 this practice and shall make regulations not contrary to law

45 relative to the applications for licenses and certificates of

47 registration. The rules shall also include reasonable

49 requirements, including sanitary standards, to govern the

51 practice of barbering by persons outside of licensed shops, as

authorized by section 1552, subsection 2. The board shall cause

these rules to be printed in suitable form and a copy thereof to

be sent to the proprietors of those shops, which copy shall be

kept posted in a conspicuous place in those shops so as to be

easily read by customers.

A copy of all rules which are adopted by vote of the board and

which are approved by the Commissioner of Human Services shall be

sent to all persons licensed under this chapter.'

STATEMENT OF FACT

The original bill dealt only with barbers in the title and

only with cosmetologists in the body of the bill. This amendment

includes cosmetologists in the title and makes the same changes

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1 to the barbers' law as the bill made to the cosmetologists' law.
2 With this amendment, both professions will be allowed to practice
3 their art at their customer's place of business. By current law
4 such practice would be subject to any board rules. This
5 amendment clarifies this point as regards cosmetologists and
6 makes the issuance of such rules mandatory for both professions.

7
8 This amendment eliminates the requirement that a
9 cosmetologist must be charging a fee in order to practice
10 cosmetology in a nonbeauty shop setting. This provision is
11 unnecessary since the definition of the practice of cosmetology
12 includes the words "for hire or reward." It also prevents a
13 conflict with current law which allows a person to perform
14 cosmetological services without a fee. It would also allow
15 licensed cosmetologists to waive their fee, for example, for
nursing home patients.

Reported by the Committee on Business Legislation
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