

# 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)



# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

---

Legislative Document

No. 1161

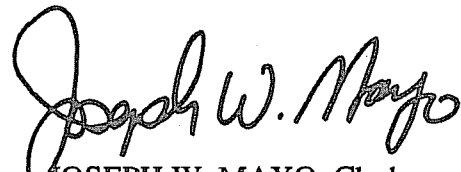
H.P. 856

House of Representatives, April 5, 1993

**An Act to Regulate the Practice of Cosmetology and Barbering Outside  
of Licensed Shops.**

---

Reference to the Committee on Business Legislation suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough.  
Cosponsored by Representatives: CHONKO of Topsham, CROSS of Dover-Foxcroft,  
HILLOCK of Gorham, MELENDY of Rockland, REED of Dexter, RUHLIN of Brewer.

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

2  
3 Sec. 1. 32 MRSA §14203, sub-§2, as amended by PL 1991, c. 728,  
4 §1, is repealed and the following enacted in its place:

6 2. Exceptions. The practice of cosmetology, barbering,  
7 aesthetics or manicuring may be carried on only by persons duly  
8 licensed to practice in this State and only in an establishment  
9 licensed by the board, except as provided in this subsection.  
10 Services may be performed by a licensed person in a location  
11 other than a licensed establishment, including a nursing home,  
12 hospital or residence, when a client for reasons of emergency is  
13 unable to leave that client's residence regularly to conduct  
14 routine affairs of daily life. Emergency circumstances include,  
15 but are not limited to:

16 A. Chronic illness or injury that leaves the client  
17 bedridden or with severely restricted mobility;

20 B. Extreme general infirmity such as that associated with  
21 the aging process;

22 C. Temporary conditions, including, but not limited to,  
23 immobilizing injury and recuperation from serious illness or  
24 surgery;

26 D. Having sole responsibility for the care of an invalid  
27 dependent who requires constant attention; or

30 E. Any other conditions that, in the opinion of the board,  
31 meet the general definition of emergency circumstances.

32 Arrangements for the performance of services in a location other  
33 than a licensed establishment must be made through a licensed  
34 establishment.

36 Sec. 2. 32 MRSA §14212, sub-§2, ¶¶C and D, as enacted by PL  
37 1991, c. 397, §6, are amended to read:

40 C. Reasonable requirements, including sanitary standards,  
41 to govern the practice of cosmetology, barbering, manicuring  
42 and aesthetics within licensed establishments as well as for  
43 persons practicing outside of licensed establishments as  
44 authorized by section 14203; and

46 D. Requirements for licenses, including, but not limited  
47 to, requirements for active and inactive licenses,  
48 consistent with this chapter; and

2                   **Sec. 3. 32 MRSA §14212, sub-§2, ¶E** is enacted to read:

4                   E. The surrender or revocation of the active license of any  
6                   person who does not maintain or is not employed in a  
8                   licensed establishment.

10                   **Sec. 4. 32 MRSA §14235, first ¶,** as enacted by PL 1991, c. 397,  
12                   §6, is amended to read:

14                   The board shall furnish to each licensed cosmetologist,  
16                   barber, manicurist or aesthetician a an active or inactive  
18                   license certifying that, subject to the provisions of this  
20                   chapter, the holder of that license is entitled to practice in  
22                   this State. The holder of a license shall post it in a  
24                   conspicuous place where it may be readily seen and read by all  
26                   persons served. The reproduction, altering or defacing of any  
28                   license is prohibited. An active license may be retained only by  
30                   a person who maintains or is employed in a licensed  
32                   establishment. A person who ceases to maintain or work in a  
34                   licensed establishment shall surrender that person's active  
36                   license. Upon request, a person surrendering an active license  
38                   may receive an inactive license as provided pursuant to section  
40                   14212, subsection 2. The board shall revoke the active license  
42                   of a person who fails to surrender that license within 30 days  
                    after the person ceases to maintain or be employed in a licensed  
                    establishment.

#### STATEMENT OF FACT

                    This bill requires that barbers, cosmetologists,  
                    aestheticians and manicurists limit their practices to services  
                    performed in licensed establishments except in emergency  
                    circumstances. The bill also establishes a dual licensing system  
                    by which only a person who practices in a licensed shop is  
                    entitled to an active license. Once leaving a licensed  
                    establishment, the licensee must surrender the active license and  
                    may request an inactive license. The Board of Barbering and  
                    Cosmetology shall revoke the active license of a person who fails  
                    to surrender that license within 30 days after the person ceases  
                    to maintain or be employed in a licensed establishment. The  
                    board is given rule-making authority to implement and govern the  
                    dual licensing system.