

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

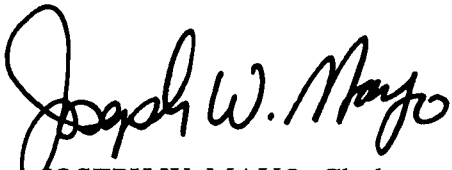
No. 46

H.P. 52

House of Representatives, January 12, 1995

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

Reference to the Committee on Business and Economic Development suggested and
ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LOVETT of Scarborough. (By Request)

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

Sec. 1. 32 MRSA §14203, sub-§2, as amended by PL 1991, c. 728, §1, is repealed and the following enacted in its place:

2. Exceptions. The practice of cosmetology, barbering, aesthetics or manicuring may be carried on only by persons duly licensed to practice in this State and only in an establishment licensed by the board, except as provided in this subsection. Duly licensed persons may practice their respective practices:

A. In a nursing home, hospital or residence, when a client for reasons of emergency is unable to leave that client's residence regularly to conduct routine affairs of daily life. Emergency circumstances include, but are not limited to:

(1) Chronic illness or injury that leaves the client bedridden or with severely restricted mobility;

(2) Extreme general infirmity such as that associated with the aging process;

(3) Temporary conditions, including, but not limited to, immobilizing injury and recuperation from serious illness or surgery;

(4) Having sole responsibility for the care of an invalid dependent who requires constant attention;

(5) Being an inmate or resident of an institution of the Department of Mental Health and Mental Retardation;

(6) Being a nonstaff resident of a summer camp; or

(7) Any other conditions that, in the opinion of the board, meet the general definition of emergency circumstances;

B. On persons in their residences who live in a community having a population of less than 1,000 people that is not within 25 miles of a community of more than 1,000 people; and

C. At charitable events.

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

2 The exceptions listed in this subsection do not permit the
3 practice of barbering, cosmetology, manicuring or aesthetics in
4 food establishments or food preparation areas.

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

8 C. Reasonable requirements, including sanitary standards,
9 to govern the practice of cosmetology, barbering, manicuring
10 and aesthetics within licensed establishments as well as for
11 persons practicing outside of licensed establishments as
12 authorized by section 14203; and

14 D. Requirements for licenses, including, but not limited
15 to, requirements for active and inactive licenses,
16 consistent with this chapter; and

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

20 E. The surrender or revocation of the active license of any
21 person who does not maintain or is not employed in a
22 licensed establishment or school.

24 Sec. 4. 32 MRSA §14235, first ¶, as enacted by PL 1991, c. 397,
25 §6, is amended to read:

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

44 Sec. 5. 32 MRSA §14238, sub-§1, ¶¶M and N, as enacted by PL
45 1991, c. 397, §6, are amended to read:

48 M. For a late fee, \$30; and

2 N. For a late filing penalty fee for repeat offenders,
\$100.

4 Sec. 6. 32 MRSA §14238, sub-§1, ¶¶O and P are enacted to read:

6 O. For an original or biennial renewal of an inactive
8 license, \$100; and

10 P. For records modification, including, but not limited to,
12 change of address, employer or name, \$25.

14 Sec. 7. Effective date. This Act takes effect July 1, 1996.

16 STATEMENT OF FACT

18 This bill requires that barbers, cosmetologists,
20 aestheticians and manicurists limit their practice to services
performed in licensed establishments except in emergency
22 circumstances, in rural communities or at charitable events. The
bill also establishes a dual licensing system by which only a
24 person who practices in a licensed shop or instructs in a
licensed school is entitled to an active license. Once leaving a
26 licensed establishment or school the licensee must surrender the
active license and may acquire an inactive license by request and
28 payment of a fee. The Board of Barbering and Cosmetology shall
revoke the active license of a person who fails to surrender that
30 license within 30 days after the person ceases to maintain or be
employed in a licensed establishment or school. The board is
32 given rule-making authority to implement and govern the dual
licensing system. The effective date of the bill is July 1, 1996.