

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)



118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1997

Legislative Document

No. 1946

S.P. 701

In Senate, December 16, 1997

An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of Barbering and Cosmetology under the Terms of a Divorce Settlement.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 16, 1997. Referred to the Committee on Business and Economic Development and ordered printed pursuant to Joint Rule 308.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.

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

2
4 **Sec. 1. 32 MRSA §14224, sub-§2**, as enacted by PL 1991, c. 397, §6, is amended to read:

6 **2. Operation of shop; license required.** A person, firm or
8 corporation may not provide services in, operate or cause to be
operated a shop where cosmetology, barbering, manicuring or
10 aesthetics is practiced unless that shop has been duly licensed
by the board. A license issued pursuant to this subsection
12 authorizes the operation of the establishment only at the
location for which the license is issued. Operation of the
14 establishment at any other location is unlawful unless a license
for the new location has been obtained in compliance with this
chapter and applicable board rules. A new shop ~~ex-~~a is required
16 to apply for licensure with the board. A currently licensed shop
that undergoes a change in location ~~ex-ownership~~ is required to
18 ~~either-apply-ex~~ reapply for licensure with the board. The owner
of a currently licensed shop that undergoes a change in ownership
20 must notify the board within 7 days of the change. If at least
one of the owners named on the existing shop license retains
22 ownership, the board shall reissue the license for the remaining
license term with the ownership indicated on the shop license.
24 If the ownership of a currently licensed shop is transferred to
all new owners, the new owners shall reapply for licensure with
26 the board. In the case of change of ownership, the shop license
is valid for 30 days from the transaction date to allow the new
28 owner to ~~make-application-for-licensure~~ comply with this section.

30 A shop that requires a special inspection, such as a new shop or
a shop that changes location or ownership, may be assessed a
32 separate inspection fee.

34 Shop licenses are issued on July 1st and must be renewed
biennially unless otherwise provided by the commissioner. The
36 fee is payable to the board.

38 A shop license is valid for 60 days following the death of the
person in whose name the shop is licensed.

40 Booths, attached to or within a licensed shop, that are operated
42 independently are subject to licensure, fees and applicable rules
in the same manner as for independent shops. The board may
44 establish rules for the operation of booths.

46 **Sec. 2. 32 MRSA §14238, sub-§1, ¶¶M and N**, as enacted by PL
1991, c. 397, §6, are amended to read:

48 M. For a late fee, \$30; and
50

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

4 **Sec. 3. 32 MRSA §14238, sub-§1, ¶10** is enacted to read:

6 O. For reissuance of a shop license after an ownership
8 change when at least one owner retains ownership, \$10.

10
12

SUMMARY

14 This bill allows the Board of Barbering and Cosmetology to
reissue a license for a shop when the ownership of a currently
16 licensed shop changes but at least one of the owners retains
ownership of the shop. A divorce decree allocating the business
18 to one of the listed owners of a currently licensed shop will not
require the remaining owner to apply for a license as if the shop
20 were new business. The board may charge a fee of up to \$10 for
the reissuance of the license with the correct ownership listed.