

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1054

H.P. 771

House of Representatives, February 26, 2003

### **An Act To Require Continuing Education in the Cosmetology, Barbering, Aesthetics and Manicuring Fields**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative BLISS of South Portland.

Cosponsored by Representatives: DUDLEY of Portland, HUTTON of Bowdoinham,  
McLAUGHLIN of Cape Elizabeth, MOORE of Standish, SULLIVAN of Biddeford.

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

4 Sec. 1. 32 MRSA §14235-A is enacted to read:

6 **§14235-A. Inactive status**

8 **1. Procedures for placing license on inactive status.** The following are procedures for placing a license on inactive status.

10 **A. A licensee may apply to the board to have the licensee's license placed on inactive status. To apply to the board to have a license placed on inactive status, the licensee must complete an application form to place the license on inactive status and pay a \$20 processing fee.**

16 **B. A former licensee who is not currently licensed to practice cosmetology, aesthetics, barbering or manicuring and who does not hold a license on inactive status must pay all lapsed renewal fees and submit proof satisfactory to the board of the completion of 8 hours of continuing education pursuant to subchapter 5 prior to receiving a new license.**

22 **C. A licensee who has held a license on inactive status for more than 2 years may have the licensee's license restored without passing an examination and by paying any applicable fees and providing proof of satisfactory completion of 16 hours of continuing education pursuant to subchapter 5.**

28 Sec. 2. 32 MRSA c. 126. sub-c. 5 is enacted to read:

30 **SUBCHAPTER 5**

32 **CONTINUING EDUCATION**

34 **§14261. Definitions**

36 As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

38 **1. Biennial licensing period.** "Biennial licensing period" means the 2-year period beginning on July 1st and ending June 30th 2 years later.

40 **2. Course.** "Course" means a continuing education course approved by the board pursuant to section 14263.

42 **3. Eligible offering entity.** "Eligible offering entity" means a nonprofit professional association, a college or a university, a vocational school, a postsecondary proprietary school of cosmetology licensed by the board, a manufacturer of

2 supplies or equipment used in the practice of cosmetology, the  
3 board or an agent of the board or any individual or entity that  
4 owns and operates 5 or more licensed salons or that employs at  
5 least 50 licensees. Any individual or entity not meeting this  
6 definition may petition the board for review and approval from  
7 the board in order to be considered an eligible offering entity.

8 4. Licensee. "Licensee" means a person licensed under  
9 subchapter 3.

10 **§14262. Continuing education general provisions and procedures**

11 1. Continuing education general provisions. The following  
12 are general provisions for continuing education.

13 A. A licensee is exempt from all continuing education  
14 requirements until the biennial licensing period commencing  
15 after initial licensure.

16 B. A licensee may not receive credit for identical course  
17 instruction completed during the biennial licensing period.

18 C. Courses completed prior to an individual's licensure by  
19 the board do not qualify for continuing education credit. A  
20 licensee may not receive continuing education  
21 credit for any course that does not have the prior approval  
22 of the board.

23 2. Duties of board. Duties of the board include:

24 A. Encouraging all eligible offering entities to offer  
25 courses in as many different locations as possible;

26 B. Keeping a current roster of approved courses that  
27 includes an explanation of course prerequisites for  
28 admission into the course. Copies of the roster must be  
29 available to licensees and the public;

30 C. Creating and publishing a continuing education approval  
31 form;

32 D. Adopting rules for waiver or extension of the  
33 requirements for continuing education for reason of  
34 hardship; and

35 E. Creating and publishing an application form for an  
36 eligible offering entity.

37 3. Continuing education requirements for licensure  
38 renewal. In order to renew a license under section 14235, a  
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licensee must meet the following continuing education requirements.

A. After the completion of the continuing education requirements for any biennial licensing period, the licensee must complete a continuing education approval form to be furnished by the board and forwarded to the board with the licensee's license renewal application and the renewal fee established in section 14238, subsection 1, paragraph E.

B. The licensee must provide satisfactory proof of completion of any applicable continuing education requirement or prove that a waiver or extension was received pursuant to subsection 2, paragraph D prior to the renewal of the license.

**4. Continuing education extension.** The licensee, upon receiving an extension under subsection 2, paragraph D, must complete and satisfactorily prove completion of any continuing education requirements by submitting proof of completion to the board by a date specified by the board.

**5. Continuing education requirement notification procedures.** The board shall inform a licensee of the continuing education requirement pursuant to this subchapter that applies to the next biennial licensing period by including a notification in the issuance of each renewed license.

#### **§14263. Eligible offering entities**

**1. Application criteria and procedures for course approval.** The following are application criteria and procedures for course approval.

A. A course and instruction must be designed to further professionally educate licensees and do at least one of the following:

(1) Enhance the professional competency of the licensee;

(2) Protect the public; or

(3) Educate the licensee on the laws and rules of the profession.

B. Application for course approval must be completed on a form provided by the board and demonstrate that the applicant is an eligible offering entity. The application must include a \$40 per course, nonrefundable processing fee

2 and be submitted to the board at least 30 days prior to the  
3 proposed initial date of the course. The application must  
4 propose a course offering that is in compliance with the  
5 requirements of this subchapter.

6 C. Whenever there is a substantive change in an approved  
7 offering, the eligible offering entity shall notify the  
8 board in writing 30 days prior to the initial offering date  
9 and pay a \$10 nonrefundable processing fee.

10 D. The following are not eligible for continuing education  
11 credit:

12 (1) That portion of any offering devoted to breaks,  
13 including breakfast, lunch and dinner or other  
14 refreshments;

15 (2) A course designed to be completed in  
16 correspondence-style instruction; and

17 (3) A course that fails to meet the criteria  
18 established in subsection 2.

19 2. Criteria for courses. The following are criteria for  
20 courses.

21 A. A course must be at least 2 hours long.

22 B. An approved eligible offering entity may not certify the  
23 attendance of a person who was not physically present during  
24 at least 90% of the course time. All courses must be  
25 successfully completed.

26 C. An eligible offering entity shall maintain for 4 years a  
27 record of attendance of each person attending a course that  
28 includes the following information:

29 (1) The name and business address of the attendee;

30 (2) The course title and description;

31 (3) The hours of attendance;

32 (4) The date of the course;

33 (5) The name, address and signature of the verifier  
34 employed by the eligible offering entity; and

35 (6) Any other information required by the board.

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2 The eligible offering entity shall certify the items listed  
3 in this paragraph and furnish a copy to the attendee within  
4 30 days after completion of the offering.

6 D. A course offered by an individual or entity whose  
7 principal residence or place of business is not located in  
8 the State or a course offered by a foreign corporation under  
9 Title 13-A, chapter 12 is eligible for approval if the  
10 course complies with the requirements contained in this  
11 section.

12 E. A course must be open to all licensees on an equal  
13 basis. Course attendance may be restricted to licensees due  
14 to valid course prerequisites for admission or by the  
15 maximum number of participants allowable as determined by  
16 the eligible offering entity and fully disclosed in the  
17 application criteria and procedures for course approval.

18 F. Passage of an examination by a licensee is not a  
19 requirement for successful completion of a course.

22 G. Each eligible offering entity shall notify the board at  
23 least one day in advance of the addition of a date for an  
24 approved course. The eligible offering entity shall also  
25 notify the board at least one day in advance of all course  
26 changes, including locations, times or changes of course  
27 instructors.

28 H. Each eligible offering entity shall submit to the board  
29 within 15 days after completion of each course a list of  
30 licensees who successfully completed the course. The list  
31 must include:

34 (1) The course title;

36 (2) The date conducted;

38 (3) The address where the course was conducted;

40 (4) The licensees' names; and

42 (5) Any other information required by the board.

44 I. The board may suspend, revoke or deny the approval of an  
45 instructor or eligible offering entity that fails to comply  
46 with provisions of this section. Written notice stating the  
47 reason for the suspension, revocation or denial must be  
48 given to the instructor or eligible offering entity against  
49 whom the board has taken action.

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