

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1232

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H.P. 903

House of Representatives, March 24, 2021

### **An Act To Clarify Services Provided by Barbers and Master Barbers**

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Received by the Clerk of the House on March 22, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SALISBURY of Westbrook.  
Cosponsored by Representative: RIELLY of Westbrook.

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

2 **Sec. 1. 32 MRSA §14202, sub-§1-A** is enacted to read:

3 **1-A. Barber pole.** "Barber pole" means a pole with red and white spiral stripes,  
4 intended to indicate the practice of barbering.

5 **Sec. 2. 32 MRSA §14202, sub-§5,** as amended by PL 2019, c. 373, §2, is further  
6 amended to read:

7 **5. Establishment.** "Establishment" means a beauty shop or salon, cosmetology shop  
8 or salon, ~~barber hair styling~~ barber shop or salon, hair styling shop or salon, hair design  
9 shop or salon or any premises, structure, building or part of a building where any activity  
10 licensed under this chapter is practiced.

11 **Sec. 3. 32 MRSA §14202, sub-§8-A,** as enacted by PL 2019, c. 373, §6, is amended  
12 to read:

13 **8-A. Practice of ~~barber hair styling~~ barbering.** "Practice of ~~barber hair styling~~  
14 barbering" means any one or any combination of the following practices, when done for  
15 hire or compensation, upon the head of the human body for cosmetic purposes and not for  
16 the treatment of disease or physical or mental ailments:

- 17 A. Shaving, trimming or cutting the beard or mustache or removing superfluous hair;  
18 B. Massaging of the scalp, face and neck and giving a facial and scalp treatment with  
19 creams, lotions, oils and other cosmetic preparations, either by hand or mechanical  
20 appliances, but such appliances may not be galvanic or faradic;  
21 C. Shampooing or applying hair tonics and conditioners;  
22 D. Cutting, arranging and styling human hair; or  
23 E. Cutting, fitting or styling hairpieces or wigs.

24 **Sec. 4. 32 MRSA §14202, sub-§11, ¶B,** as repealed and replaced by PL 2019, c.  
25 373, §10, is repealed and the following enacted in its place:

26 B. Barbering;

27 **Sec. 5. 32 MRSA §14202, sub-§13, ¶B,** as repealed and replaced by PL 2019, c.  
28 373, §11, is repealed and the following enacted in its place:

29 B. Barbering;

30 **Sec. 6. 32 MRSA §14203, sub-§2,** as amended by PL 2019, c. 373, §13, is further  
31 amended to read:

32 **2. Exceptions.** The practice of cosmetology, ~~barber hair styling~~ barbering, hair design,  
33 aesthetics or nail technology may be performed only by persons duly licensed to practice  
34 in this State and only in an establishment licensed by the director, except as provided in  
35 this subsection. Duly licensed persons may practice their respective practices:

- 36 A. On patients in hospitals or nursing homes;  
37 B. On residents of youth camps;  
38 C. On inmates or residents of institutions of the Department of Health and Human  
39 Services or the Department of Corrections;

- 1 D. On invalids or handicapped persons in those persons' places of residence;
- 2 E. On residents of nursing homes;
- 3 F. On hotel or motel occupants in their hotel or motel rooms;
- 4 G. On persons in their residences;
- 5 H. On persons in their private businesses;
- 6 I. On human remains in licensed funeral establishments; and
- 7 J. On persons at special events such as weddings, conventions and other similar events
- 8 as determined by the director.

9 The services provided pursuant to this subsection must comply with any applicable health  
10 and safety requirements, the requirements of this chapter and rules adopted under this  
11 chapter and all federal, state and local laws.

12 **Sec. 7. 32 MRSA §14204, first ¶**, as amended by PL 2019, c. 373, §15, is further  
13 amended to read:

14 A person may not instruct in any of the branches of aesthetics, ~~barber hair styling~~  
15 barbering, cosmetology, hair design or nail technology unless that person holds a valid  
16 license to practice and is authorized to instruct in each respective practice issued under this  
17 chapter, except that when specifically authorized by law, physicians may instruct without  
18 holding a license to practice in a branch of aesthetics, ~~barber hair styling~~ barbering,  
19 cosmetology, hair design or nail technology.

20 **Sec. 8. 32 MRSA §14205**, as amended by PL 2019, c. 373, §16, is further amended  
21 to read:

22 **§14205. Violations**

23 **1. Penalties.** A person is subject to the provisions of section 14236-A and Title 10,  
24 section 8003, subsection 5-A if that person:

- 25 A. Practices ~~barber hair styling~~ barbering, cosmetology, hair design, nail technology
- 26 or aesthetics in this State without having obtained a license as provided by this chapter;
- 27 B. Employs a person to practice ~~barber hair styling~~ barbering, cosmetology, hair
- 28 design, nail technology or aesthetics who does not have a license; or
- 29 C. Falsely professes to be qualified to practice or instruct ~~barber hair styling~~ barbering,
- 30 cosmetology, hair design, nail technology or aesthetics under this chapter.

31 **Sec. 9. 32 MRSA §14212-A, sub-§2, ¶A**, as amended by PL 2019, c. 373, §17, is  
32 further amended to read:

33 A. Requirements for the licensure of aestheticians, ~~barber hair stylists~~ barbers,  
34 cosmetologists, hair designers, nail technicians, instructors and trainees;

35 **Sec. 10. 32 MRSA §14224, sub-§1**, as amended by PL 2019, c. 373, §19, is further  
36 amended to read:

37 **1. Practice; license required.** A person may not practice cosmetology, ~~barber hair~~  
38 styling barbering, hair design, nail technology or aesthetics or act as a trainee in this State  
39 unless that person has first obtained a license as provided in this chapter.

1           **Sec. 11. 32 MRSA §14224, sub-§2**, as repealed and replaced by PL 2019, c. 373,  
2 §20, is amended to read:

3           **2. Level 1 establishment license and level 2 establishment license; operation;**  
4 **license required.** A person, firm, corporation or other legal entity may not provide services  
5 in, operate or cause to be operated a level 1 establishment or a level 2 establishment where  
6 cosmetology, ~~barber hair styling~~ barbering, hair design, nail technology or aesthetics is  
7 practiced unless that establishment has been licensed by the director. A level 1  
8 establishment license or a level 2 establishment license issued pursuant to this subsection  
9 authorizes the operation of an establishment only at the location for which the license is  
10 issued. Operation of a level 1 establishment or level 2 establishment at any other location  
11 is unlawful unless a license for the new location has been obtained in compliance with this  
12 chapter and applicable rules.

13           A. A level 1 establishment licensee is a person who owns an establishment, who may  
14 hold a license to practice under this chapter and who may employ one or more  
15 individuals licensed to practice in one or a combination of the practices licensed under  
16 this chapter. A level 1 establishment owner may lease space or a chair or station within  
17 or on the owner's premises to a level 2 establishment owner.

18           B. A level 2 establishment licensee is a person who holds a license to practice under  
19 this chapter and who leases space or a chair or station, pursuant to a written agreement  
20 or contract, within or on the premises of a licensed level 1 establishment and who  
21 provides services separate and apart from the level 1 establishment licensee. A level 2  
22 establishment licensee is not an employee of the level 1 establishment licensee from  
23 whom the level 2 establishment licensee leases space or a chair or station and is subject  
24 to licensure, fees and compliance with laws and rules in the same manner as the level  
25 1 establishment licensee. A person who is required to work under the supervision of a  
26 person licensed to practice under this chapter such as a holder of a temporary license  
27 issued pursuant to section 14230 or a trainee licensed pursuant to section 14232 is not  
28 eligible for a level 2 establishment license.

29           The director shall furnish to each licensed cosmetologist, barber ~~hair stylist~~, hair designer,  
30 nail technician or aesthetician a license certifying that the holder of that license is entitled  
31 to practice in this State. The licensee shall post the license in a conspicuous place where it  
32 may be readily seen and read by all persons served. The reproduction, altering or defacing  
33 of any license is prohibited.

34           The exceptions listed in section 14203, subsection 2 do not permit the practice of  
35 cosmetology, ~~barber hair styling~~ barbering, hair design, nail technology or aesthetics in  
36 food establishments or food preparation areas.

37           **Sec. 12. 32 MRSA §14224, sub-§3**, as amended by PL 2019, c. 373, §25, is further  
38 amended to read:

39           **3. Trainee.** A trainee cosmetologist, barber ~~hair stylist~~, hair designer, nail technician  
40 or aesthetician licensed pursuant to section 14232 may not independently conduct a  
41 practice but may, as a trainee, do any or all acts constituting the practice under the  
42 immediate personal supervision of a person licensed and approved by the director in a  
43 licensed establishment.

1           **Sec. 13. 32 MRSA §14224, sub-§4**, as amended by PL 2019, c. 373, §26, is further  
2 amended to read:

3           **4. Student.** A student studying the practice of cosmetology, ~~barber hair styling~~  
4 barbering, hair design, nail technology, aesthetics or instructing must be enrolled in a  
5 school licensed by the director pursuant to section 14233.

6           **Sec. 14. 32 MRSA §14227-A**, as amended by PL 2019, c. 373, §31, is further  
7 amended to read:

8 **§14227-A. Qualifications; ~~barber hair styling~~ barbering**

9           A person is eligible to obtain a license under this chapter for the practice of ~~barber hair~~  
10 styling barbering if that person:

11           **3. Training.** Has satisfactorily completed a course of instruction in the practice of  
12 ~~barber hair styling~~ barbering of 800 hours in not less than 5 months in a school licensed by  
13 the director or has experience in the practice of ~~barber hair styling~~ barbering as a trainee of  
14 1,600 hours distributed over a period of at least 10 months; and

15           **4. Examination.** Has passed an approved examination.

16           Only individuals licensed under this section may hold themselves out as ~~barber hair~~  
17 stylists, barbers or hair stylists.

18           **Sec. 15. 32 MRSA §14227-B** is enacted to read:

19 **§14227-B. Qualifications; master barber**

20           A person is eligible to obtain a license under this chapter for the practice of master  
21 barbering if that person:

22           **1. Training.** Has satisfactorily completed a course of instruction in the practice of  
23 barbering of 1,500 hours in not less than 9 months in a school licensed by the director or  
24 has experience in the practice of barbering as a trainee of 2,500 hours distributed over a  
25 period of at least 18 months; and

26           **2. Examination.** Has passed an approved examination.

27           Only individuals licensed under this section may hold themselves out as master  
28 barbers.

29           **Sec. 16. 32 MRSA §14230**, as amended by PL 2019, c. 373, §35, is further amended  
30 to read:

31 **§14230. Temporary license**

32           If an applicant to practice cosmetology, ~~barber hair styling~~ barbering, hair design, nail  
33 technology or aesthetics qualifies for examination, the director may issue a temporary  
34 license to practice under the direct supervision of a qualified supervisor, as determined by  
35 rules, within a licensed establishment. The applicant must pay the fee as set under section  
36 14238. A temporary license expires 6 months from the date of issuance and is not  
37 renewable. The applicant is not considered a trainee.

38           **Sec. 17. 32 MRSA §14232, sub-§2, ¶C**, as amended by PL 2019, c. 373, §37, is  
39 further amended to read:

1 C. The type of training, such as cosmetology, ~~barber hair styling~~ barbering, hair design,  
2 nail technology or aesthetics;

3 **Sec. 18. 32 MRSA §14232, sub-§4**, as amended by PL 2019, c. 373, §39, is further  
4 amended to read:

5 **4. Renewal; display; examination.** A trainee license is renewable upon payment of  
6 the fee as set under section 14238. The license must be displayed as provided for licenses  
7 in section 14224. The term "trainee" must appear in conspicuous print on the license. To  
8 be licensed as a cosmetologist, barber ~~hair stylist~~, hair designer, aesthetician or nail  
9 technician, a trainee, upon completion of the required training in accordance with this  
10 chapter, must pass an approved examination.

11 **Sec. 19. 32 MRSA §14236-A, sub-§1, ¶D**, as amended by PL 2019, c. 373, §43,  
12 is further amended to read:

13 D. Employing a person to practice cosmetology, ~~barber hair styling~~ barbering, hair  
14 design, nail technology or aesthetics who does not hold a valid license, unless that  
15 person is a trainee within the meaning of this chapter; or

16 **Sec. 20. 32 MRSA §14239** is enacted to read:

17 **§14239. Barber poles**

18 A barber pole may be installed at a place of business only if at least one licensed barber  
19 or master barber practices barbering at the location of the business.

20 **SUMMARY**

21 This bill describes training requirements for master barbers, a new license category. It  
22 replaces the term "barber hair stylist" with "barber". It defines "barber pole" and also  
23 prohibits installation of a barber pole at a place of business unless at least one licensed  
24 barber or master barber practices barbering at the location of the business.