

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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HOUSE.

No. 606

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND NINE.

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AN ACT to regulate the practice of barbering in the State of  
Maine; to establish a State Board of Barbers Examiners, and  
to provide for the sanitary inspection of barber shops.

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

Section 1. It shall be unlawful for any person to practice  
2 the occupation of barber in any city or town of more than  
3 three thousand inhabitants in this State unless he shall have  
4 first obtained a certificate of registration as provided in this  
5 act: Provided, however, that nothing contained in this act  
6 shall apply to or affect any person in securing his first license  
7 who is now and for the past two years has been actually en-  
8 gaged in such occupation, but all licenses issued may be re-

9 voked if said licensee does not comply with the provisions of  
10 this act. A person so engaged less than two years shall be  
11 considered an apprentice, and at the expiration of two years  
12 of such employment shall be subject to the provisions of this  
13 act as hereinafter provided.

Sect. 2. A board of examiners consisting of three practical  
2 barbers who shall have been citizens of this State for at least  
3 four years prior to their appointment, and been engaged in  
4 the occupation of barbers at least five years prior to their  
5 appointment, is hereby created to carry out the purposes and  
6 enforce the provisions of this act. The governor with the  
7 advice and consent of the council shall within forty days after  
8 this act becomes a law appoint one examiner for one year, one  
9 for two years, one for three years from the date when his  
10 appointment shall take effect respectively, and except in the  
11 case of an appointment to fill a vacancy. The members of  
12 said board may be removed by the governor, with the advice  
13 and consent of the council, for such cause as he shall deem  
14 sufficient and shall express in the order of the removal. Each  
15 member of said board shall give a bond in the sum of one  
16 thousand dollars, with sureties to be approved by the State  
17 treasurer, conditioned for the faithful performance of his  
18 duties, and shall take the oath provided by law for public of-  
19 ficers.

Sect. 3. Said board of examiners shall organize as soon  
2 as may be after their appointment and qualification by elect-

3 ing from their members a chairman, secretary, and treasurer,  
4 and shall designate one of their members to be inspector, and  
5 such organization shall continue until the appointment of  
6 any new member of said board of examiners. The secretary  
7 of said board shall keep a record of all proceedings, issue all  
8 notices, registration certificates, cards, and attest all such  
9 papers and orders as said board shall direct; and the secre-  
10 tary shall perform such other duties as shall be designated  
11 by said board.

Sect. 4. Said board shall have power to adopt rules and  
2 regulations prescribing the sanitary requirements of a bar-  
3 ber shop, subject to the approval of the State board of health,  
4 and to cause the rules and regulations so approved to be  
5 printed in suitable form, and to transmit a copy thereof to  
6 the proprietor of each barber shop in each city and town of  
7 more than three thousand inhabitants in this State. It shall  
8 be the duty of every proprietor, or person operating a bar-  
9 ber shop in each city in this State, to keep posted in a con-  
10 spicuous place in his shop, so as to be easily read by his  
11 customers, a copy of such rules and regulations. A failure  
12 of any such proprietor or person operating a barber shop to  
13 keep such rules so posted, or to obey the requirements there-  
14 of, shall be sufficient cause for the revocation of his certificate  
15 of registration; but no such certificate of registration shall  
16 be revoked without a reasonable opportunity being offered to  
17 such proprietor or person operating a barber shop to be

18 heard in his defense. Any member of said board shall have  
19 power to enter and make reasonable examination of any bar-  
20 ber shop in any city in this State during business hours, for  
21 the purpose of ascertaining the sanitary condition thereof.  
22 Any barber shop in any city in this State in which tools, ap-  
23 pliances, and furnishings in use therein are kept in an un-  
24 clean and unsanitary condition, so as to endanger health, is  
25 hereby declared to be a common nuisance, and the proprietor  
26 thereof shall be subject to prosecution and punishment there-  
27 for.

Sect. 5. Each member of said board shall receive a com-  
2 pensation of five dollars per day for actual service, and two  
3 cents per mile for each mile actually travelled while in the  
4 discharge of the duties of said board, with compensation,  
5 mileage, and all other expenses of said board shall be paid  
6 out of any moneys in the hands of the treasurer of said  
7 board; Provided, that the said compensation, mileage, and  
8 all other expenses of said board shall in no event be paid out  
9 of the State treasury.

Sect. 6. Said board shall present annually to the governor  
2 and council, in the month of January, a detailed statement of  
3 the receipts and disbursements of the board during the pre-  
4 ceding year, together with a statement of its acts and proceed-  
5 ings, and such recommendations as it may deem proper. Any  
6 moneys in the hands of the treasurer of said board at the

7 time of making such report in excess of five hundred dollars  
8 shall be paid over to the State treasurer to be kept by him  
9 for the future maintenance of the board, and to be disbursed  
10 by him upon warrants signed by the chairman and treasurer  
11 of said board.

Sect. 7. Said board shall hold each year, at such times and  
2 places as it shall designate, at least four public examinations,  
3 notices whereof shall be given by a publication at least ten  
4 days before the holding of any such meeting in at least one  
5 newspaper printed and published in the county in which such  
6 meeting shall be held.

Sect. 8. Every person now engaged in the occupation of  
2 barber in any city in this State, and who shall have been  
3 actually engaged in said occupation for the period of two  
4 years prior to the passage of this act, and who shall, within  
5 ninety days after this act becomes a law file with the secre-  
6 tary of said board an affidavit setting forth his name, resi-  
7 dence, and length of time during which and the place or  
8 places where he has practiced such occupation, and who shall  
9 pay to the treasurer of said board two dollars, shall receive  
10 a certificate of registration entitling him to practice said oc-  
11 pation.

Sect. 9. Any person not now engaged or who has not been  
2 actually engaged in the occupation of barber for one year  
3 prior to the passage of this act, or who has not complied with  
4 section eight of this act, shall not be authorized to practice

5 said occupation in any city in this State until he shall have  
6 obtained a certificate of registration to be granted after com-  
7 plying with the following conditions: 1st. He shall make  
8 written application therefor to said board and shall pay to the  
9 treasurer of said board an examination fee of five dollars.  
10 Said application shall be sworn to before the secretary of  
11 said board and shall state that said applicant is above the age  
12 of nineteen years, of good moral character, that he has  
13 studied the trade of barbering for at least two years as an  
14 apprentice under a registered and practicing barber, or that  
15 he has studied the trade in a barber's school or schools, as  
16 hereinafter defined, for at least two years. 2nd. He shall  
17 file with said board a certificate of a practicing physician of  
18 this State, sworn to before a notary public, that said appli-  
19 cant is free from contagious or infectious diseases. 3rd.  
20 Upon the filing of the foregoing application and certificate,  
21 said board, at the next meeting held for the examination of  
22 applicants, shall examine said applicant as to his skill in said  
23 trade, namely, in the care and preparation of the tools and  
24 utensils of said trade, shaving, hair cutting, and all the ser-  
25 vices incident thereto, and being satisfied that said applicant  
26 is possessed of the requisite skill to properly practice said  
27 trade, the secretary of said board shall enter his name in  
28 the register hereinafter provided for, and said board shall  
29 thereupon issue to him a certificate authorizing him to prac-  
30 tice said trade in this State: Provided, that whenever it  
31 appears that said applicant has acquired his knowledge of

32 said trade in a barber school the board may subject him to  
33 an examination and withhold from him a certificate if it  
34 shall thus appear that he is not qualified to practice said  
35 trade; And also provided, that any apprentice applying for  
36 a certificate of registration shall be allowed for so much time  
37 as he may have studied the trade, previous to the passage of  
38 this act, under any practical barber in this State.

A barber's school is hereby declared to be a school conduct-  
40 ed by a suitable person and in which all instruction is given  
41 by competent persons, and in which the course and period of  
42 training shall comply with the rules and regulations of the  
43 said board.

Sect. 10. Nothing in this act shall prohibit any person  
2 from serving as an apprentice in said trade under a barber  
3 authorized to practice the same under this act, nor from serv-  
4 ing as a student in any school for the teaching of said trade  
5 under the instruction of a qualified barber. An apprentice  
6 within the meaning of this act is one who has entered the  
7 employment of a registered barber for a fixed term in order  
8 to learn the trade of barbering. Every apprentice, in order  
9 to avail himself of the provisions of this act, shall, at the  
10 time of entering upon his apprenticeship, file with the secre-  
11 tary of said board a statement in writing, showing the name  
12 and place of business of his employer, the date of commence-  
13 ment of employment with him, and the full name and age  
14 of said apprentice.

Sect. 11. Said board shall furnish to each person to whom



2 a certificate of registration is issued a card bearing the seal  
3 of the board and the signature of its chairman and secretary,  
4 certifying that the holder thereof is entitled to practice the  
5 occupaion of barber in any city in this State, and it shall be  
6 the duty of the holder of such card to post the same in a con-  
7 spicuous place in front of his working chair, where it may  
8 be readily seen by all persons whom he may serve. Said  
9 card shall be renewed on or before the first day of January  
10 in each year, and the holder of said certificate of registration  
11 shall pay to the secretary of said board the sum of one dollar  
12 for said renewal card. Upon the failure of any holder of a  
13 certificate of registration to apply for a renewal of his card  
14 on or before the first day of January in each year, his said  
15 certificate may be revoked by said board, subject to the provi-  
16 sions of section 13 of this act.

Sect. 12. Said board shall keep a register in which shall  
2 be entered the names of all persons to whom certificates are  
3 issued under this act, and said register shall be at all times  
4 open to public inspection.

Sect. 13. Said board shall have power to revoke any cer-  
2 tificate of registration granted by it under this act, for (a)  
3 gross incompetency; (b) the keeping of a shop, or the tools,  
4 appliances, or furnishings thereof, in an unclean or unsani-  
5 tary condition; (c) failure to comply with the requirements  
6 of section 11 of this act: Provided, that before any certifi-  
7 cate shall be so revoked the holder thereof shall have notice

8 in writing of the charge or charges against him, and shall  
9 have reasonable opportunity to be heard in his defense. Any  
10 person whose certificate has been so revoked may apply to  
11 have the same reissued, and the same shall be issued to him  
12 upon a satisfactory showing that the disqualification has  
13 ceased. The said board shall have power by its chairman to  
14 summon any person to appear as a witness and testify at  
15 any hearing appointed by it touching any such charge pre-  
16 ferred against any barber of any city in this State, and to ex-  
17 amine such witness relating thereto; and may administer  
18 oaths to such witness.

Any person aggrieved by any decision or ruling of said  
20 board may, within thirty days, exclusive of Sundays and  
21 legal holidays, after receiving notice of said decision, take an  
22 appeal therefrom to the supreme court.

Sect. 14. To shave or trim the beard or cut the hair of  
2 any person for hire or reward received by the person per-  
3 forming such service, or any other person, shall be construed  
4 as practicing the occupation of barber within the meaning  
5 of this act: Provided, that the provisions of this section  
6 shall not apply to professional nurses, domestic servants, nor  
7 to undertakers or persons engaged in preparing a body for  
8 burial, nor to apprentices under the direction of a duly regis-  
9 tered barber.

Sect. 15. Any person practicing the occupation of bar-  
2 ber in any city in this State without having obtained a cer-

3 tificate of registration as provided by this act, or willfully  
4 employing a barber who has not such a certificate, or falsely  
5 pretending to be qualified to practice such occupation under  
6 this act, or violating any of the provisions of this act, shall  
7 be deemed guilty of a misdemeanor, and upon conviction  
8 thereof shall be punished by a fine of not more than twenty  
9 dollars.

Sect. 16. The inhabitants of any town of less than three  
2 thousand population may at any town meeting adopt the  
3 provisions of this act, and upon the adoption of this act by  
4 any town of this State, within ten days thereafter the town  
5 clerk of said town shall file with the secretary of the board of  
6 examiners provided for in this act an attested copy of the  
7 vote of the town meeting setting forth the fact that the pro-  
8 visions of said act have been adopted by the town meeting of  
9 said town, and upon the filing of said attested copy, then this  
10 act shall be in full force and effect in said town.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 12, 1909.

Tabled pending reference to a committee by Mr. HINES of  
Lewiston and ordered printed.

E. M. THOMPSON. *Clerk.*