

MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

S. P. No. 279

S. D. No. 109

In Senate, Feb. 19, 1925.

Taken from table on motion by Senator Powers of Aroostook and on motion by Senator Hinckley this bill was referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Hinckley of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE

AN ACT to Regulate the Occupation of Hairdressers, Cosmeticians and Cosmetologists, to Create a State Board of Examiners for the Licensing of Persons to Carry on and to Teach Such Practices, to Insure the Better Education of Such Practitioners, to Provide Rules Regulating the Proper Conduct and Sanitation of Hairdressing and Cosmetician Establishments and Schools for the Protection of the Public Health, and to Provide Penalties for Violations Thereof.

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

Section 1. It shall be unlawful for any person in the state
2 to engage in and to follow or to attempt to engage in and

4 cosmetologist, or to conduct a hairdressing or cosmetician
5 establishment or school, unless he or she shall have first
6 obtained a certificate of registration as provided by this act.

Sect. 2. CLASSIFICATIONS FOR THE PURPOSE
2 OF THIS ACT. The following classifications of practices
3 shall be adopted and understood to define practitioners with-
4 in the meaning of this act:

CLASS A—Any person who engages for compensation
2 in any one or any combination of the following practices,
3 to wit: Arranging, dressing, curling, waving, cleansing, cut-
4 ting, singeing, bleaching, coloring, or similar work, upon
5 the hair of any person by any means, shall be construed to
6 be practicing the occupation of a hairdresser.

CLASS B—Any person who, with hands or mechanical or
2 electrical apparatus or appliances, or by the use of cosmetic
3 preparations, antiseptics, tonics, lotions, or creams, engages
4 for compensation, in any one or any combination of the fol-
5 lowing practices, to wit: Massaging, cleansing, stimulating,
6 manipulating, exercising, beautifying, or similar work, the
7 scalp, face, neck, arms, bust, or upper part of the body, or
8 manicuring the nails, or removing of superfluous hair, warts,
9 moles by the use of electricity or otherwise, about the body
10 of any person shall be construed to be practicing the occu-
11 pation of a cosmetician or cosmetologist.

Sect. 3. For the purpose of this act the following defini-
2 tions shall be adopted and understood to be included within

3 to follow, the occupation of a hairdresser, cosmetician and
3 the meaning of this act:

(a) An apprentice or student is a person who is engaged
2 in learning or acquiring within a hairdressing, cosmetician
3 or cosmetologist establishment or school and while so learn-
4 ing assists in any of the practices of the classified occupations
5 within this act; under the immediate direction and super-
6 vision of a registered operator or instructor.

(b) An operator is a person, not an apprentice, who en-
2 gages in and follows any of the practices of the classified
3 occupations named within this act.

(c) A hairdressing or cosmetician and cosmetologist shop
2 is any building or part thereof, not used for sleeping or resi-
3 dential purposes wherein any of the classified occupations
4 are practiced.

Sect. 4. REGISTERED SCHOOLS.

(a) It shall be competent for any person, firm or corpora-
2 tion to apply to the said board for a certificate of registra-
3 tion as a school of any of the practices of the classified occu-
4 pations within this act, upon the payment of a reasonable
5 annual registering fee as determined annually by the said
6 board for each of the classified occupations or any of the
7 practices thereof.

(b) No school for hairdressers, or cosmeticians or cos-
2 metologists within this act shall be granted a certificate of
3 registration unless it shall attach to its staff a regularly
4 licensed physician and employ and maintain a sufficient num-
5 ber of competent instructors, registered as such, who shall

6 hold an operator's license as uniformly prescribed by the
7 said board and shall require a course of training not less
8 than two hundred and fifty (250) hours for each of the
9 two classified occupations, or a proportioned number of
10 hours as approved by the said board, for any of the prac-
11 tices of the classified occupations, as defined within this
12 act, to include both practical demonstrations, written and
13 oral tests, and include practical instructions in sanitation,
14 sterilization, and the use of antiseptics consistent with the
15 practical and theoretical requirements as applicable to the
16 classified occupations as provided in this act.

(c) No school, as provided in this act, shall operate
2 within this state unless a proper certificate of registration
3 under this act has first been obtained. Nothing contained
4 in this section shall prohibit registered operators within a
5 hairdressing, cosmetician and cosmetologist establishment
6 from teaching any of the practices of the classified occu-
7 pations in their regular course of business, and provided
8 the owners or managers thereof do not hold themselves out
9 as a school, and do not hire or employ or teach, regularly,
10 at any one and the same time, more than one apprentice to
11 three or less operators, regularly employed within their
12 business.

Sect. 5. CREATION OF STATE BOARD. There is
2 hereby created a state board of hairdressers, cosmeticians,
3 and cosmetologists consisting of three (3) members, one of
4 whom shall be a hairdresser, one a cosmetician and the

5 third a cosmetologist. The governor shall appoint the mem-
6 bers of such board by and with the advice and consent of
7 the council. Such members must have at least three (3)
8 years practical experience in their respective occupations,
9 shall be citizens of this state and shall not be members of,
10 nor affiliated with any school teaching any of the classified
11 occupations, nor shall teach any of the classified occupa-
12 tions named in this act, while in office, nor shall any two
13 members of said board be graduates of the same school of
14 hairdressers, cosmeticians and cosmetologists or practition-
15 ers of the same system or method. Each member of said
16 board shall serve a term of two (2) years, and until his
17 successor is appointed and qualified, except in the case of
18 the first board, whose members shall serve one (1), two (2)
19 and three (3) years respectively and shall take the oath pro-
20 vided for public officers. Vacancies shall be filled by the
21 governor for the unexpired portion of the term.

Sect. 6. ORGANIZATION OF BOARD. The said board
2 shall have a president, secretary and treasurer who shall be
3 elected annually from among its members. The office of
4 secretary and treasurer may be filled by the same member,
5 as said board may determine. The president and secretary
6 shall have the power to administer oath.

Sect. 7. COMPENSATION OF MEMBERS OF
2 BOARD. Each member of said board shall receive five
3 dollars (\$5.00) for each day employed in the actual dis-
4 charge of his or her official duties, and his or her necessary

5 expenses so incurred. Compensation and other expenses of
6 the board shall be paid out of the funds of the treasury of
7 such board.

Sect. 8. SALARY OF SECRETARY. The secretary of
2 said board shall receive an annual salary, not to exceed three
3 hundred dollars (\$300.00) to be fixed by the board, and his
4 or her necessary expenses actually incurred in the perform-
5 ance of the official duties.

Sect. 9. BOND OF TREASURER. The treasurer of
2 said board shall give a corporate surety bond payable to
3 the board, in the sum of ten thousand dollars (\$10,000.00)
4 approved by the said board, conditioned for the faithful
5 performance of the duties of this office. Such bond shall
6 have the approval of the board and have the oath of office
7 endorsed thereon, shall be deposited with the president of
8 the board, and kept in his office.

Sect. 10. MEETINGS OF THE BOARD. The said board
2 shall meet in the capitol of the state, on the second Tuesday
3 in January and July, of each year, and at such other times
4 and places as the board may direct. The majority mem-
5 bers of the board shall constitute a quorum for the trans-
6 action of business. The board shall prescribe rules for its
7 government and have a seal with which to authenticate its
8 acts.

Sect. 11. RECORDS OF BOARD. The said board shall
2 keep a record of its proceedings. It shall keep a register
3 of applicants, for certificates, showing the name of the ap-

4 plicant, the name and location of his place of occupation or
5 business, and whether the applicant was granted or refused
6 a certificate. The books and records of the board shall be
7 prima facie evidence of matters therein contained, and shall
8 constitute public records.

Sect. 12. APPLICATION FOR EXAMINATION.

2 Each person, who desires to practice any of the occupa-
3 tions designated to be within the meaning of this act shall
4 file with the secretary of the said board a written applica-
5 tion, under oath, on a form prescribed and supplied by said
6 board, and shall submit satisfactory proof of the required
7 age, educational qualifications, and of good moral character,
8 and shall deposit with the secretary the required fees.

Sect. 13. REQUISITES FOR ADMISSION TO EX-
2 AMINATION AND REGISTRATION. The secretary
3 of the board shall determine the sufficiency of the preliminary
4 qualifications of applicants for admission to examinations
5 and registration. The following preliminary qualifications
6 shall be sufficient:

(a) Apprentices or students shall, while learning or ac-
2 quiring any of the practices of the classified occupations,
3 be at least sixteen (16) years of age, of good moral char-
4 acter and have an education equivalent to the completion
5 of the eighth grade of the grammar school.

(b) Operators may be registered in any of the prac-
2 tices of the classifications under this act upon the payment
3 of the examination fee of ten dollars (\$10.00) for each of

4 the classifications or any one or any combination of the
5 practices of the classifications as application is therefore
6 made, providing they are of good moral character and have
7 an education equivalent to the completion of the eighth grade
8 of grammar school and shall have served the required time,
9 as determined by the board for any one or combination of
10 the practices, but not less than six (6) months for each of
11 the classifications, under the supervision of a registered
12 operator or instructor, as an apprentice, or shall have had
13 the required training in a registered school, but not less than
14 two hundred and fifty hours (250) for each of the two of the
15 classifications as defined in this act, and shall have passed
16 an examination to the satisfaction of the board as provided
17 in this act, provided however, that on and after two years
18 after the passage of this act the additional educational quali-
19 fications required of applicants as herein provided, shall be
20 equivalent to the completion of the first year of high school,
21 and further provided that the applicants for the examination
22 to practice for the removal of superfluous hair, warts and
23 moles by the use of electricity, and commonly known and
24 defined as the practice of electrolysis, shall have an addi-
25 tional training under the supervision of a registered operator
26 or instructor of at least two hundred and fifty (250) hours,
27 including such other reasonable studies as the said board
28 may prescribe.

(c) Instructors in a school may be registered as such
2 upon the payment of a fee of ten dollars (\$10.00) and upon
3 complying with all other requirements applicable to them

4 as provided for in this act, and referring to operators. In-
5 structors duly registered under any limited medical practice
6 act, need not be holders of operators' certificates as pro-
7 vided for under this act.

Sect. 14. ADMISSION TO EXAMINATION. If the
2 said board finds that the applicant has obtained the creden-
3 tials necessary for admission to the examination, the board
4 shall admit such applicant to examination, or registration.

Sect. 15. EXAMINATION. The examination of appli-
2 cants for certificates to practice under this act shall be con-
3 ducted under rules prescribed by the said board, and shall
4 include both practical demonstrations and written or oral
5 tests and shall not be confined to any specific system or
6 method, and such examinations shall be consistent with the
7 practical and theoretical requirements of the classified oc-
8 cupation or occupations, as provided by this act.

Sect. 16. CERTIFICATES. If an applicant to examina-
2 tion for operator passes such examination in any one or any
3 combination of the practices of either or all of the classifi-
4 cations within this act to the satisfaction of said board, and
5 has paid the fee required, or an instructor pays the required
6 fee and complies with the requirement pertaining to them,
7 as provided in this act, the board shall issue a certificate
8 to that effect, signed by the president and secretary and
9 attested by its seal. Such certificate shall be evidence that
10 the person to whom it is issued is entitled to the rights stip-
11 ulated therein as prescribed in this act. Such certificates

12 shall be conspicuously displayed in his or her principal of-
13 fice, place of business or employment.

Sect. 17. The board may call to its aid any person or per-
2 sons of established reputation and known ability in the
3 practices as provided for in this act, for the purpose of con-
4 ducting examinations, inspections and investigations of any
5 or all persons, firms, or corporations affected by this act.
6 Such aid shall not be connected with any school teaching
7 any of the occupations under this act. Any person called
8 upon by the board to its aid as provided herein shall receive
9 for his or her services not more than ten dollars (\$10.00)
10 for each day employed in the actual discharge of his or her
11 official duties, and his or her actual and necessary expenses
12 incurred.

Sect. 18. WHEN BOARD MAY DISPENSE WITH
2 EXAMINATION. The board may dispense with exam-
3 inations of applicants as provided in this act and may grant
4 certificates of registration under the respective sections upon
5 the payment of the required fees as provided in this act, pro-
6 vided that such applicant has complied with the require-
7 ments of another state, territory, District of Columbia, or
8 foreign country, state or province wherein the requirements
9 of the state of registration are substantially equal to the re-
10 quirements then in force in this state.

Sect. 19. EXEMPTIONS. All persons who are engaged
2 in the actual and continuous practice of any of the prac-
3 tices of the classified occupations named in this act prior

4 to the passage of this act, shall be entitled to a certificate
5 to practice under this act, without an examination, or any
6 person who prior to the passage of this act, was studying
7 any of the classified occupations, shall be credited with the
8 time or hours spent in the study of the classified occupations,
9 provided that application for such certificate or credit is
10 filed within sixty days after the taking effect of this act, and
11 upon the payment of the fees as provided in this act.

Sect. 20. POWERS AND DUTIES OF THE BOARD.

(1) The said board, created by this act, shall have the
2 power to revoke and suspend certificates, provided in this
3 act, upon proof of violation of the rules and regulations
4 established by the said board governing the classified prac-
5 tices under this act.

(2) The board may refuse to grant a certificate to a per-
2 son guilty of fraud in passing the examination or at any
3 time guilty of felony or gross immorality, grossly unpro-
4 fessional or dishonest conduct or to one addicted to liquor
5 or drug habit to such a degree to render him or her unfit
6 to practice in any of the occupations classified under this
7 act, or to one advertising by means of knowingly false or
8 deceptive statement, or for the failure to display the certifi-
9 cates as provided in this act.

(3) The said board shall have the power to require the
2 attendance of witnesses and the production of such books,
3 records and papers as either may desire at any hearing of
4 any matter which the board has authority to investigate, and

5 for that purpose either may require the secretary of the
6 board to issue a subpoena for any witness or a subpoena
7 duce tecum to compel the production of any books, records
8 or papers, directed to the sheriff, of the county where such
9 witness resides or is found, which shall be served and re-
10 turned in the same manner as a subpoena in a criminal case
11 is served and returned. The fees and mileage of the sheriff
12 and witnesses shall be the same as that allowed in the su-
13 preme judicial court in criminal cases. Fees and mileage
14 shall be paid from the fund in the state treasury for the
15 use of the board in the same manner as other expenses of
16 the said board are paid.

Sect. 21. The said board shall, with the approval of the
2 state board of health, prescribe such sanitary rules as it may
3 deem necessary, with particular reference to the precau-
4 tions necessary to be employed to prevent the creating and
5 spreading of infectious and contagious diseases.

Sect. 22. HEARING MAY BE HELD BY ANY MEM-
2 BER. Any investigation, inquiry or hearing, which the
3 said board is empowered by law to hold or undertake may
4 be held or undertaken by or before any member or mem-
5 bers of the said board, and the finding or order of such
6 member or members of said board shall be deemed to be
7 the finding or order of said board when approved and con-
8 firmed by it.

Sect. 23. APPEAL FROM ACTIONS OF THE
2 BOARD. An appeal may be taken from an action of the

3 said board refusing to grant or suspending or revoking a
4 certificate for the causes mentioned in the preceding section
5 to the supreme judicial court.

Sect. 24. FEES. The fees for examination and certificate,
2 as provided in this act, shall be paid in advance to the treas-
3 urer of the board, and by him paid into the state treasury
4 to the credit of a fund for the use of the said board. On
5 failure to pass an examination the fees shall not be returned
6 to the applicant, but within one year after such failure he
7 or she may present him or herself and be again examined
8 without the payment of an additional fee.

Sect. 25. TO WHOM PROVISIONS IN THIS ACT
2 SHALL NOT APPLY. Nothing in this city shall prohibit
3 service in case of emergency, or domestic administration,
4 without compensations nor services by persons authorized
5 under the laws of this state to practice medicine, surgery,
6 dentistry, or chiropody, nor services by barbers lawfully
7 carrying on their particular profession or business or under
8 any valid existing act of this state regulatory thereof.

Sect. 26. DISPLAY OF CERTIFICATE. Every holder
2 of a certificate granted by the said board, as provided in
3 this act, shall display it in a conspicuous place in his or her
4 principal office, place of business or employment.

Sect. 27. RENEWAL OF CERTIFICATES. The hold-
2 er of a certificate issued by the board as provided in this act,
3 who continues in active practice or occupations, shall an-
4 nually on or before the first day of December, renew his

5 or her certificate and pay the renewal fee. A certificate
6 which has not been renewed during the month of November
7 in any year shall expire on the thirty-first day of December
8 in that year. The holder of the expired certificate may
9 have the certificate restored upon the payment of the re-
10 quired renewal fee and satisfactory proof of his or her
11 qualifications to resume practice or occupation.

Sect. 28. DURATION OF CERTIFICATES; RENEW-
2 AL FEES. No certificate shall be issued for a longer pe-
3 riod than one year, and all certificates shall expire on the
4 thirty-first day of December, next succeeding, unless re-
5 newed for the next year, as herein provided, and upon the
6 payment of the following fees for renewals: for renewal of
7 certificate for operator, five dollars (\$5.00); renewal of a
8 certificate for instrtctor, five dollars (\$5.00).

Sect. 29. PENALTIES. Any person who shall practice
2 any of the occupations, maintain a school or act in any ca-
3 pacity wherein a certificate is required, without a certificate
4 provided in this act, shall be guilty of misdemeanor, shall
5 be fined not to exceed one hundred dollars (\$100.00) or
6 shall be imprisoned for no more than ninety (90) days, or
7 both. Each and every day of violation shall be construed
8 a separate offense. All fines and penalties shall be paid into
9 said board treasury within ten (10) days after payment
10 thereof, and shall inure to the benefit of said board.

Sect. 30. Wherever the words "said board" are used in
2 this act it is the seaning and intent in this act that it refers

3 to the board of hairdressers, cosmeticians and cosmêtologists,
4 as created by this act.

Sect. 31. REPEAL OF INCONSISTENT ACTS. All
2 acts or parts of acts in conflict herewith are hereby repealed.