

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 327

H. P. 1020. House of Representatives, Feb. 8, 1929.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Miss Laughlin of Portland.

STATE OF MAINE

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

AN ACT to Regulate the Occupation of Hairdressers and Cosmetologists, to Register and License Persons Engaged in Such Occupation and to Create a Board of Hairdressers and Cosmetologists.

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

Section 1. *Certificate of registration Required:* It shall
2 be unlawful for any person in the state to engage in or to
3 follow or to attempt to engage in or to follow, the occupa-
4 tion of a hairdresser or cosmetologist, or to conduct a hair-
5 dressing or cosmetologist establishment or school, unless
6 such person shall have first obtained a certificate of regis-
7 tration as provided by this act.

Sect. 2. *Classifications for the Purpose of this Act.* The following classifications of practices shall be adopted and understood to define practitioners within the meaning of this act:

Class A—Any person who engages for compensation in any one or any combination of the following practices, to wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means shall be construed to be practicing the occupation of a hairdresser.

Class B—Any person, who, with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices, to wit: Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails, or removing of superfluous hair, warts, moles, by the use of electricity or otherwise, about the body of any person shall be construed to be practicing the occupation of a cosmetologist.

Sect. 3. *Definitions.* For the purpose of this act the following definitions shall be adopted and understood to be included within the meaning of this act:

(a) An apprentice or student is a person who is engaged in learning or acquiring within a hairdressing or cosmetologist establishment or school and while so learning assists

4 in any of the practices of the classified occupation within
5 this act under the immediate direction and supervision of a
6 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 cosmetologist shop is that part of
2 any building wherein or whereupon any of the classified
3 occupations are practiced.

Sect. 4. *Registered Schools.* (a) It shall be competent
2 for any persons, firm or corporation to apply to the board
3 of hairdressers and cosmetologists for a certificate of regis-
4 tration as a school for any one or both of the classified oc-
5 cupations within this act, upon the payment of twenty-five
6 dollars annual registration fee, as determined annually by
7 the said board for each of the classified occupations.

(b) No school for hairdressers or cosmetologists within
2 this act shall be granted a certificate of registration until it
3 shall attach to its staff a regularly licensed physician and
4 employ and maintain a sufficient number of competent in-
5 structors, registered as such, and shall require a course of
6 training not less than three hundred and twenty-five (325)
7 hours for each of the two classified occupations and a pro-
8 portional number of hours as approved by the said board,
9 for any of the practices of the classified occupations as pro-
10 vided in this act, to include practical demonstrations, writ-
11 ten or oral tests, and practical instructions in sanitation,

12 sterilization, and the use of antiseptics, cosmetics and elec-
13 trical appliances, consistent with the practical and theoretic-
14 al requirements as applicable to the classified occupations
15 as provided in this act.

(c) No school, as provided in this act, shall operate with-
2 in this state unless a proper certificate of registration under
3 this act has first been obtained.

Nothing contained in this section shall prohibit registered
2 operators within a hairdressing or cosmetologist establish-
3 ment from teaching any of the practices of the classified
4 occupations in their regular course of business, provided
5 the owner or manager thereof does not hold himself out as
6 a school, and does not hire or employ or teach, regularly,
7 at any one and the same time, more than one apprentice to
8 three or less operators, regularly employed within their busi-
9 ness.

Sec. 5. *Creation of State Board.* There is hereby creat-
2 ed a state board of hairdressers and cosmetologists consist-
3 ing of three (3) members, each of whom shall be a hair-
4 dresser or a cosmetologist. The governor, with the consent
5 of the council, shall appoint the members of such board.
6 Such members must have at least three (3) years practical
7 experience in their respective occupations and shall be citi-
8 zens of this state. No two members of the said board shall
9 be members of, nor affiliated with any school teaching any
10 of the classified occupations, while in office, nor shall any
11 two members of said board be graduates of the same school

12 of hairdressers or cosmetologists.

Each member of said board shall serve a term of three
2 (3) years, and until his successor is appointed and qualified,
3 except in the case of the first board whose members shall
4 serve one (1), two (2) and three (3) years respectively.
5 The members of the said board shall take the oath provided
6 for public offices. Vacancies shall be filled by the governor,
7 with the consent of the council, for the unexpired portion
8 of the term.

Sect. 6. *Organization of Board.* The said board shall
2 have a president and a secretary, who shall be elected an-
3 nually by the members from their own number.

Sect. 7. *Compensation of Members of Board.* Each
2 member of said board shall receive ten (\$10.00) dollars for
3 each day employed in the actual discharge of his or her
4 duties, and his or her necessary expenses so incurred. The
5 secretary of said board shall receive an annual salary, not
6 to exceed twenty-five hundred dollars to be fixed by the
7 board, and his or her necessary expenses actually incurred
8 in the performance of the official duties. The compensa-
9 tion of the other members, and the expenses of the mem-
10 bers including those of the secretary, as hereinbefore pro-
11 vided, shall be paid from the fund in the state treasury to
12 the use of the board on requisition signed by the president
13 and the secretary of the board and the warrant of the audi-
14 tor of the state.

Sect. 8. *Bond of Secretary.* Before entering upon the

2 discharge of the duties of his office, the secretary of the
3 board shall give a bond with corporate surety, to the state
4 in the sum of five thousand dollars, such bond to be ap-
5 proved by the board and to be conditioned for the faithful
6 discharge of the duties of the secretary's office and the
7 premium therefor to be paid from the funds in the state
8 treasury to the use of the board. Such bond, with the ap-
9 proval of the board and oath of office endorsed thereon,
10 shall be deposited with the secretary of state and kept in
11 his office.

Sect. 9. *Meeting of the Board.* The said board shall
2 meet in the capitol of the state, on the second Tuesday in
3 January and July of each year, and at such other times and
4 places as the board may direct. The majority members of
5 the board shall constitute a quorum for the transaction of
6 business. The board shall prescribe rules for its govern-
7 ment and have a seal with which to authenticate its acts.

Sect. 10. *Record of Board.* The said board shall keep a
2 record of its proceedings. It shall keep a register of ap-
3 plicants for certificates showing the name of the applicant,
4 the name and location of his place of occupation or busi-
5 ness, and whether the applicant was granted or refused a
6 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. 11. *Application for Examination.* Each person,
2 who desires to practice any of the practices designated to

3 be within the meaning of this act shall file with the secre-
4 tary of the said board a written application, accompanied
5 by a health certificate issued by a regularly licensed physi-
6 cian, on a form prescribed and supplied by said board, and
7 shall submit satisfactory proof of the required age, educa-
8 tional qualifications, and of good moral character, and shall
9 deposit with the secretary the required fees.

Sect. 12. *Requisites for Admission to Examination and*
2 *Registration.* No person shall be admitted to examination
3 or registration under this act unless he or she possesses the
4 following qualifications:

(a) Apprentices or students need not be registered, but
2 shall, while learning or acquiring any of the practices of
3 the classified occupations, be at least sixteen (16) years of
4 age, of good moral character and have an education equiva-
5 lent to the completion of the eighth grade of the grammar
6 school.

(b) Operators may be registered in any of the practices
2 of the classifications under this act upon the payment of
3 the examination fee as may be fixed by the board, not ex-
4 ceeding five dollars for any one of the classifications, pro-
5 viding they are of good moral character and have an educa-
6 tion equivalent to the completion of the eighth grade of
7 grammar school and shall have served and completed the
8 required time and studies, as uniformly determined by the
9 board to be necessarily related to anyone or combination
10 of the practices but not less than six (6) months for each

11 of the classifications, under the supervision of a registered
12 operator as an apprentice, or shall have had the required
13 training in a registered school, but not less than three hun-
14 dred and twenty-five hours for any one of the two classi-
15 fications as defined in this act, and shall have passed an
16 examination to the satisfaction of the board as provided
17 in this act. Provided, however, that from the passage of
18 this act, applicants for examination for license to practice
19 the removal of superfluous hair, warts, or moles by the use
20 of electricity, commonly known as the practice of electro-
21 lysis, shall have a training in that particular occupation un-
22 der the supervision of a registered electrologist of at least
23 two hundred and fifty hours, and such other reasonable
24 studies and practices related thereto as the board may
25 prescribe.

(c) Instructors in a school may be registered upon the
2 payment of a fee of ten dollars (\$10.00). Instructors to be
3 registered as such shall hold an operator's license and shall
4 have had at least one year's experience as an operator. In-
5 structors duly registered under any limited or unlimited
6 medical practice act, or lecturers upon subjects not directly
7 appertaining to the practice under this act, need not be
8 holders of operators' certificates as provided under this act,
9 and shall otherwise be exempt from the provisions of this
10 act.

(d) The sufficiency of the qualifications of applicants for
2 admission to the examination for registration shall be de-

3 terminated by the board, but the board may delegate the
4 authority to determine the sufficiency of such requirements
5 to the secretary, subject to such provisions as the board may
6 make for appeal to the board.

Sect. 13. *Admission to Examination.* If the Board finds
2 that the applicant has submitted the credentials required
3 for admission to the examination, and has paid the required
4 fee, the board shall admit such applicant to examination or
5 registration.

Sect. 14. *Examination.* The examination of applicants
2 for certificates to practice under this act shall be conducted
3 under rules prescribed by the said board, and shall include
4 both practical demonstrations and written or oral tests in
5 reference to the practices for which a license is applied for
6 and such related studies or subjects as the board may de-
7 termine necessary for the proper and efficient performance
8 of such practices, and shall not be confined to any specific
9 system or method, and such examinations shall be consist-
10 ent with the practical and theoretical requirements of the
11 classified occupation or occupations as provided by this act.

Sect. 15. *Certificates.* In an applicant to examination for
2 operator passes such examination to the satisfaction of said
3 board, and has paid the fee required or an instructor pays
4 the required fee and complies with the requirement pertain-
5 ing to instructors provided in this act, the board shall issue
6 a certificate to that effect, signed by the president and sec-
7 retary and attested by its seal. Such certificate shall be evi-

8 dence that the person to whom it is issued is entitled to fol-
9 low the practice, occupation or occupations, stipulated
10 therein as prescribed in this act. Such certificate shall be
11 conspicuously displayed in his or her principal office, place
12 of business or employment.

Sect. 17. *When Board May Dispense With Examinations.*

2 The board may dispense with examinations of applicants as
3 provided in this act, may grant certificates of registration
4 under the respective sections upon the payment of the re-
5 quired fee as provided in this act, provided that such ap-
6 plicant has complied with the requirements of another state,
7 territory, District of Columbia, or foreign country, state or
8 province wherein the requirements for registration are sub-
9 stantially equal to those in force in this state at the time
10 application for such certificate is filed, or upon due proof
11 that such applicant has had continuously practiced the prac-
12 tices or occupation for which a license is applied for at
13 least five years immediately prior to such application and
14 upon the payment of a fee of fifteen dollars.

Sect. 18. *Exemptions.* All persons who are engaged in
2 the actual and continuous practice of any of the practices
3 of the classified occupations named in this act, prior to the
4 passage of this act, shall be entitled to a certificate to prac-
5 tice under this act, without an examination, and any person
6 who, prior to the passage of this act, was studying any of
7 the practices or classified occupations shall be credited with
8 the time or hours spent in their study, provided that appli-

9 cation for such certificate or credit is filed within four
10 months after the taking effect of this act, and upon the pay-
11 ment of the fees as provided in this act.

Sect. 19. *Powers and Duties of the Board.* The said
2 board, created by this act, shall have the power to revoke
3 and suspend certificates, provided in this act, upon proof
4 of violation of the rules and regulations established by the
5 said board governing the classified practices under this act.

(2) The board may refuse to grant a certificate to a
2 person guilty of fraud in passing the examination or at any
3 time guilty of a felony or gross immorality, grossly unpro-
4 fessional or dishonest conduct or to one addicted to the use
5 of intoxicating liquor or drugs to such extent as to render
6 him or her unfit to practice in any of the practices or occu-
7 pations classified under this act, or to one advertising by
8 means of knowingly false, or deceptive statements, or for
9 the failure to display the certificates 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 it may desire at any hearing or any
4 matter which the board has authority to investigate, and
5 for that purpose may require the secretary of the board to
6 issue a subpoena for any witness or a subpoena duces tecum
7 to compel the production of any books, records or papers,
8 directed to the sheriff of the county where such witness
9 resides or is found, which shall be served and returned in
10 the same manner as a subpoena in a criminal case is served

11 and returned. The fees and mileage of the sheriff and
12 witnesses shall be the same as that allowed in the
13 court in criminal cases. Fees and mileage shall be paid
14 from the fund in the state treasury for the use of the board
15 in the same manner as other expenses of the said board are
16 paid.

(4) The said board may investigate any alleged violation
2 of this act, and, if there shall appear to be reasonable cause
3 therefor, on reasonable notice to any person accused of any
4 such violation, may take testimony with reference thereto;
5 may make complaint to the prosecuting authority having
6 jurisdiction of any such complaint or may examine into all
7 acts of alleged abuse, fraud, incompetence or immorality;
8 may suspend the license of any licensed hairdresser, cosme-
9 tician or assistant and may revoke the license of any person
10 convicted of violating any provision of this act.

(5) The treasurer of said board shall, semi-annually, on
2 the first Tuesdays of June and December, account to the
3 treasurer of the state for the sums received by her for all
4 examinations, licenses and registrations, less the amount
5 paid by her for stationery, printing, purchase of necessary
6 apparatus and material for the examination of applicants
7 and registrations, clerical services, salaries and expenses of
8 said commissioners. All funds received by said treasurer
9 in excess of the total expenditures as hereinbefore author-
10 ized, shall be paid into the treasury of the state.

Sect. 20. *Sanitary Rules.* The said board shall, with the

2 approval of the state board of health, prescribe such sani-
3 tary rules as it may deem necessary, with particular refer-
4 ence to the precaution necessary to be employed to prevent
5 the creating and spreading of infectious and contagious dis-
6 eases, and it shall be unlawful for the owner or manager of
7 any hairdressing or cosmetician or cosmetological shop or
8 school to permit any person to sleep in or use for residential
9 purposes any room used wholly or in part as a hairdressing
10 or cosmetological establishment, may practice outside of
11 such establishment under the direction and control of an
12 owner or manager thereof under such regulations as the
13 board may provide.

Sect. 21. *Hearing May Be Held by Any Member.* Any
2 investigation, inquiry or hearing, which the said board is
3 empowered by law to hold or undertake, may be held or
4 undertaken by, or before any member or members of said
5 board and the finding or order of such member or members
6 of said board shall be deemed to be the finding or order of
7 said board when approved and confirmed by it.

Sect. 22. *Appeal from Actions of the Board.* An appeal
2 may be taken from an action of the said board refusing to
3 grant or suspending or revoking a certificate for the causes
4 mentioned in the preceding section, to the superior court
5 of the county in which the person who has been refused a
6 certificate or whose certificate has been suspended or re-
7 voked resides. The judgment of the superior court may be
8 reviewed by the supreme court upon proceedings in error.

Sect. 23. *Fees.* The fees for examination and certificate
2 as provided in this act shall be paid in advance to the sec-
3 retary of the board, and by him paid each month into the
4 state treasury to the credit of a fund for the use of the said
5 board. On failure to pass an examination the fees shall not
6 be returned to the applicant, but within one year after such
7 failure he or she may present himself or herself and be
8 again examined without the payment of an additional fee.

Sect. 24. *To Whom Provisions in This Act Shall Not*
2 *Apply.* Nothing in this act shall prohibit service in case
3 of emergency, or domestic administration, without com-
4 pensation, nor services by persons authorized under the laws
5 of this state of practice medicine, surgery, dentistry, chi-
6 ropody, osteopathy, or chiropractic nor services by barbers
7 lawfully engaged in the performance of the usual and ordi-
8 nary duties of their vocation.

Sect. 25. *Display of Certificate.* Every holder of a cer-
2 tificate granted by the said board, as provided in this act,
3 shall display it in a conspicuous place in his or her prin-
4 cipal office, place of business or employment.

Sect. 26. *Renewal of Certificates.* The holder of a cer-
2 tificate issued by the board as provided in this act who con-
3 tinues in active practice or occupations, shall annually, on
4 or before the thirty-first day of December, renew his or
5 her certificate and pay the renewal fee. A certificate which
6 has not been renewed prior to the thirty-first day of De-
7 cember in any year shall expire on the thirty-first day of

8 December in that year. The holder of the expired cer-
9 tificate may have within three years of the date of expira-
10 tion the certificate restored upon the payment of the re-
11 quired renewal fee of \$5.00 and satisfactory proof of his
12 or her qualifications to resume practice or occupation.

Sect. 27. *Duration of Certificates. Renewal Fees.* No
2 certificate shall be issued for a longer period than one year,
3 and all certificates shall expire on the thirty-first day of
4 December next succeeding, unless renewed for the next
11 quired renewal fee of five dollars and satisfactory proof of
12 his or her qualifications to resume practice or occupation.

Sect. 28. *Penalties.* Any person who shall practice any
2 of the occupations, maintain a school or act in any capacity
3 wherein a certificate is required, without a certificate pro-
4 vided in this act, shall be guilty of a misdemeanor and shall
5 be fined not to exceed one hundred dollars or shall be im-
6 prisoned for no more than ninety days, or both. Each and
7 every day of violation shall be construed as a separate
8 offense. All fines and penalties shall be paid to the secre-
9 tary of the board, and by the secretary shall be paid into
10 the state treasury for the use of the board.

Sect. 29. *Meaning of "Said Board."* Whenever the words
2 "said board" are used in this act it is the meaning and in-
3 tent in this act that it refers to the board of hairdressers
4 and cosmetologists, as created by this act.

Sect. 30. *Effect of Partial Invalidation of Act.* Each sec-
2 tion of this act and every part of each section is hereby

3 declared to be independent of every other, and the holding
4 of any section or part thereof to be void or ineffective for
5 any cause shall not be deemed to affect any other section
6 or part thereof.

Sect. 31. *Repeal of Inconsistent Acts.* All acts or parts
2 of acts in conflict herewith are hereby repealed.

Sect. 32. *Name of Act.* The act may be cited as the
2 Maine Hairdressers Act.