

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 740

H. P. 1679 House of Representatives, March 22, 1929.

Reported by five members of the Committee on Judiciary.
Both reports tabled by Miss Laughlin pending acceptance of
either report and 500 copies new draft ordered printed.

CLYDE R. CHAPMAN, Clerk.

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 Hairdress-
ers and Cosmetologists.

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

Section 1. *Certificate of registration required.* It shall be
2 unlawful for any person in the state to engage in or to fol-
3 low or to attempt to engage in or to follow, the occupation
4 of a hairdresser or cosmetologist, or to conduct a hair-dress-
5 ing or cosmetologist establishment or school, unless such
6 person shall have first obtained a certificate of registration
7 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 or exercising, the scalp, face, neck, arms, 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 hairdressing or cosmetology within a hairdressing or cosmetologist establishment or school and while so learning assists in any of the practices of the classified oc-

5 cupation within this act under the immediate direction and
6 supervision of a registered operator or instructor.

(b) An operator is a person, not an apprentice, who is
2 engaged 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. *Creation of state board.* There is hereby created
2 a board of examiners of hairdressers and cosmetologists,
3 to consist of three members, one of whom shall be the com-
4 missioner of health, who shall act as chairman of the board.
5 The other two members of the board shall be appointed by
6 the governor with the consent of the council. The members
7 so appointed shall each be either a hairdresser or cosmetol-
8 ogist, each of whom shall have had at least three years of
9 practical experience in their respective occupations. One
10 of said appointed members shall be elected annually by
11 the board to serve as secretary of the board. No two mem-
12 bers of said board, while in office, shall be members of nor
13 affiliated with any school teaching any of the classified oc-
14 cupations, nor shall any two members of the board be grad-
15 uates of the same school of hairdressers or cosmetologists.
16 Each member of said board, other than the chairman, shall
17 serve a term of three years and until his successor has
18 classified, except in the case of the first board, whose ap-
19 pointed members shall serve two and three years respective-

20 ly. Vacancies shall be filled by the governor, with the con-
21 sent of the council, for the unexpired portion of the term.

Sect. 5. *Registered schools.*

(a) It shall be competent for any persons, firm or cor-
2 poration to apply to the board of hairdressers and cosme-
3 tologists for a certificate of registration as a school for any
4 one or both of the classified occupations within this act,
5 upon the payment of twenty-five dollars annual registration
6 fee.

(b) No school for hairdressers or cosmetologists within
2 this act shall be granted a certificate of registration until
3 it 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
10 provided in this act, to include practical demonstrations,
11 written 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 operators within a hairdressing or cosmetologist establishment from teaching any of the practices of the classified occupations in their regular course of business, provided the owner or manager thereof does not hold himself out as a school, and does not hire or employ or teach, regularly, at any one and the same time, more than one apprentice to three or less operators, regularly employed within their business.

Sect. 6. *Compensation of members of the board.* Said board, other than the chairman and secretary, shall receive five dollars for each day employed in the actual discharge of his or her duties and his or her necessary expenses so incurred. The secretary of said board shall receive an annual salary not to exceed twenty-five hundred dollars, to be fixed by the board, and his or her necessary expenses actually incurred in the performance of the official duties. All expenses incurred by the board, including the annual salary of the secretary, shall be paid from the fund in the state treasury held to the use of the board on request, signed by the secretary of the board and the warrant of the auditor of state.

Sect. 7. *Bond of secretary.* Before entering upon the discharge of the duties of her office, the secretary of the board shall give a bond with corporate surety, to the state in the sum of five thousand dollars, such bond to be approved by the board and to be conditioned for the faithful discharge

6 of the duties of the secretary's office and the premium
7 therefor to be paid from the funds in the state treasury
8 to the use of the board. Such bond, with the approval of
9 the board and oath of office endorsed thereon, shall be de-
10 posited with the secretary of state and kept in his office.

Sect. 8. *Meeting of the board.* The said board shall meet
2 in the capitol of the state, on the second Tuesday in Janu-
3 ary 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. 9. *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 business,
5 and whether the applicant was granted or refused a certifi-
6 cate. The books and records of the board shall be prima
7 facie evidence of matters therein contained, and shall con-
8 stitute public records.

Sect. 10. *Application for examination.* Each person, who
2 desires to practice any of the practices designated to be
3 within the meaning of this act, shall file with the secretary
4 of the said board a written application, accompanied by a
5 health certificate issued by a regularly licensed physician,
6 on a form prescribed and supplied by said board, and shall
7 submit satisfactory proof of the required age, educational

8 qualifications, and of good moral character, and shall de-
9 posit with the secretary the required fees.

Sect. 11. *Requisites for admission to examination and reg-
2 istration.*

(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
4 of age, of good moral character and have an education
5 equivalent to the completion of the eighth grade of the
6 grammar 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 edu-
6 cation 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 any one 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 classifi-
15 cations as defined in this act; and shall have passed an ex-
16 amination to the satisfaction of the board as provided in
17 this act. Provided, however, that from the passage of this

18 act, applicants for examination for license to practice the
19 removal of superfluous hair, warts, or moles by the use of
20 electricity, commonly known as the practice of electrolysis,
21 shall have a training in that particular occupation under
22 the supervision of a registered electrologist of at least two
23 hundred and fifty hours, and such other reasonable studies
24 and practices related thereto as the board may 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 hold-
8 ers of operators' certificates as provided under this act, and
9 shall otherwise be exempt from the provisions of this act.

(d) The sufficiency of the qualifications of applicants
2 for admission to the examination for registration shall be
3 determined 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. 12. *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. 13. *Examination.* The examination of applicants
2 for certificates to practice under this act shall be conducted
3 under rules prescribed by the board, and shall include both
4 practical demonstrations and written or oral tests in refer-
5 ence to the practices for which a license is applied for and
6 such related studies or subjects as the board may determine
7 necessary for the proper and efficient performance of such
8 practices, and shall not be confined to any specific system
9 or method, and such examinations shall be consistent with
10 the practical and theoretical requirements of the classified
11 occupation or occupations as provided by this act.

Sect. 14. *Certificates.* If an applicant to examination for
2 operator passes such examination to the satisfaction of
3 said board, and has paid the fee required or an instructor
4 pays the required fee and complies with the requirement
5 pertaining to instructors provided in this act, the board
6 shall issue a certificate to that effect, signed by the president
7 and secretary and attested by its seal. Such certificate shall
8 be evidence that the person to whom it is issued is entitled
9 to follow 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. 15. *When board may dispense with examinations.*
2 The board may dispense with examinations of applicants
3 as provided in this act, may grant certificates of registra-
4 tion under the respective sections upon the payment of the

5 required 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 continuously practiced the prac-
12 tices or occupation for which a license is applied for at least
13 five years immediately prior to such application and upon
14 the payment of a fee of fifteen dollars.

Sect. 16. *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
11 payment of the fees as provided in this act.

Sect. 17. *Powers and duties of the board.*

(1) The said board created by this act shall have the
2 power to revoke or suspend certificates provided for in this
3 act upon proof of violation of the provisions in this act or
4 of the rules and regulations established by the said board
5 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
5 use of intoxicating liquor or drugs to such extent as to ren-
6 der him or her unfit to practice in any of the practices or
7 occupations classified under this act, or to one advertising
8 by means of knowingly false, or deceptive statements, or
9 may revoke or suspend a certificate for any of the above
10 causes.

Provided, however, that the board may neither refuse to
2 issue nor refuse to renew nor suspend nor revoke any cer-
3 tificate unless the person accused has been given at least
4 twenty days' notice in writing of the charge against him or
5 her and a public hearing by the board. It shall be deemed
6 that the person accused has had due notice of such hearing
7 when notice has been sent to the accused person by regis-
8 tered letter at his or her last known address.

Upon the hearing of such proceeding the board may ad-
2 minister oaths and may procure by its subpoena the attend-
3 ance of witnesses and the production of relevant books or
4 papers. Any superior court or any judge of the supreme
5 judicial court, either in term time or in vacation, on appli-
6 cation by either the accused or the board, may by order duly
7 entered require the attendance of any witnesses or the pro-
8 duction of relevant books or papers before the board or
9 any hearing relating to the refusal, suspension or revocation
10 of certificates.

Sect. 18. *Appeal from action of the board.* An appeal may
2 be taken from any action of the said board refusing to
3 grant, or suspending or revoking certificate to the superior
4 court of the county in which the person who has been re-
5 fused a certificate or whose certificate has been suspended
6 or revoked, resides. Judgment of the superior court may
7 be reviewed by the supreme court upon proper proceedings
8 therefor.

Sect. 19. *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 precautions necessary to be employed to prevent
5 the creating and spreading of infectious or contagious dis-
6 eases. It shall be unlawful for any person to use any room
7 in which food is served or eaten, or in which any person
8 shall sleep, for the practice of hair dressing or cosmetology
9 as defined in this act.

Sect. 20. *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 her paid each month into the
4 state treasury to the credit of a fund for the use of the
5 said board. On failure to pass an examination the fees shall
6 not be returned to the applicant, but within one year after
7 such failure he or she may present himself or herself and
8 be again examined without the payment of an additional
9 fee.

Sect. 21. *To whom provisions of this act shall not apply.*

2 Nothing in this act shall prohibit service in case of emer-
3 gency, or domestic administration, without compensation,
4 nor services by persons authorized under the laws of this
5 state to practice medicine, surgery, dentistry, chiropody, os-
6 teopathy, or chiropractic nor services by persons licensed
7 by the board of barber examiners of this state to practice
8 barbering. This act shall not apply to any municipality,
9 plantation or unorganized sub-division of the state wherein
10 there is no person practicing the occupation of hairdresser
11 or cosmetologist as a sole or chief means of getting a liveli-
12 hood.

Sect. 22. *Display of certificate.* Every holder of a certifi-
2 cate granted by the said board, as provided in this act, shall
3 display it in a conspicuous place in his or her principal of-
4 fice, place of business or employment.

Sect. 23. *Renewal of certificates.* The holder of a certifi-
2 cate issued by the board as provided in this act who con-
3 tinues in active practice, shall annually, on or before the
4 thirty-first day of December, renew his or her certificate
5 and pay a renewal fee of five dollars (\$5.00). A certificate
6 which has not been renewed prior to the thirty-first day of
7 December in any year shall expire on the thirty-first day
8 of December in that year. The holder of the expired certifi-
9 cate may, within three years of the date of expiration, have
10 the certificate restored upon the payment of the required
11 renewal fee of five dollars and satisfactory proof of his or
12 her qualifications to resume practice. No certificate shall
13 be issued for a longer period than one year.

Sect. 25. *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 of-
8 fense. All fines and penalties shall be paid to the secretary
9 of the board, and by the secretary shall be paid into the
10 state treasury for the use of the board.

Sect. 25. *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 examiners of
4 hairdressers and cosmetologists, as created by this act.

Sect. 26. *Effect of partial invalidity of act.* Each section
2 of this act and every part of each section is hereby declared
3 to be independent of every other, and the holding of any
4 section or part thereof to be void or ineffective for any
5 cause shall not be deemed to affect any other section or part
6 thereof.

Sect. 27. *Repeal of inconsistent acts.* All acts or parts of
2 acts in conflict herewith are hereby repealed.

Sect. 28. *Name of act.* This act may be cited as the
2 Maine Hairdressers Act. Whenever the fees provided for
3 in this act shall be insufficient to defray the expenses pro-
4 vided for herein no further action entailing expense shall
5 be had pursuant to the terms hereof.