

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 1

S. P. 1

In Senate, Jan. 8, 1929.

Referred to Committee on Judiciary and 2500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

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

AN ACT to Register and License Persons Engaged in the Practice of Barbering and to Create a Board of Barber Examiners.

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

Section 1. REQUIREMENT OF REGISTRATION.—

2 After first day of January, 1930, no person shall practice
3 or attempt to practice barbering without a certificate of
4 registration as a registered barber issued pursuant to the
5 provisions of this act, by the Board of Barber Examiners
6 hereinafter established.

After the first day of January, 1930, no person shall serve

2 or attempt to serve as an apprentice under a registered bar-
3 ber without a certificate of registration as a registered ap-
4 prentice issued by the board.

After the first day of January, 1930, it shall be unlawful
2 to operate a barber shop unless it is at all times under the
3 direct supervision and management of a registered barber.

Sect. 2. PRACTICE DEFINED.—Any one or any com-
2 bination of the following practices (when done upon the
3 upper part of the human body for cosmetic purposes and
4 not for the treatment of disease or physical or mental ail-
5 ments and when done for payment either directly or indi-
6 rectly or without payment for the public generally) con-
stitutes the practice of barbering:

(a) Shaving or trimming the beard or cutting the hair;

(b) Giving facial and scalp massage or treatments with
2 oils, creams, lotions, or other preparations, either by hand
3 or mechanical appliances;

(c) Singeing, shampooing or dyeing the hair or applying
2 hair tonics;

(d) Applying cosmetic preparations, antiseptics, powders,
2 oils, clays or lotions to scalp, face, neck or upper part of
3 the body; and

(e) Removing superfluous hair from the face, neck or
2 upper part of the body.

Sect. 3. PRACTICE OF APPRENTICE.—No regis-
2 tered apprentice may independently practice barbering, but
3 he may, as an apprentice, do any or all acts constituting the

4 practice of barbering under the immediate personal super-
5 vision of a registered barber, and only one such apprentice
6 shall be employed in any licensed shop.

Sect. 4. EXEMPTIONS.—The following persons are ex-
2 empt from the provisions of this act while in the proper
3 discharge of their professional duties:

(a) Persons authorized by the law of this state to prac-
2 tice medicine and surgery;

(b) Commissioned medical or surgical officers of the
2 United States Army, Navy or Marine Hospital Service;

(c) Registered nurses;

(d) Persons authorized by the law of this state to prac-
2 tice beauty culture.

(e) However, the provisions of this section shall not be
2 construed to authorize any of the persons exempted to shave
3 or trim the beard or cut the hair of any person for cosmetic
4 purposes.

Sect. 5. QUALIFICATIONS FOR CERTIFICATE OF
2 REGISTRATION AS REGISTERED BARBER.—A per-
3 son is qualified to receive a certificate of registration to prac-
4 tice barbering:

(a) Who is qualified under the provisions of section six,
2 of this act;

(b) Who is at least eighteen years of age;

(c) Who is of good moral character and temperate
2 habits;

(d) Who has practiced as a registered apprentice for a

2 period of eighteen months under the immediate personal
3 supervision of a registered barber, and

(e) Who has passed a satisfactory examination conducted
2 by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as
2 a registered barber who fails to pass a satisfactory exam-
3 ination conducted by the board, must continue to practice
4 as an apprentice for an additional six months before he is
5 again entitled to take the examination for a registered
6 barber.

Sect. 6. QUALIFICATIONS FOR CERTIFICATE OF
2 REGISTRATION AS REGISTERED APPRENTICE.—

3 A person is qualified to receive a certificate of registration
4 as a registered apprentice:

(a) Who has a diploma showing graduation from an eight
2 grade grammar school or an equivalent education as de-
3 termined by an examination conducted by the board, and

(b) Who is at least sixteen and one-half years of age;

(c) Who is of good moral character and temperate
2 habits;

(d) Who has graduated from a school of barbering ap-
2 proved by the board; and

(e) Who has passed a satisfactory examination conducted
2 by the board, to determine his fitness to practice as a regis-
3 tered apprentice.

An applicant for a certificate of registration to practice as
2 an apprentice who fails to pass a satisfactory examination

3 is required to complete a further course of study of not less
4 than five hundred hours, to be completed within three
5 months, of not more than eight hours in any one working
6 day, in a school of barbering approved by the board.

Sect. 7. MINIMUM STANDARD OF PROFES-
2 SIONAL EDUCATION.—No school of barbering shall be
3 approved by the board unless it requires as a prerequisite
4 to admission thereto, graduation from the eighth grade of
5 grammar school or its equivalent as determined by an ex-
6 amination conducted by the board, and unless it requires
7 as a prerequisite to graduation a course of instruction of
8 not less than one thousand hours to be completed within
9 six months of not more than eight hours in any one work-
10 ing day; such course of instruction to include the follow-
11 ing subjects: scientific fundamentals for barbering, hygiene,
12 histology of the hair, skin, face and neck, elementary chem-
13 istry relating to sterilization and antiseptics, diseases of the
14 skin, hair, glands, and nails, massaging and manipulating
15 the muscles of the upper body, hair cutting, shaving and
16 arranging dressing, coloring, bleaching and tinting the hair.

Sect. 8. APPLICATION FOR EXAMINATION.—
2 Each applicant for an examination shall:

(a) Make application to the board on blank forms pre-
2 pared and furnished by the board, such application to con-
3 tain proof under the applicant's oath of the particular quali-
4 fications of the applicant;

(b) Furnish the board two 5"x3" signed photographs of

2 the applicant, one to accompany the application and one to
3 be returned to the applicant to be presented to the board
4 when the applicant appears for examination; and

(c) File with the board, a certificate of examination from
2 a registered medical practitioner of this state, designated
3 by the board, showing the applicant to be free from infec-
4 tious or contagious diseases; and

(d) Pay to the board the required fee.

Sect. 9. EXAMINATIONS.—The board shall conduct
2 examinations of applicants for certificates of registration to
3 practice as registered barbers and of applicants for certifi-
4 cates of registration to practice as registered apprentices and
5 applicants to enter barber schools to determine their edu-
6 cational fitness, not less than four times each year at such
7 times and places as the board may determine.

The examination of applicants for certificates of registra-
2 tion as registered barbers and registered apprentices shall
3 include both a practical demonstration and a written and
4 oral test, and shall embrace the subjects usually taught in
5 schools of barbering approved by the board.

Sect. 10. ISSUANCE OF CERTIFICATE.—Whenever
2 the provisions of this act have been complied with, the board
3 shall issue a certificate of registration as a registered barber
4 or as a registered apprentice.

Sect. 11. PERSONS HAVING PRACTICED BAR-
2 BERING IN ANOTHER STATE OR COUNTRY.—A
3 person who is at least eighteen years of age, and of good

4 moral character and temperate habits, and has a diploma
5 showing graduation from an eight grade grammar school
6 or its equivalent, as determined by the board, and either :

(a) Has a license or certificate of registration as a prac-
2 ticing barber from another state or country, which has sub-
3 stantially the same requirements for licensing or registering
4 barbers as required by this act; or (

(b) Who can prove by sworn affidavits that he has prac-
2 ticed as a barber in another state or country for at least five
3 years immediately prior to making application in this state.

Shall upon payment of the required fee be issued a per-
2 mit to practice as a journeyman barber only until he is
3 called by the board for examination to determine his fitness
4 to receive a certificate of registration to practice barbering.
5 Should he fail to pass the required examination, he will be
6 allowed to practice as a journeyman barber until he is called
7 by the board for the next term of examinations. Should
8 he fail at the third examination, he must cease to practice
9 barbering in this state.

(a) A person who is at least sixteen and one-half years
2 of age;

(b) Who is of good moral character and temperate
2 habits; and

(c) Who has a diploma showing graduation from an eight
2 grade grammar school or an equivalent education as deter-
3 mined by an examination conducted by the board; and

(d) Has certificate of registration as an apprentice in a

2 state or country which has substantially the same require-
3 ments for registration as an apprentice as is provided by
4 this act. Shall upon payment of the required fee be issued
5 a permit to work as an apprentice until called by the board
6 for examination to determine his fitness to receive a cer-
7 tificate of registration as an apprentice. Being able to pass
8 the required examination he will be issued a certificate of
9 registration as a registered apprentice, and the time spent
10 in such other state or country shall be credited upon the
11 period of apprenticeship required by this act as a qualifi-
12 cation to take the examination to determine his fitness to
13 receive a certificate of registration as a registered barber.

Sect. 12: PRESENT PRACTITIONERS.—Any person,
2 resident of this state, who either for two years immediately
3 preceding the first day of January, 1930, was continuously
4 engaged in the practice of barbering, at one or more estab-
5 lished places of business in this state, or has prior to the
6 first day of January, 1930, graduated from a school of bar-
7 bering, shall be granted a certificate of registration as a
8 registered barber, without examination, by making applica-
9 tion to the board on or before the thirty-first day of March,
10 1930, and paying the required fee.

Any person who on and prior to the first day of January,
2 1930, was practicing barbering as an apprentice under the
3 supervision of a practicing barber in this state, shall be
4 granted a certificate of registration, to practice as an ap-
5 prentice, by making application to the board on or before

6 the thirty-first day of March, 1930, and paying the required
7 fee, and shall be given credit for the time previously spent
8 in such practice.

Any person who on and prior to the first day of January,
2 1930, was a student in a school of barbering, is qualified
3 upon graduation from such school to take the examination
4 for a certificate of registration to practice as an apprentice,
5 without regard to whether such a school complied with the
6 standards for approval specified in section seven.

Sect. 13. DISPLAY OF CERTIFICATE.—Every holder
2 of a certificate of registration shall display it in a conspicu-
3 ous place adjacent to or near his work chair.

Sect. 14. RENEWAL AND RESTORATION OF CER-
2 TIFICATE.—Every registered barber and every registered
3 apprentice who continues in active practice or service, shall
4 annually, on or before the first day of January of such year,
5 renew his certificate of registration and pay the required
6 fee.

Every certificate of registration which has not been re-
2 newed during the month of January in any year, shall ex-
3 pire on the first day of February in that year. A registered
4 barber or a registered apprentice whose certificate of regis-
5 tration has expired may have his certificate restored imme-
6 diately, upon payment of the required restoration fee. Any
7 registered barber who retires from the practice of barber-
8 ing for not more than five years, may renew his certificate
9 of registration upon payment of the required restoration fee.

Sect. 15. REFUSAL AND REVOCATION OF CERTIFICATE.—The board may either refuse to issue or re-
new, or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony shown by a certified copy of the record of the court of conviction.

(b) Gross malpractice or gross incompetency.

(c) Continued practice by a person knowingly having an infectious or contagious disease.

(d) Advertising, by means of knowingly false or deceptive statements.

(e) Advertising, practicing, or attempting to practice under a trade name or name other than one's own.

(f) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs.

(g) Immoral or unprofessional conduct; and

(h) The commission of any of the offenses described in section eighteen, subdivisions 3, 4, and 6.

Sect. 16. HEARINGS.—The board may neither refuse to issue, nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least twenty days' notice in writing of the charge against him and a public hearing by the board.

It shall be deemed that the board has duly notified the person accused of such hearing, when the notice has been sent to the accused last known address by registered letter.

Upon the hearing of any such proceeding, the board may
2 administer oaths and may procure by its subpoena, the at-
3 tendance of witnesses and the production of relevant books
4 and papers.

Any superior court or any judge of the supreme court,
2 either in term time or in vacation, upon application either
3 of the accused or of the board may, by order duly entered,
4 require the attendance of witnesses and the production of
5 relevant books and papers before the board in any hearing
6 relating to the refusal, suspension or revocation of certifi-
7 cates of registration.

Sect. 17. FEES. The fee to be paid by an applicant for
2 an examination to determine his fitness to receive a cer-
3 tificate of registration to practice barbering is ten dollars,
4 and for the issuance of the certificate, two dollars.

The fee to be paid by an applicant for an examination to
2 determine his fitness to receive a certificate of registration
3 to practice as an apprentice is five dollars, and for the issu-
4 ance of the certificate, two dollars.

The fee to be paid by an applicant for an examination to
2 determine his preliminary education is three dollars.

The fee to be paid for the renewal of a certificate of reg-
2 istration to practice barbering is five dollars, and for res-
3 toration of an expired certificate, seven dollars.

The fee to be paid for the renewal of a certificate of reg-
2 istration to practice as an apprentice is one dollar and fifty

3 cents, and for the restoration of an expired certificate five
4 dollars.

The fee to be paid for a certificate or its renewal for the
2 registration of a barber school shall be twenty-five dollars.

Sect. 18. CERTAIN ACTS PROHIBITED.—Each of
2 the following constitutes a misdemeanor, punishable upon
3 conviction by a fine of not less than twenty-five dollars, nor
4 more than two hundred dollars:

(a) The violation of any of the provisions of section one
2 of this act.

(b) Permitting any person in one's employ, supervision
2 or control, to practice as an apprentice unless that person
3 has a certificate of registration as a registered apprentice.

(c) Obtaining or attempting to obtain a certificate of reg-
2 istration for money other than the required fee, or any other
3 thing of value, or by fraudulent misrepresentations.

(d) Practicing or attempting to practice by fraudulent
2 misrepresentations.

(e) The wilful failure to display a certificate of regis-
2 tration as required by section thirteen, and

(f) The use of any room or place for barbering which
2 is also used for residential purposes unless a substantial par-
3 tition of ceiling separates the portion used for residential
4 purposes.

Sect. 19. PERJURY.—The wilful making of any false
2 statement as to a material matter in any oath of affidavit

3 which is required by the provisions of this act is perjury
4 and punishable as such.

Sect. 20. BOARD ESTABLISHED.—A board, to be
2 known as the Board of Barber Examiners, is established,
3 to consist of three members appointed by the governor with
4 the consent of the council. Each member shall be a prac-
5 tical barber who has followed the occupation of barber for
6 at least five years immediately prior to his appointment.

The members of the first board appointed shall serve for
2 three years, two years and one year, respectively, as ap-
3 pointed, and members appointed thereafter shall serve for
4 three years. The governor by and with the consent of the
5 council may remove a member for cause.

Members appointed to fill vacancies caused by death, resig-
2 nation or removal shall serve during the unexpired term of
3 their predecessors.

Sect. 21. OFFICERS, COMPENSATION, ETC.—The
2 board shall elect a chairman and secretary. The board shall
3 be furnished with suitable quarters in the state house or
4 elsewhere. It shall adopt and use a common seal for the
5 authentication of its orders and records.

The secretary shall keep a record of all proceedings of
2 the board and shall turn over to the treasurer of the state,
3 all moneys collected, at least once a month, said moneys to
4 be held in a fund to be used only in the administration of
5 this act.

The secretary shall give to the state a bond in the sum of

2 ten thousand dollars with sufficient securities, to be ap-
3 proved by the governor and council for the faithful per-
4 formance of his duties. The secretary shall also act as an
5 inspector. A majority of the board, in meeting duly as-
6 sembled, may perform and exercise all the duties and powers
7 devolving upon the board.

Each member of the board, except the secretary, shall
2 receive the sum of ten dollars per day and his necessary
3 traveling expenses while engaged in the actual discharge of
4 his duties. The secretary shall receive the sum of two thou-
5 sand and five hundred dollars per annum, and shall be reim-
6 bursed for his traveling expenses incurred in the discharge
7 of his duties, both salaries and expenses to be paid only from
8 the fund created by the fees collected in the administration
9 of this act.

The board shall report annually to the governor and coun-
2 cil, a full statement of its receipts and expenditures and
3 also a full statement of its work during the year, together
4 with such recommendations as it may deem expedient.

The board, with consent of the governor and council, shall
2 have authority to employ such inspectors, clerks and other
3 assistants as it may deem necessary to carry out the pro-
4 visions of this act.

Sect. 22. RULES, INSPECTION, RECORDS.—The
2 board shall have authority to make reasonable rules and
3 regulations for the administration of the provisions of this
4 act and prescribe sanitary requirements for barber shops

5 and barber schools, subject to the approval of the State
6 Board of Health. Any member of the board or its agents
7 or assistants shall have authority to enter upon and to in-
8 spect any barber shop or barber school at any time during
9 business hours. A copy of the rules and regulations adopted
10 by the board shall be furnished by the board to the owner or
11 manager of each barber shop and barber school, and such
12 copy shall be posted in a conspicuous place in such barber
13 shop or barber school.

The board shall keep a record of its proceedings relating
2 to the issuance, refusal, renewal, suspension and revocation
3 of certificates of registration. This record shall also con-
4 tain the name, place of business and residence of each reg-
5 istered barber and registered apprentice and the date and
6 number of his certificate of registration. This record shall
7 be open to public inspection at all reasonable times.

Sect. 23. PARTIAL UNCONSTITUTIONALITY.—If
2 any portion of this act is declared unconstitutional by a
3 court of competent jurisdiction, it shall not affect the valid-
4 ity of the remainder of the act which can be given effect
5 without the invalid portion.

Sect. 24. NAME OF ACT.—This act may be cited as
2 the Maine Barber Act.