

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 375

S. P. 717

In Senate, March 22, 1929.

Tabled by Senator Weeks of Somerset pending acceptance of either report and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

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.* After first day 2 of January, nineteen hundred and thirty, no person shall 3 practice or attempt to practice barbering without a certifi- 4 cate of registration as a registered barber issued pursuant 5 to the provisions of this act, by the board of barber ex- 6 aminers hereinafter established.

After the first day of January, nineteen hundred and 2 thirty, no person shall serve or attempt to serve as an ap-

3 prentice under a registered barber without a certificate of
4 registration as a registered apprentice issued by the board.

After the first day of January, nineteen hundred and
2 thirty, it shall be unlawful to operate a barber shop unless
3 it is at all times under the direct supervision and manage-
4 ment of a registered barber.

Sect. 2. *Practice defined.* Any one or any combination
2 of the following practices (when done upon the scalp, face
3 and neck for cosmetic purposes and not for the treatment
4 of disease or physical or mental ailments and when done
5 for payment either directly or indirectly or without pay-
6 ment for the public generally) constitutes the practice of
7 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 and neck.

Sect. 3. *Practice of apprentice.* No registered apprentice
2 may independently practice barbering, but he may, as an
3 apprentice, do any or all acts constituting the practice of
4 barbering under the immediate personal supervision of a
5 registered barber.

Sect. 4. *Exemptions.* The following persons are exempt

2 from the provisions of this act while in the proper discharge
3 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 licensed by the board of examiners of hair-
2 dressers and cosmetologists.

Sect. 5. *Board established.* A board, to be known as the
2 board of barber examiners, is established, to consist of three
3 members, one of whom shall be the commissioner of health,
4 for the State of Maine and be known as chairman of said
5 board ; one, the state commissioner of labor and industry,
6 and one a citizen who has followed the occupation of barber
7 for at least five years immediately prior to his appointment,
8 who shall be appointed by the governor with the consent of
9 the council and who shall serve as secretary of said board.

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

Sect. 6. *Qualifications for certificate of registration as*
2 *registered barber.* A person is qualified to receive a certifi-
3 cate of registration to practice barbering :

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

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

(c) Who has practiced as a registered apprentice for a period of twelve months under the immediate personal supervision of a registered barber.

Any applicant having attended a school of barbering approved by the board, shall have the period of his attendance credited as if a registered apprentice for the period and to the extent of said applicant's school attendance.

Sect. 7. *Qualifications for certificate of registration as registered apprentice.* A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who has graduated from an eight grade grammar school or had an equivalent education as determined 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 habits;

(d) Who has passed a satisfactory examination conducted by the board, to determine his fitness to practice as a registered apprentice, or

(e) Who has graduated from a school of barbering approved by the board.

An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall not be re-examined for six months.

Sect. 8. *Minimum standard of professional education.* No school of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto, gradua-

4 tion from the eighth grade of grammar school or its equiva-
5 lent as determined by an examination conducted by the
6 board, and unless it requires as a prerequisite to graduation
7 a course of instruction of not less than one thousand hours
8 to be completed within six months; such course of instruc-
9 tion to include the following subjects: scientific funda-
10 mentals for barbering, hygiene, histology of the hair, skin,
11 face and neck, elementary chemistry relating to steriliza-
12 tion and antiseptics, diseases of the skin, hair, glands, and
13 nails, massaging and manipulating the muscles of the upper
14 body, hair cutting, shaving and arranging dressing, coloring,
15 bleaching and tinting the hair.

Sect. 9. *Application for examination.* Each applicant for
2 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 qual-
4 ifications of the applicant;

(b) Furnish the board two five inch by three inch signed
2 photographs of the applicant, one to accompany the appli-
3 cation and one to be returned to the applicant to be pre-
4 sented to the board when the applicant appears for exam-
5 ination; and

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

(d) Pay to the board the required fee.

Sect. 10. *Examinations.* The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices, not less than four times each year at such times and places as the board may determine.

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

Sect. 11. *Issuance of certificate.* Whenever the provisions of this act have been complied with, the board shall issue a certificate of registration as a registered barber or as a registered apprentice.

Sect. 12. *Persons having practiced barbering in another state or country.* A person who is at least eighteen years of age, and of good moral character and temperate habits, and has graduated from an eight grade grammar school or has an equivalent education, as determined by the board, and either :

(a) Has a license or certificate of registration as a practicing barber from another state or country, which has substantially the same requirements for licensing or registering barbers as required by this act; or

(b) Who produces satisfactory evidences that he has

2 practiced as a barber in another state or country for at
3 least two years immediately prior to making application in
4 this state;

Shall upon payment of the required fee be issued a permit
2 to practice as a journeyman barber only until he is called
3 by the board for examination to determine his fitness to
4 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.

Sub-Section 1. *A person who is at least sixteen and one-*
2 *half years of age;*

(a) Who is of good moral character and temperate hab-
2 its; and

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

(c) Who has certificate of registration as an apprentice
2 in a state or county which has substantially the same re-
3 quirements for registration as an apprentice as is provided
4 by this act:

Shall upon payment of the required fee be issued a permit
2 to work as an apprentice until called by the board for ex-
3 amination to determine his fitness to receive a certificate
4 of registration as an apprentice. If able to pass the re-

5 quired examination he will be issued a certificate of regis-
6 tration as a registered apprentice, and the time spent in
7 such other state or country shall be credited upon the period
8 of apprenticeship required by this act as a qualification to
9 take the examination to determine his fitness to receive a
10 certificate of registration as a registered barber.

Sect. 13. *Present practitioners.* Any person, resident of
2 this state, who either for two years immediately preceding
3 the first day of January, nineteen hundred and thirty, was
4 continuously engaged in the practice of barbering, at one or
5 more established places of business in this state; or, has,
6 prior to the first day of January, nineteen hundred and
7 thirty, graduated from a school of barbering, shall be grant-
8 ed a certificate of registration as a registered barber, with-
9 out examination, by making application to the board on or
10 before the thirty-first day of March, nineteen hundred and
11 thirty, and paying the required fee.

Any person who on and prior to the first day of January,
2 nineteen hundred and thirty, was practicing barbering as
3 an apprentice under the supervision of a practicing barber
4 in this state, shall be granted a certificate of registration,
5 to practice as an apprentice, by making application to the
6 board on or before the thirty-first day of March, nineteen
7 hundred and thirty, and paying the required fee, and shall
8 be given credit for the time previously spent in such prac-
9 tice.

Any person who, on and prior to the first day of January,

2 nineteen hundred and thirty, was a student in a school of
3 barbering, is qualified upon graduation from such school
4 to take the examination for a certificate of registration to
5 practice as an apprentice, without regard to whether such
6 a school complied with the standards for approval specified
7 in section seven.

Sect. 14. *Display of certificate.* Every holder of a certifi-
2 cate of registration shall display it in a conspicuous place
3 adjacent to or near his work chair.

Sect. 15. *Renewal and restoration of certificate.* Every
2 registered barber and every registered apprentice who con-
3 tinues in active practice or service, shall annually, on or
4 before the first day of January of such year, renew his cer-
5 tificate of registration and pay the required 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 reg-
5 istration has expired may have his certificates restored im-
6 mediately, upon payment of the required restoration fee.
7 Any registered barber who retires from the practice of bar-
8 bering for not more than five years, may renew his certifi-
9 cate of registration upon payment of the required restora-
10 tion fee.

Sect. 16. *Refusal and revocation of certificate.* The board
2 may either refuse to issue or renew, or may suspend or
3 revoke any certificate of registration for any one or com-

4 bination of the following causes :

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

(b) Gross malpractice or gross incompetency.

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

(d) Advertising, by means of knowingly false or decep-
2 tive statements.

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

(f) Immoral or unprofessional conduct; and

(g) The commission of any of the offenses described in
2 this act.

Sect. 17. *Hearings.* The board may neither refuse to
2 issue, nor refuse to renew, nor suspend, nor revoke any
3 certificate of registration, however, for any of these causes
4 unless the person accused has been given at least twenty
5 days' notice in writing of the charge against him and a
6 public hearing by the board.

It shall be deemed that the board has duly notified the
2 person accused of such hearing, when the notice has been
3 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. 18. *Fees.* The fee to be paid by an applicant for
2 an examination to determine his fitness to receive a certifi-
3 cate of registration to practice barbering is ten dollars, and
4 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 restora-
3 tion 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
registration of a barber school shall be twenty-five dollars.

Sect. 19. *Certain acts prohibited.* Each of the following
2 constitutes a misdemeanor, punishable upon conviction by

3 a fine of not less than twenty-five dollars, nor more than
4 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
2 registration for money other than the required fee, or any
3 other 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 fourteen, 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 or ceiling separates the portion used for residential
4 purposes.

Sect. 20. *Perjury.* The wilful making of any false state-
2 ment as to a material matter in any oath of affidavit which
3 is required by the provisions of this act is perjury and pun-
4 ishable as such.

Sect. 21. *Offices, compensation, etc.* The board shall be
2 furnished with suitable quarters in the state house or else-
3 where. It shall adopt and use a common seal for the au-
4 thentication of its orders and records.

The secretary shall keep a record of all proceedings of the

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

The secretary shall give to the state a bond in the sum
2 of 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 pow-
7 ers devolving upon the board.

The secretary shall receive the sum of two thousand and
2 five hundred dollars per annum, and shall be reimbursed
3 for his traveling expenses incurred in the discharge of his
4 duties, both salaries and expenses to be paid only from the
5 fund created by the fees collected in the administration of
6 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 provi-
4 sions of this act.

Sect. 22. *Rules, inspection, records.* The board shall have
2 authority to make reasonable rules and regulations for the

3 administration of the provisions of this act and prescribe
4 sanitary requirements for barber shops and barber schools,
5 subject to the approval of the state department of health.
6 Any member of the board or its agents or assistants shall
7 have authority to enter upon and to inspect any barber
8 shop or barber school at any time during business hours.
9 A copy of the rules and regulations adopted by the board
10 shall be furnished by the board to the owner or manager
11 of each barber shop and barber school, and such copy shall
12 be posted in a conspicuous place in such barber shop or
13 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 any portion of
2 this act is declared unconstitutional by a court of compe-
3 tent jurisdiction, it shall not affect the validity of the re-
4 mainder of the act which can be given effect without the
5 invalid portion.

Sect. 24. This act shall not apply to any municipality, plan-
2 tation or unorganized sub-division of the state wherein there
3 is no person practicing the occupation of barber as a sole
4 of chief means of gaining a livelihood.

Sect. 25. *Name of act.* This act may be cited as the Maine
2 Barber Act, and whenever the fees provided for in said
3 act shall be insufficient to defray all expense provided for
4 herein, no further action entailing expense shall be had pur-
5 suant to the terms hereof.