

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 823

H. P. 1513

House of Representatives, Mar. 3, 1933.

Reported by Mr. Bennett from Committee on Public Health, Ought to Pass Report on motion Mr. Sterling of Caratunk tabled pending acceptance and 500 copies of New Draft ordered printed.

HARVEY R. PEASE, Clerk.

New Draft H. P. 1013, L. D. 421.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT for the Regulation of the Practice of Hairdressing and Beauty Culture.

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

Sec. 1. Definitions. The following words and phrases when used in this act shall be construed as follows :

1. "The practice of hairdressing and beauty culture" shall mean the engaging by any person for hire or reward in any 1 or more of the following practices: The application of the hands or of mechanical or electrical apparatus with or without cosmetic preparations, tonics, lotions, creams, antiseptics or clays, to massage, cleanse, stimulate, manipulate, exercise or otherwise to improve or to beautify the scalp, face, neck, shoulders, arms, hands; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any person.

2. "Board" shall mean the board of examiners appointed under the provisions of section 7 of this act.

3. "Apprentice" shall mean any person who is engaged in learning and acquiring a knowledge of the practice of hairdressing and beauty culture under the direction and supervision of a person duly authorized under this act to practice hairdressing and beauty culture.

Sec. 2. Regulations. All mechanical and electrical apparatus and all

cosmetic preparations shall be approved by the bureau of health. Such apparatus shall not be used for any surgical or medical purpose.

Each container of cosmetic preparations shall have attached thereto the formula thereof.

The removal of superfluous hair from the body of any person is prohibited.

The use of electrolysis for the removal of hairs is prohibited.

No person shall give service in any establishment licensed by this act who has a disease in a communicable stage.

Sec. 3. Registration necessary to practice. It shall be unlawful for any person to practice hairdressing and beauty culture in this state unless he shall first have obtained a certificate of registration as provided in this act, or unless he shall be acting within the scope of his or her employment as an apprentice.

Sec. 4. Requirements for registration. Any person shall be eligible to obtain a certificate of registration under this act (a) who is at least 18 years of age, and (b) who is of good respectable character, (c) who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said board, or in lieu thereof has had a total experience as an apprentice of 720 hours distributed over a period of at least 6 months, and (d) who has satisfactorily passed an examination conducted by said board to determine his fitness to receive such certificate. Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said board, which application shall contain satisfactory evidence of the qualifications required of the applicant under this act and shall be sworn to by the applicant. Said applications shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$5, which shall include registration, if examination is satisfactory; if not successful applicant shall have the privilege of taking a second examination without fee at the next regular meeting of the board.

Sec. 5. Approved schools; fees. No school of hairdressing and beauty culture shall be approved by said board until it shall attach to its staff a physician duly licensed to practice medicine in this state and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture, nor unless it has a minimum requirement of a continuous course of study of 720 hours distributed over a term of not less than 6 months, including practical demonstrations, written or oral tests and theoretical and practical instruction in sanitation, sterilization, and the use of antiseptics, cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of said board. No school

of hairdressing and beauty culture shall be an approved school until approval shall be recorded in the records of said board and until it shall receive a certificate of approval issued by said board. The fee for such certificate, shall be \$25, and it shall be good for 1 year from the date when issued, unless sooner suspended. Said certificate may, so long as such school continues to meet the approval of said board, be renewed from year to year upon payment of a fee of \$25 for each renewal. The board may revoke any such certificate at any time for cause; provided, however, that notice shall be given to such school of said proposed action in order that said school may have an opportunity to be heard. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 1 of this act unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of this act.

Sec. 6. Registration without examination. Any person who has actively and continuously practiced hairdressing and beauty culture at an established place of business in this state for a period of 1 year prior to the adoption of this act, shall be entitled to a certification of registration without examination upon payment of a fee of \$5; provided, however, that such person shall within 30 days after said board shall have been appointed file with the secretary of said board, an affidavit setting forth his name, residence, length of time during which and the place or places where he has practiced hairdressing and beauty culture. Any person licensed to practice hairdressing and beauty culture in another state whose requirements are substantially equal to those specified in this act shall upon the payment of a fee of \$25, be entitled to a certificate of registration without examination.

Sec. 7. State Board, members. There shall be a state board for the regulation of the practice of hairdressing and beauty culture consisting of 3 members, all of whom shall be citizens of this state and of the United States, and 2 of whom shall have been engaged in the practice of hairdressing and beauty culture in this state at least 5 years prior to their appointments, and one of whom shall be a physician duly licensed to practice medicine in the state and familiar with the installation and use of electrical appliances adapted to hairdressing and beauty culture. Each member of said board shall be appointed by the governor, with the advice and consent of the council, for a term of 3 years, and until his successor is appointed and qualified to act. The 1st appointments however, shall be as follows: for terms of 1, 2, and 3 years, respectively.

Sec. 8. Organization of board. Said board shall organize as soon as may be after its appointment and qualification by electing 1 of its members as chairman, 1 as secretary and 1 as treasurer, and such organization shall continue until the appointment and qualification of any new member of

said board. The secretary of said board shall keep a record of all proceedings, issue all notices, registration certificates, cards, attest all such papers and orders as said board shall direct and perform such other duties as shall be designated by said board.

Sec. 9. Rules and regulations. Said board shall make rules and regulations not contrary to law to be approved by the bureau of health concerning the proper use of appliances, apparatus and electrical machines used in any establishment for or in connection with any of the practices defined in section 1 of this act, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where hairdressing and beauty culture is practiced and by persons engaged in such practice and shall cause such rules and regulations to be printed in suitable form and a copy thereof to be sent to the proprietors of such shops and establishments, which shall be kept posted in a conspicuous place in such shops so as to be easily read by customers.

No person, firm, or corporation shall operate or cause to be operated a shop or establishment where hairdressing or beauty culture is practiced unless such shop or establishment has been duly licensed. The aforesaid board shall make rules and regulations not contract to law relative to the applications for such licenses. The fee for such license shall be \$5 in the first instance and \$3 for each renewal thereof. The license shall run from the first day of July in each year for 1 year and the fee shall be payable to the secretary of said board.

The failure of any person to observe the requirements of any rule and regulation made by said board shall be cause for the suspension of such license, but no license shall be suspended without a reasonable opportunity being offered to such person to show cause to said board why such license should not be suspended.

Any member of said board shall have power to enter and make reasonable examination of any such shop or establishment during business hours, for the purpose of ascertaining the sanitary conditions thereof and whether the rules and regulations are being observed.

Sanitary inspections of said shops and establishments shall be made once a year by an agent of the bureau of health but in any city or town having a full time health officer, inspection shall be made by the local officer or through his office.

Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and insanitary condition, so as to endanger health, is hereby declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment according to sections of chapter 26 of the revised statutes, pertaining thereto.

Sec. 10. Disposition of fees. The fees received by said board under the provisions of this act shall be paid monthly to the treasurer of state. Members of said board shall each be allowed the sum of \$5 per day for actual attendance upon any examination or inspection and their necessary travelling expenses in the discharge of their duties; and fees and the necessary expenses of sanitary inspection of the bureau of health shall also be allowed, provided, that no payment for allowance or expenses shall be made by the said treasurer in any fiscal year in excess of the sum paid by the board to the said treasurer during such fiscal year.

The secretary of said board shall receive for his services such per diem allowances as may be approved by the department of finance.

Any unexpended balance at the end of the fiscal year shall accrue to the state.

Sec. 11. Reports. Said board shall present annually to the treasurer of state on the 1st day of July, a detailed statement of the receipts and disbursements of the board during the preceding fiscal year, and all accounts shall be audited by the department of finance.

Sec. 12. Meetings of the board. Said board shall hold each year, at such times and places as it shall designate, at least 2 public examinations, notice whereof shall be given by a publication at least 10 days before the holding of any such meeting in at least 3 daily newspapers printed and published in the county in which such meetings shall be held.

Sec. 13. Statement to be filed by apprentice. Every apprentice, in order to avail himself of the provisions of this act, shall within 10 days after entering upon his apprenticeship, file with the secretary of the board, the name and place of business of his employer, the date of commencement of such apprenticeship, and the full name and age of said apprentice, which age shall not be less than 18 years. Any such apprentice who shall change his place of employment shall promptly notify the board and furnish it with the name and place of business of his new employer and the date of such change. No fee shall be charged such apprentice for any supervision provided for in this act.

Sec. 14. Board to furnish certified card of authority to practice. Said board shall furnish to each person to whom a certificate of registration is issued a card bearing the seal of the board and the signature of all 3 of its members, certifying that the holder thereof is entitled to practice hairdressing and beauty culture in this state, and it shall be the duty of the holder of such card to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said card shall be renewed on or before the 1st day of July in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of

\$3 for said renewal card. Upon the failure of any holder of a certificate of registration to apply for such renewal on or before the 1st day of July in each year, said certificate may be suspended by said board, subject to the provisions of section 16 of this act.

No person shall be licensed to run a shop or business by the board without giving satisfactory proof of financial responsibility to said board to satisfy any claim for damages to at least \$500. Said proof of financial responsibility shall be furnished to the board aforesaid and may be evidence of the insuring of such person against liability in the amount aforesaid, provided the policy of insurance shall be noncancelable, except after 10 days' notice to said board, or such proof may be a bond of a surety company or bond with individual surety owning real estate, which bond shall be upon condition for the payment of said amount. Said proof of financial responsibility may also be endorsed by a deposit with the aforesaid board of a sum in money or collateral, the amount of which money or collateral shall be determined by and shall be satisfactory to said board.

Sec. 15. Board to keep register. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

Sec. 16. Board may suspend certificate of registration, when; appeal. Said board shall have power to suspend any certificate of registration granted by it under this act, for (a) gross incompetency; (b) the keeping of a shop or other establishment, or the tools, appliances, or furnishings thereof in an unclean or insanitary condition; (c) failure to comply with the requirements of section 14 of this act; provided that before any certificate shall be so suspended, the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so suspended may apply to have the same re-issued, and the same shall be re-issued upon satisfactory evidence that the disqualifications have ceased.

Sec. 17. Penalties. Any person engaged in the practice of hairdressing and beauty culture in this state without having obtained a certificate of registration as provided by this act, or wilfully employing a person to practice hairdressing and beauty culture who has not such a certificate, unless he be an apprentice within the meaning of this act, or falsely pretending to be qualified to practice hairdressing and beauty culture under this act, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100 nor less than \$20, or by imprisonment for not more than 3 months, and every such person shall be deemed guilty of a separate

and distinct offense for each month or part thereof during which such practice or employment shall be repeated or continued after prosecution has been begun against any such person for the violation of any of the provisions of this act.

Sec. 18. Limitations of act. The prohibitions and penalties of this act shall not apply to licensed physicians, licensed osteopaths, registered nurses and barbers, when acting within the scope of their profession or occupation as defined by law.