

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 598

H. P. 1347

House of Representatives, February 12, 1935.

Referred to Committee on Public Health, sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dorr of Mexico by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**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:

Sec. 1. Requirement of registration. After the 1st day of January, 1936, no person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act, by the board of barber examiners hereinafter established.

After the 1st day of January, 1936, no person shall serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice issued by the board.

After the 1st day of January, 1936, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber.

Sec. 2. Practice defined. Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally) constitutes the practice of barbering:

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

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

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

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

Sec. 3. Practice of apprentice. No registered apprentice may independently practice barbering, but he may, as an apprentice, do any or all acts constituting the practice of barbering under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any licensed shop.

Sec. 4. Exemptions. The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this state to practice medicine and surgery;

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

(c) Registered nurses;

(d) Persons authorized by the law of this state to practice beauty culture.

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

(f) Persons practicing barbering in towns of a population of 1,000 or less.

Sec. 5. Qualifications for certificate of registration as registered barber. A person is qualified to receive a certificate of registration to practice barbering:

(a) Who is qualified under the provisions of section 6, of this act;

(b) Who is at least 18 years of age;

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

(d) Who has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber, and

(e) Who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering. An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, must continue to

practice as an apprentice for an additional 6 months before he is again entitled to take the examination for a registered barber.

Sec. 6. 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 a diploma showing graduation from an 8 grade grammar school or an equivalent education as determined by an examination conducted by the board, and

(b) Who is at least 16½ years of age;

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

(d) Who has graduated from a school of barbering approved by the board; and

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

An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than 500 hours, to be completed within 3 months, of not more than 8 hours in any one working day, in a school of barbering approved by the board.

Sec. 7. Minimum standard of professional education. No school of barbering shall be approved by the board unless it requires as a prerequisite to admission thereto, graduation from the 8th grade of grammar school or its equivalent as determined by an examination conducted by the board, and unless it requires as a prerequisite to graduation a course of instruction of not less than 1000 hours to be completed within 6 months of not more than 8 hours in any one working day; such course of instruction to include the following subjects: scientific fundamentals for barbering, hygiene, histology of the hair, skin, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging dressing, coloring, bleaching and tinting the hair.

Sec. 8. Application for examination. Each applicant for an examination shall:

(a) Make application to the board on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant;

(b) Furnish the board 2 5"x3" signed photographs of the applicant,

1 to accompany the application and 1 to be returned to the applicant to be presented to the board when the applicant appears for examination; and

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

(d) Pay to the board the required fee.

Sec. 9. 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 and applicants to enter barber schools to determine their educational fitness, not less than 4 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.

Sec. 10. 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.

Sec. 11. Persons having practiced barbering in another state or country. A person who is at least 18 years of age, and of good moral character and temperate habits, and has a diploma showing graduation from an 8 grade grammar school or its equivalent, 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 can prove by sworn affidavits that he has practiced as a barber in another state or country for at least 5 years immediately prior to making application in this state. Shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination, he will be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. Should he fail at the 3rd examination, he must cease to practice barbering in this state.

(a) A person who is at least 16½ years of age;

- (b) Who is of good moral character and temperate habits; and
- (c) Who has a diploma showing graduation from an 8 grade grammar school or an equivalent education as determined by an examination conducted by the board; and
- (d) Has certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this act. Shall upon payment of the required fee be issued a permit to work as an apprentice until called by the board for examination to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice, and the time spent in such other state or country shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

Sec. 12. Present practitioners. Any person, resident of this state, who either for 2 years immediately preceding the 1st day of January, 1936, was continuously engaged in the practice of barbering, at 1 or more established places of business in this state, or has prior to the first day of January, 1936, graduated from a school of barbering, shall be granted a certificate of registration as a registered barber, without examination, by making application to the board on or before the 31st day of March, 1936, and paying the required fee.

Any person who on and prior to the 1st day of January, 1936, was practicing barbering as an apprentice under the supervision of a practicing barber in this state, shall be granted a certificate of registration, to practice as an apprentice, by making application to the board on or before the 31st day of March, 1936, and paying the required fee, and shall be given credit for the time previously spent in such practice.

Any person who on and prior to the 1st day of January, 1936, was a student in a school of barbering, is qualified upon graduation from such school to take the examination for a certificate of registration to practice as an apprentice, without regard to whether such a school complied with the standards for approval specified in section 7.

Sec. 13. Display of certificate. Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

Sec. 14. Renewal and restoration of certificate. Every registered

barber and every registered apprentice who continues in active practice or service, shall annually, on or before the 1st day of January of such year, renew his certificate of registration and pay the required fee.

Every certificate of registration which has not been renewed during the month of January in any year, shall expire on the 1st day of February in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have his certificate restored immediately, upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than 5 years, may renew his certificate of registration upon payment of the required restoration fee.

Sec. 15. Refusal and revocation of certificate. The board may either refuse to issue or renew, or may suspend or revoke any certificate of registration for any 1 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 subdivisions 3, 4, and 6 of section 18.

Sec. 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 20 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 administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

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

Sec. 17. Fees. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$10, and for the issuance of the certificates, \$2. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$5, and for the issuance of the certificate, \$2.

The fee to be paid by an applicant for an examination to determine his preliminary education is \$3. The fee to be paid for the renewal of a certificate of registration to practice barbering is \$5, and for restoration of an expired certificate, \$7.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate \$5.

The fee to be paid for a certificate or its renewal for the registration of a barber school shall be \$25.

Sec. 18. Certain acts prohibited. Each of the following acts constitutes a misdemeanor, and shall be punishable upon conviction by a fine of not less than \$25, nor more than \$200:

- (a) The violation of any of the provisions of section 1 of this act.
- (b) Permitting any person in one's employ, supervision or control, to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.
- (c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee, or any other thing of value, or by fraudulent misrepresentations.
- (d) Practicing or attempting to practice by fraudulent misrepresentations.
- (e) The wilful failure to display a certificate of registration as required by section 13, and
- (f) The use of any room or place for barbering which is also used for residential purposes unless a substantial partition of ceiling separates the portion used for residential purposes.

Sec. 19. Perjury. The wilful making of any false statement as to a material matter in any oath of affidavit which is required by the provisions of this act is perjury and punishable as such.

Sec. 20. Board established. A board, to be known as the board of barber examiners, is hereby established, to consist of 3 members appointed by the governor with the consent of the council. Each member shall be a practical barber who has followed the occupation of barber for at least 5 years immediately prior to his appointment.

The members of the 1st board appointed shall serve for 3 years, 2 years and 1 year, respectively, as appointed, and members shall be appointed thereafter on the expiration of the term of any member, who shall serve for terms of 3 years. The governor by and with the consent of the council may remove a member for cause.

Members shall be appointed in the same manner to fill vacancies caused by death, resignation or removal, who shall serve during the unexpired term of their predecessors.

Sec. 21. Officers, compensation, etc. The board shall elect a chairman and secretary. The board shall be furnished with suitable quarters in the state house or elsewhere. It shall adopt and use a common seal for the authentication of its orders and records.

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

The secretary shall give to the state a bond in the sum of \$10,000 with sufficient securities, to be approved by the governor and council for the faithful performance of his duties. The secretary shall also act as an inspector. A majority of the board, in meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board.

Each member of the board, except the secretary, shall receive the sum of \$10 per day and his necessary traveling expenses while engaged in the actual discharge of his duties. The secretary shall receive the salary of \$2,500 per year, and shall be reimbursed for his traveling expenses incurred in the discharge of his duties, both salaries and expenses to be paid only from the fund created by the fees collected in the administration of this act.

The board shall report annually to the governor and council, a full statement of its receipts and expenditures and also a full statement of its

work during the year, together with such recommendations as it may deem expedient.

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

Sec. 22. Rules, inspection, records. The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the state bureau of health. Any member of the board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

Sec. 23. Partial unconstitutionality. If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act which can be given effect without the invalid portion.

Sec. 24. Name of act. This act may be cited as the Maine Barber Act.