

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 796

S. P. 636

In Senate, March 19, 1935.

Reported by Sen. Hathaway of Piscataquis from Committee on Public Health and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

NEW DRAFT OF S. P. 199-L. D. 149

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to Beauty Culture.

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

P. L., 1933, c. 282, amended. Chapter 282 of the public laws of 1933 is hereby amended to read 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 manicure the finger nails of any person**; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any person.

2. “Cosmetic preparations” shall mean tonics, lotions, creams, powders, antiseptics, clays, bleaches, colors, dyes, or other substance used with or without mechanical or electrical apparatus to massage, cleanse, stimulate,

manipulate, color, bleach or otherwise to treat, improve or to beautify, the scalp, face, neck, shoulders, arms, hands, **or to manicure the finger nails of any person**, or to arrange, dress, curl, wave, cleanse, bleach, color or similarly treat the hair of any person.

3. "The board" shall mean the board of examiners appointed under the provision of section 7 of this act.

4. "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. Use of apparatus and cosmetics. No mechanical or electrical apparatus or cosmetic preparation shall be sold or offered for sale to any person or establishment subject to a license under this act, until after a permit has been secured from the bureau of health. Such apparatus shall not be used for any surgical or medical purpose.

~~Any manufacturer or producer of cosmetic preparations selling them to any person or persons licensed under this act, shall file with the bureau of health a complete statement of ingredients of each preparation.~~

The bureau of health shall have the right to refuse a permit for the sale or offering for sale of any such apparatus or cosmetic preparation which, in its judgment, shall be dangerous or which shall contain any substances in such amounts as to be poisonous, injurious, or detrimental to the person.

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

No person shall use or keep for use or sale in any shop or establishment licensed under this act any electrical or mechanical apparatus or cosmetic preparation for which a permit has not been granted as provided in this act.

Sec. 3. Registration and licenses. 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 employment as an apprentice.

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. **Booths, attached to or within a shop that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.** The fee for such license shall be \$5 in the first instance and \$3 for each **yearly**

renewal thereof. The license shall run from the 1st day of July in each year for 1 year and the fee shall be payable to the secretary of said board.

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 **in the practice of hairdressing and beauty culture** or 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 ~~certificates~~ **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~~ **at any subsequent examination held by the board within a period of 1 year.**

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 the state where the school is located,~~ 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 pro-

posed 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 **excepting physicians as specified above.**

Sec. 6. Registration without examination. 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. The 3rd member of the board shall be the director of health who shall be the executive secretary of the board ~~and who shall serve without additional compensation for such services.~~ Each of the appointive members of the board shall be appointed by the governor with the advice and consent of the council, for a term of 2 years and until his successor is appointed and qualified to act.

The chief clerk of the board shall be paid a salary not in excess of \$500 per year subject to the approval of the governor and council to be paid from funds received under this act.

Sec. 8. Organization of board. The board shall organize as soon as may be after the effective date of this act by electing 1 of its members as chairman and such organization shall continue until the appointment and qualification of any new member of said board. The executive secretary of said board shall keep a record of all proceedings, issue all notices, ~~registration certificates, certificates of registration, cards, and licenses,~~ attest all such papers and orders as said board shall direct, make sanitary inspections at least once a year of shops and other establishments subject to license under this act and perform such other duties as shall be designated by the board.

Sec. 9. Rules and regulations. The 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 are practiced and by persons engaged in such practice and shall make rules and regulations not contrary to law relative to the applications for licenses **and certificates of registration**. The board 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 shall give service in any establishment licensed by this act who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rules and regulations made by said board shall be cause for the suspension **or revocation** of such license, but no license shall be suspended **or revoked** without a reasonable opportunity being offered to such person to show cause to said board why such license shall not be suspended **or revoked**. **Any such license suspended or revoked shall be delivered to any agent of the board upon demand.**

Any member of the board shall have power to enter and make reasonable examination of any such shop or establishment during business hours, for the purpose of ascertaining whether or not the rules and regulations are being observed.

Any such shop or establishment in which tools, appliances, and furnishings in use therein are kept in an unclean and unsanitary 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.

The board shall have the right to require the physical examination of any person employed in any beauty parlor suspected of having any contagious or infectious disease.

Sec. 10. Disposition of fees. The fees received by the board under the provisions of this act shall be paid to the treasurer of state. The ~~appointive~~ members of the board shall each be allowed the sum of ~~\$5~~ **\$10** per day and their necessary traveling expenses for actual attendance upon any examination of candidates for registration, and for any necessary hearings. The necessary expenses of sanitary inspections as provided in section 8 shall also be allowed. Fees received under this act may be used for carrying out the purposes of this act.

Sec. 11. Examinations of the board. The board shall hold 2 public examinations each year, one on the first Tuesday of June and one on the first Tuesday of December, at such times and places as it shall designate, at least 2 public examinations. Additional examinations may be held at the discretion of the board, notice whereof of all examinations shall be given by a publication at least 10 days before the holding of any such meeting in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.

Sec. 12. 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.

Every apprentice, after serving an apprenticeship of 6 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 4.

Sec. 13. Board to furnish certificate of registration. Said board shall furnish to each person registered operator to whom a certificate of registration is issued a card bearing the seal of the board and the signature names 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 certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve. Said card certificate of registration 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. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the board and upon payment of the fees as provided by this section and the preceding sections of this act. 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.

Sec. 14. 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. 15. Board may suspend or revoke certificates of registration, when: appeal. Said board shall have power to suspend **or revoke** 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 unsanitary condition; (c) failure to comply with the requirements of section ~~14~~ **13** of this act; (d) **for misrepresentation of qualifications:** provided that before any certificate shall be suspended **or revoked**, 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 **or revoked** may apply to have the same reissued, and the same shall be reissued upon satisfactory evidence that the disqualifications have ceased.

Any such certificate of registration suspended or revoked shall be delivered to any agent of the board upon demand.

Sec. 16. 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. 17. Limitations of act. The prohibitions and penalties of this act shall not apply to licensed physicians, licensed osteopaths, registered nurses and barbers, when acting with the scopes of their profession or occupation.

The provisions of this act apply only to those cosmetic preparations and

apparatus sold or offered for sale in intrastate commerce. If any section, or part thereof of this act shall be declared unconstitutional it shall not affect the constitutionality of the remaining parts of this act.

Sec. 18. Exceptions. ~~Chapter 227 of the public laws of 1933 is hereby repealed. Excepting that licenses issued thereunder shall be in effect until July 1, 1934, unless revoked. Operators' certificates of registration and licenses issued under chapter 282 of the public laws of 1933 shall remain in effect until their expiration date, unless revoked, and may be renewed as provided in section 13 of this act without additional examination.~~