

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 876

H. P. 1525

House of Representatives, February 17, 1949.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Albee of Portland by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Barbering, Hairdressing and Beauty Culture.

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

Sec. 1. R. S., c. 22, § 205, repealed and replaced. Section 205 of chapter 22 of the revised statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 205. State barber board and state beauty culture board, established; membership; executive secretary; compensation. There is hereby established a state barber board for the regulation of the practice of barbering, hereinafter in sections 205 to 222, inclusive, designated as the “barber board.” The board shall consist of 3 members, who shall be citizens of this state, 2 of whom shall have been engaged in the practice of barbering in this state for at least 5 years prior to their appointment. The 3rd member of the board shall be the director of health, who shall be the executive secretary of the board.

There is hereby established a state beauty culture board for the regulation of the practice of hairdressing and beauty culture, hereinafter in sections 205 to 222, inclusive, designated as the “beauty culture board.” The board shall consist of 3 members, who shall be citizens of this state, 2 of whom shall have been engaged in the practice of hairdressing and beauty

culture for at least 5 years prior to their appointment. The 3rd member of the board shall be the director of health, who shall be the executive secretary of the board.

Each appointive member of the foregoing boards 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. No person operating or employed by a school of barbering or of hairdressing and beauty culture shall be appointed as a member of either of said boards; and if any member of either board, after appointment, shall affiliate himself in any way with any such school, his membership on such board shall immediately terminate and the vacancy shall be filled by the governor and council in the manner provided for the appointment of new members. Any vacancy in either of said boards caused by death, resignation or other cause shall be filled by the like appointment of a person qualified as aforesaid to hold office during the unexpired term of the member whose place he fills.

The members of each board shall be allowed the sum of \$10 per day and their necessary traveling expenses for actual attendance upon any examinations of candidates for registration and for any necessary hearings and meetings of said boards.

The chief clerk of each of said boards 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 the provisions of sections 205 to 222, inclusive.

The executive secretary of each board shall keep a record of all proceedings, issue all notices, certificates of registration and licenses, attest all such papers and orders as each of said boards shall direct, make sanitary inspections at least once a year of shops and other establishments subject to license under the provisions of sections 205 to 222, inclusive, and perform such other duties as shall be designated by his particular board.'

Sec. 2. R. S., c. 22, § 207, amended. Section 207 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 207. Rules and regulations.** The barber board and the beauty culture board shall each 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 206, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering, ~~or~~ hairdressing ~~and~~ or 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~~ **Each** board shall cause ~~such its~~ 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.

~~The~~ **Each** board shall also make rules and regulations not contrary to law, to be approved by the bureau of health, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of barbering or of any school of hairdressing and beauty culture **respectively**, subject to a license under the provisions of sections 205 to 222, inclusive.

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

No person shall give service in any establishment licensed under the provisions of sections 205 to 222, inclusive, who has a disease in a communicable stage.

The failure of any person to observe the requirements of any rule or regulation made by ~~either of said board boards~~ 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 by **said boards** 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 **having jurisdiction** upon demand.

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 declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment by a fine of not less than \$200, nor more than \$1,000, and in addition thereto by imprisonment for not less than 60 days, nor more than 11 months, and in default of payment of said fine shall be imprisoned for an additional term of not less than 60 days, nor more than 11 months.

~~The~~ **Each** board, **within its jurisdiction**, shall have the right to require the physical examination of any person employed in any barber shop or beauty parlor suspected of having any contagious or infectious disease.'

Sec. 3. R. S., c. 22, § 211, sub-§ III, amended. Subsection III of section 211 of chapter 22 of the revised statutes is hereby amended to read as follows:

‘III. Who has satisfactorily completed a course of instruction of at least 6 months in a school of barbering approved by said the barber board ~~or in lieu thereof has had a total experience in the practice of barbering~~ or and in addition thereto has served as an apprentice of for a period of at least 18 months under the supervision of a licensed barber in a licensed barber shop.’

Sec. 4. R. S., c. 22, § 214, amended. The 1st and 2nd sentences of section 214 of chapter 22 of the revised statutes are hereby amended to read as follows:

‘No school of barbering shall be approved by the **barber** board until it shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located, nor unless it has a minimum requirement of a continuous course of study of 1,000 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, fundamentals for barbering, hygiene, histology of the hair, skin, face and neck, 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, tinting the hair, sterilization, and the use of antiseptics, cosmetics and electrical appliances customarily used in the practice of barbering, which course of study and instruction shall be subject to the approval of said board. No school of barbering shall be an approved school until approval shall be recorded in the records of ~~said the barber~~ board and until it shall receive a certificate of approval issued by said board.’

Sec. 5. R. S., c. 22, § 214, amended. The 1st sentence of the 2nd paragraph of section 214 of chapter 22 of the revised statutes is hereby amended to read as follows:

‘No school of hairdressing and beauty culture shall be approved by ~~said the beauty culture~~ board until it shall attach to its staff a physician duly licensed to practice medicine in 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 1,000 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.'

Sec. 6. R. S., c. 22, § 215, amended. The 1st 3 paragraphs of section 215 of chapter 22 of the revised statutes are hereby amended to read as follows:

'Every apprentice barber **who has completed a course of instruction as provided in section 211**, in order to avail himself of the provisions of ~~sections 205 to 222, inclusive~~ **said section**, shall within 10 days after entering upon his apprenticeship, file with the secretary of the **barber board**, on blanks which shall be provided by said 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 17 years, and said blanks shall be accompanied by a registration fee of \$3. Any such apprentice who shall change his place of employment shall promptly notify ~~the~~ **said board** and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice barber, after serving an apprenticeship of 18 months **as provided in section 211**, shall file application for examination at the next examination held by the board in accordance with the requirements of **said section 211**.

~~The board shall furnish to each registered apprentice a certificate of registration of said apprenticeship.'~~

Sec. 7. R. S., c. 22, § 216, amended. Section 216 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 216. Examinations by boards.** ~~The~~ **Each board shall independently** hold 2 public examinations each year, one on the 1st Tuesday of June and one on the 1st Tuesday of December, at such places as it shall designate. Additional examinations may be held at the discretion of the board. Notice of all examinations shall be given by publication at least 10 days before the holding of any such examination in at least 2 daily newspapers printed and published in the county in which such examinations shall be held.'

Sec. 8. R. S., c. 22, § 217, amended. The 1st sentence of the 1st paragraph of section 217 of chapter 22 of the revised statutes is hereby amended to read as follows:

'The **barber board** shall furnish to each registered barber a certificate of registration bearing the seal of the board certifying that the holder thereof is entitled to practice barbering in this state, and it shall be the duty of the

holder of such certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve.'

Sec. 9. R. S., c. 22, § 217, amended. The 1st sentence of the 2nd paragraph of section 217 of chapter 22 of the revised statutes is hereby amended to read as follows:

'~~Said~~ **The beauty culture** board shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration bearing the seal of the board and the names of all 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 certificate of registration to post the same in a conspicuous place where it may be readily seen by all persons whom he may serve.'

Sec. 10. R. S., c. 22, § 218, amended. Section 218 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 218. Boards to keep registers.** The **barber board and the beauty culture** board shall each keep a register in which shall be entered the names of all persons to whom certificates are issued under the provisions of sections 205 to 222, inclusive, and said register shall be at all times open to public inspection.'

Sec. 11. R. S., c. 22, § 219, amended. The 1st paragraph of section 219 of chapter 22 of the revised statutes is hereby amended to read as follows:

'The **barber board and the beauty culture** board may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under the provisions of sections 205 to 222, inclusive, for:'

Sec. 12. R. S., c. 22, § 219, amended. The last paragraph of section 219 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Any such certificate of registration suspended or revoked shall be delivered to any agent of the board **having jurisdiction of the same** upon demand.'

Sec. 13. R. S., c. 22, § 220, amended. Section 220 of chapter 22 of the revised statutes is hereby amended to read as follows:

'**Sec. 220. Hearings.** ~~The~~ **Neither** board may ~~neither~~ refuse to issue, nor refuse to renew, nor suspend, nor revoke any certificate of registration, however, for any of these causes enumerated in section 219, unless the person accused has been given at least 10 days' notice in writing of the charge

against him and an opportunity to be heard at a public hearing held by the board **having jurisdiction.**

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

Upon hearing of any such proceeding, the board **having the complaint** may administer oaths and may procure by its subpoena the attendance of witnesses and the production of relevant books and papers.

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

Sec. 14. R. S., c. 22, § 221, amended. Section 221 of chapter 22 of the revised statutes is hereby amended to read as follows :

'**Sec. 221. Disposition of fees.** The fees received by ~~the~~ **either** board under the provisions of sections 205 to 222, inclusive, shall be paid to the treasurer of state. Fees received under the provisions of said sections shall be used for carrying out the purposes of sections 205 to 222, inclusive.'

Sec. 15. R. S., c. 22, § 222, amended. Section 222 of chapter 22 of the revised statutes is hereby amended to read as follows :

'**Sec. 222. Penalties.** Any person engaged in the practice of barbering in this state without having obtained a certificate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice barbering who has not such a certificate of registration ~~or who has not a certificate of registration as an apprentice barber~~, or falsely pretending to be qualified to practice barbering under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, and any person engaged in the practice of hairdressing and beauty culture in this state without having obtained a certificate of registration as provided by sections 205 to 222, inclusive, or employing a person to practice hairdressing and beauty culture who has not such a certificate, unless he be an apprentice within the meaning of said sections, or falsely pretending to be qualified to practice hairdressing and beauty culture under the provisions of sections 205 to 222, inclusive, or violating any of the provisions of said sections, 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 sections 205 to 222, inclusive.'

Sec. 16. R. S., c. 15, § 27, amended. The 1st sentence of section 27 of chapter 15 of the revised statutes, as amended by section 2 of chapter 356 of the public laws of 1945, is hereby further amended to read as follows: 'All money received by the treasurer of state from the board of registration in medicine, the board of registration of nurses, the board of examiners of applicants for admission to the bar, the board of accountancy, the board of veterinary examiners, the board of osteopathic examination and registration, the board of examiners of funeral directors and embalmers, the state board of registration and examination in optometry, the board of dental examiners, the state board of registration for professional engineers, the state board of architects, the state ~~board of barbers and hairdressers~~ **barber board, the state beauty culture board,** the examiners podiatrists and the board of commissioners of pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board, and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'