

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1477

In Senate, April 5, 1957.
Pursuant to Senate Order proposed New Draft of L. D. 1305 and ordered printed.

CHESTER T. WINSLOW, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Powers and Duties of State Board of Barbers and Hairdressers.

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

Sec. 1. R. S., c. 25, § 213, amended. The 1st paragraph of section 213 of chapter 25 of the Revised Statutes is hereby amended by adding at the end thereof a new sentence to read as follows:

'The members of the Board shall meet upon call of the Commissioner of Health and Welfare, shall act in an advisory capacity concerning any activities of barbers and hairdressers, schools of barbering and schools of hairdressing and beauty culture, and make such recommendations as the Board may deem appropriate.'

Sec. 2. R. S., c. 25, § 215, amended. Section 215 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'Sec. 215. Rules and regulations. The ~~board~~ **Department** 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 214, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where barbering or hairdressing 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 ~~board~~ **Department** 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.

The ~~board~~ **Department** 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, subject to a license under the provisions of sections 213 to 230, inclusive.

~~Any member of the board~~ **The Department** 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.

No person shall give service in any establishment licensed under the provisions of sections 213 to 230, 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 said ~~board~~ **Department** 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~~ **Department** why such license shall not be suspended or revoked. Any such license suspended or revoked shall be delivered to any agent of the ~~board~~ **Department** 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 board~~ **Department** 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. 25, § 217, amended. The 3rd paragraph of section 217 of chapter 25 of the Revised Statutes, as repealed and replaced by chapter 48 of the public laws of 1955, is hereby amended to read as follows:

'No person, firm or corporation shall operate or cause to be operated a shop or establishment where barbering or hairdressing and beauty culture are practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a barber shop shall be \$5 in the first instance and \$3 but not exceeding \$5, for each yearly renewal thereof. The license shall run from the 1st day of January in each year for one year and the fee shall be payable to the ~~secretary of the Board~~ **Department**. The fee for a license to operate a beauty shop shall be \$5 in the first instance and \$3 but not exceeding \$5 for each yearly renewal thereof. The license shall run from the 1st day of July in each year for one year and the fee shall be payable to the ~~secretary of said Board~~ **Department.**'

Sec. 4. R. S., c. 25, § 219, amended. Section 219 of chapter 25 of the Revised Statutes, as amended by sections 1 and 2 of chapter 360 of the public laws of 1955, is hereby further amended to read as follows:

'**Sec. 219. Registration for barbers.** Any person shall be eligible to obtain

a certificate of registration under the provisions of sections 213 to 230, inclusive, as a barber:

- I. Who is at least 17 years of age;
- II. Who is of good respectable character and temperate habits;
- III. Who has satisfactorily completed a course of instruction, of 1,000 hours in not less than 6 months, in a school of barbering approved by said ~~Board~~ **Department** and a total experience as an apprentice of a period of at least 6 months under a licensed barber; or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said ~~Board~~ **Department**; or in lieu thereof has had a total experience in the practice of barbering or as an apprentice of 2,500 hours distributed over a period of at least 18 months.
- IV. Who has satisfactorily passed an examination conducted by said ~~board~~ **Department, with the advice and assistance of the 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~~ **Department**, which application shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 213 to 230, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the ~~secretary of said board~~ **Department** and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; ~~if~~. **If not successful, applicant shall have the privilege of taking a 2nd examination without fee at any subsequent examination held by the ~~board~~ **Department** within a period of one year.**

Sec. 5. R. S., c. 25, § 220, amended. Section 220 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'Sec. 220. Registration for hairdressing and beauty culture. Any person shall be eligible to obtain a certificate of registration under the provisions of sections 213 to 230, inclusive, for the practice of hairdressing and beauty culture:

- I. Who is at least 17 years of age;
- II. Who is of good respectable character;
- III. Who has satisfactorily completed a course of instruction in a school of hairdressing and beauty culture approved by said ~~board~~ **Department**, or in lieu thereof has had a total experience in the practice of hairdressing and beauty culture or as an apprentice of 2,500 hours distributed over a period of at least 18 months;
- IV. Who has satisfactorily passed an examination conducted by said ~~board~~ **Department, with the advice and assistance of the 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~~ **Department** which application

shall contain satisfactory evidence of the qualifications required of the applicant under the provisions of sections 213 to 230, inclusive, and shall be sworn to by the applicant. Said applications shall be filed with the ~~secretary of said board~~ **Department** and shall be accompanied by an examination fee of \$5 which shall include registration, if examination is satisfactory; ~~if~~. If not successful, applicant shall have the privilege of taking a second examination without fee at any subsequent examination held by the ~~board~~ **Department** within a period of one year.'

Sec. 6. R. S., c. 25, § 222, amended. Section 222 of chapter 25 of the Revised Statutes, as amended by chapters 148 and 390 of the public laws of 1955, is hereby further amended to read as follows:

'**Sec. 222. Schools of barbering, hairdressing and beauty culture; fees.** No school of barbering shall be approved by the ~~Board~~ **Department** until it ~~shall attach to its staff a physician duly licensed to practice medicine in the state where the school is located who shall instruct the students by lectures or demonstrations at least twice but not more than 4 times during the course on subjects of sanitation, sterilization, general anatomy and diseases, 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, or in lieu thereof has satisfactorily completed a course of instruction of 1,500 hours in not less than 9 months in a school of barbering approved by said~~ **Board Department** 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~~ **Department**. No school of barbering shall be an approved school until approval shall be recorded in the records of said ~~Board~~ **Department** and until it shall receive a certificate of approval issued by said ~~Board~~ **Department**. The fee for such certificate shall be \$25 and it shall be good for one 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~~ **Department**, be renewed from year to year upon payment of a fee of \$25 for each renewal. The ~~Board~~ **Department** may revoke any such certificate at any time for cause; ~~provided, however, that notice.~~ **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 practice of barbering as defined in section 214 unless said instructor has a certificate to practice barbering under the provisions of sections 213 to 230, inclusive, excepting physicians as specified ~~above~~ **in section 218**.

No school of hairdressing and beauty culture shall be approved by said ~~Board~~ **Department** 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 1,500 hours distributed over a term of not less than 9 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 Department~~. ~~Time spent in any out of state school of hairdressing and beauty culture may be credited in full or in part against said 1,500 hours, subject to the decision and approval of the Board.~~ No school of hairdressing and beauty culture shall be an approved school until approval shall be recorded in the records of said ~~Board Department~~ and until it shall receive a certificate of approval issued by said ~~Board Department~~. The fee for such certificate shall be \$25 and it shall be good for one 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 Department~~, be renewed from year to year upon payment of a fee of \$25 for each renewal. The ~~Board Department~~ 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 214 unless said instructor has a certificate to practice hairdressing and beauty culture under the provisions of sections 213 to 230, inclusive, excepting physicians as specified ~~above in section 218.~~

Any provision of sections 213 to 230, inclusive, notwithstanding, the Department shall not issue a certificate of approval to any school of barbering without the State or any school of hairdressing and beauty culture without the State, unless that state shall offer similar reciprocal certification privileges to schools of barbering and schools of hairdressing and beauty culture within the State.'

Sec. 6. R. S., c. 25, § 223, amended. Section 223 of chapter 25 of the Revised Statutes, as amended by chapter 164 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 223. Apprentices. Every apprentice barber, in order to avail himself of the provisions of sections 213 to 230, inclusive, shall, within 10 days after entering upon his apprenticeship, file with the ~~secretary of the Board Department~~, on blanks which shall be provided by said ~~Board Department~~, 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 ~~Board Department~~ 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, shall file application for examination at the next examination held by the ~~Board Department~~ in accordance with the requirements of section 219.

No apprentice barber shall serve as such apprentice longer than 3 years.

The ~~Board Department~~ shall furnish to each registered apprentice a certificate of registration of said apprenticeship.

Every apprentice, in order to avail himself of the provisions of sections 213

to 230, inclusive, to practice hairdressing and beauty culture shall, within 10 days after entering upon his apprenticeship, file with the ~~secretary of the Board Department~~ 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 16 years. Any such apprentice who shall change his place of employment shall promptly notify the ~~Board Department~~ and furnish it with the name and place of business of his new employer and the date of such change.

Every apprentice, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the ~~Board Department~~ in accordance with the requirements of section 220.

No apprentice for hairdressing and beauty culture shall serve as such apprentice longer than 3 years.'

Sec. 7. R. S., c. 25, § 224, amended. Section 224 of chapter 25 of the Revised Statutes, as amended by chapters 79 and 104 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 224. Examinations; permit issued to applicant before examination. The ~~Board Department~~, with the advice and assistance of the Board, shall hold 2 public examinations each year, one on the 2nd 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 Department~~, with the advice and assistance 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.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the State of Maine for a period of at least 6 months, qualifies for examination, the ~~Board Department~~ may issue to such applicant until the time for holding an examination a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. Such applicant shall not be considered an apprentice. The applicant shall pay to the ~~Board Department~~ a fee of \$3.'

Sec. 8. R. S., c. 25, § 225, amended. Section 225 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'Sec. 225. Certificate of registration; limited certificate for manicuring, renewal; fees. The ~~Board Department~~ 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. Said certificate of registration shall be renewed on or before the 1st day of January in each year, and the holder of said certificate of registration shall pay to the ~~secretary of said Board Department~~ the sum of \$3 for said renewal.

Said ~~Board Department~~ shall furnish to each registered operator in the practice of hairdressing and beauty culture a certificate of registration ~~bear-~~

ing 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. Said 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~~ **Department** the sum of \$3 for said renewal. Certificate of registration limited to manicuring only may be issued upon complying with such examination requirements as may be determined by the ~~Board~~ **Department** and upon payment of the fees as provided by sections 213 to 230, inclusive.

Any registered barber or any person registered to practice hairdressing or beauty culture who fails to renew his certificate of registration during any license year, in subsequent years may renew his certificate of registration only after payment of all unpaid renewal fees.'

Sec. 9. R. S., c. 25, § 226, amended. Section 226 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 226. Department to keep register.** The ~~Board~~ **Department** shall keep a register in which shall be entered the names of all persons to whom certificates are issued under the provisions of sections 213 to 230, inclusive, and said register shall be at all times open to public inspection.'

Sec. 10. R. S., c. 25, § 227, amended. Section 227 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 227. Suspension or revocation of certificates of registration; appeal.** The ~~Board~~ **Department** may either refuse to issue or renew or may suspend or revoke any certificate of registration granted by it under the provisions of sections 213 to 230, inclusive, for:

- I. Conviction of a felony shown by a certified copy of the record of the court of conviction;
- II. Gross malpractice or gross incompetency;
- III. Continued practice by a person knowingly having an infectious or contagious disease;
- IV. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;
- V. Immoral or unprofessional conduct;
- VI. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;
- VII. Failure to comply with any of the prescribed requirements of sections 213 to 230, inclusive;
- VIII. 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 oppor-

tunity 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~~ **Department** upon demand.'

Sec. 11. R. S., c. 25, § 228, amended. Section 228 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 228. Hearings.** The ~~Board~~ **Department** may neither refuse to issue nor refuse to renew, nor suspend nor revoke any certificate of registration ~~how-~~
~~ever~~ for any of these causes enumerated in section 227, 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~~ **Department**.

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

Upon 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 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 ~~Board~~ **Department** may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the ~~Board~~ **Department** in any hearing relating to the refusal, suspension or revocation of certificate of registration.'

Sec. 12. R. S., c. 25, § 229, amended. Section 229 of chapter 25 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 229. Disposition of fees.** The fees received by the ~~Board~~ **Department** under the provisions of sections 213 to 230, 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 213 to 230, inclusive.'