

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 23

HAIRDRESSERS AND BEAUTICIANS

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SUBCHAPTER I

GENERAL PROVISIONS

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1554. Electrolysis.
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§ 1551. Definitions

The following words and phrases, when used in this chapter shall be construed as follows:

1. Practice of hairdressing and beauty culture. The practice of, teaching of or demonstration of hairdressing and beauty culture shall mean the engaging by any person for hire or reward in any one 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 fingernails of any person; or to arrange, dress, curl, wave, cleanse, cut, singe, bleach, color or similarly treat the hair of any person.

2. Student or apprentice. "Student or 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 chapter to teach hairdressing and beauty culture and under the rules and regulations of the board relating to students and apprentices.

3. Demonstrator. "Demonstrator" shall mean any person who engages in behalf of a manufacturer, wholesaler, retailer or

distributor in demonstrating the use of any machine or other article pertaining to hairdressing without charge to the person who is subject to such demonstration.

R.S.1954, c. 25, § 214; 1961, c. 359, § 1; 1963, c. 158, § 2.

§ 1552. Persons exempted

The prohibitions and penalties of this chapter shall not apply to the following persons when acting within the scope of their profession or occupation:

1. **Practice medicine and surgery.** Persons authorized by the laws of this State to practice medicine and surgery;

2. **United States medical officers.** Commissioned medical officers of the United States army, navy or marine hospital service;

3. **Registered nurses.** Registered nurses.

This chapter applies only to those cosmetic preparations and apparatus sold or offered for sale in intrastate commerce.

R.S.1954, c. 25, § 218; 1961, c. 359, § 1.

§ 1553. Schools

No school of hairdressing and beauty culture shall be approved by the State Board of Hairdressers 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. 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 and until it shall receive a certificate of approval issued by said board. The fee for such certificate shall be \$200 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

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said board, be renewed from year to year upon payment of a fee of \$35 but not exceeding \$50 for each renewal. When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. No person shall be engaged to instruct in any of the branches of hairdressing and beauty culture as defined in section 1551 unless said instructor has a certificate to practice hairdressing and beauty culture under this chapter, excepting physicians as specified.

The board shall make rules and regulations for the examination of applicants for certificates of registration as instructors of hairdressing and beauty culture. Examination applications shall be furnished by the board. Said application shall be filed with the secretary of said board and shall be accompanied by an examination fee of \$15 which shall include registration, if examination is satisfactory. All certificates of registration as instructors shall expire June 30th each year. Certificates of registration as a Maine hairdresser shall be renewed to renew instructor's certificate of registration. Renewal fee for instructors shall be \$5.

Students to be accepted shall have reached at least the age of 16 and have completed the 10th grade in a secondary school. An enrollment record of each new student admitted to a school shall be sent to the secretary of the board on the first day of each month, accompanied by a registration fee of \$3 for each new student. The board shall furnish each student registered a certificate of registration as a student. Said certificate of registration shall expire 12 months from date of issue.

R.S.1954, c. 25, § 222; 1955, cc. 148, 390; 1957, c. 397, § 23; 1961, c. 359, § 3; c. 394, §§ 12, 13; c. 417, § 57; 1963, c. 158, §§ 5, 6; c. 412, § 23.

§ 1554. Electrolysis

The use of electrolysis for the removal of hair is not a part of the practice of hairdressing and beauty culture and is prohibited, except under the direction of a licensed physician.

R.S.1954, c. 25, § 216; 1961, c. 359, § 1.

§ 1555. 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 chapter or employing a person to practice hairdressing and beauty culture who has not such a

certificate, unless he is an apprentice within the meaning of said chapter, or falsely pretending to be qualified to practice hairdressing and beauty culture under this chapter or violating any of the provisions of said chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$20 nor more than \$100, or by imprisonment for not more than 3 months. 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 said chapter. In any case where a specific penalty is not provided for in this chapter, a violation of any section shall constitute a misdemeanor.

R.S.1954, c. 25, § 230; 1961, c. 359, § 3.

SUBCHAPTER II

STATE BOARD OF HAIRDRESSERS

Sec.

1601. Membership; executive secretary; compensation.

1602. Rules and regulations; insanitary conditions; contagious diseases.

1603. Register of names.

1604. Disposal of fees.

§ 1601. Membership; executive secretary; compensation

The State Board of Hairdressers, as heretofore established and in this chapter designated as the "board," shall consist of 4 members who shall be citizens of this State, 3 of whom shall have been engaged in the practice of hairdressing for at least 5 years immediately prior to their appointment. The tenure of each board member shall be for 2 years.

The 3 members of the board who are hairdressers shall be appointed by the Governor with the advice and consent of the Council. The Director of the Bureau of Health shall be a member of the board but shall have no vote. The board members who are hairdressers shall be actively engaged in the practice of hairdressing during their membership on said board. The senior hairdresser board member shall serve as chairman.

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The present hairdressing members of the board shall serve until the expiration of their present term of office and shall be eligible for reappointment.

The board shall employ, subject to the Personnel Law, a full-time executive secretary. The salary of said executive secretary shall be determined by the Personnel Board and shall be paid from funds received under this chapter. The executive secretary of said board shall keep a record of all proceedings, issue all notices, except those required to be issued by the Administrative Hearing Commissioner under Title 5, chapters 301 to 307, certificates of registration and licenses, attest all such papers and orders as said board shall direct, make sanitary inspections at least twice a year of shops and other establishments subject to a license under this chapter as directed by said board, and shall report annually to the Governor and Council giving a full statement of all receipts and expenditures and a statement of the work performed by the board during the year, together with such recommendations as deemed necessary. The board shall employ, subject to the Personnel Law, inspectors who shall make inspections of shops and other establishments subject to license under direction of the executive secretary. The salary of such inspectors shall be determined by the Personnel Board and shall be paid from funds received under this chapter. The board shall have the right to dismiss, with cause, the executive secretary or the inspectors provided for in this section. No person operating or employed by a school of hairdressing and beauty culture shall be appointed as a member of the board. If any member of the board after appointment shall affiliate himself in any way with any such school of hairdressing and beauty culture, his membership on the 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 for the remaining unexpired term of their predecessor.

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.

Each member of the board shall be allowed the sum of \$20 per day and their necessary expenses for actual attendance upon any examination of candidates for registration and for any necessary hearings and board meetings.

R.S.1954, c. 25, § 213; 1955, c. 193; 1961, c. 359, § 1; c. 417, § 54; 1963, c. 158, § 1; c. 412, § 23; c. 414, § 4.

§ 1602. Rules and regulations; insanitary conditions; contagious diseases

The board shall make rules and regulations not contrary to law, subject to Title 5, chapters 301 to 307 and the approval of the Department of Health and Welfare, 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 1551, and prescribing the sanitary requirements to be observed by proprietors of shops and other establishments where 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 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 shall make rules and regulations not contrary to law, subject to Title 5, chapters 301 to 307 and the approval of the Department of Health and Welfare, prescribing the requirements for the construction, operation, maintenance and sanitary requirements of any school of hairdressing and beauty culture, subject to a license under this chapter.

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.

No person shall give service in any establishment licensed under this chapter 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 shall be cause for the suspension or revocation of such license. When the board believes a license should be suspended or revoked it shall file a statement or complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. Any such license suspended or revoked shall be delivered to any agent of the board 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

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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 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. Failure to submit to such an examination shall be grounds for suspension of said person, his license or certificate.

R.S.1954, c. 25, § 215; 1961, c. 359, § 1; c. 394, § 11; c. 417, §§ 55, 56; 1963, c. 412, § 23.

§ 1603. Register of names

The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this chapter and said register shall be at all times open to public inspection.

R.S.1954, c. 25, § 226; 1961, c. 359, § 3.

§ 1604. Disposal of fees

The fees received by the board under this chapter shall be paid to the Treasurer of State. Fees received under this chapter shall be used for carrying out the purposes of this chapter.

R.S.1954, c. 25, § 229; 1961, c. 359, § 3; 1963, c. 158, § 11.

SUBCHAPTER III

REGISTRATION

Sec.

- 1651. Registration required.
- 1652. Qualifications.
- 1653. Examinations; temporary permits.
- 1654. Registration without examination.
- 1655. Certificates; manicuring; renewal; fees.
- 1656. —Suspension or revocation.
- 1657. Apprentices.

§ 1651. Registration required

No person shall practice hairdressing and beauty culture in this State unless he shall first have obtained a certificate of

registration as provided in this chapter or unless he shall be acting within the scope of his employment as an apprentice.

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

No person, firm or corporation shall operate or cause to be operated a shop or establishment where hairdressing and beauty culture are practiced unless such shop or establishment has been duly licensed. The fee for a license to operate a beauty shop shall be \$25 for a new shop or change in location or ownership and \$5 but not exceeding \$10 for each yearly renewal thereof. The license shall run from the first day of July in each year for one year and the fee shall be payable to the secretary of said board.

Booths, attached to or within a beauty shop that are operated independently thereof, shall be subject to license fees in the same manner as an independent shop.

R.S.1954, c. 25, § 217; 1955, c. 48; 1961, c. 359, § 1; 1963, c. 158, § 3.

§ 1652. **Qualifications**

Any person shall be eligible to obtain a certificate of registration under this chapter for the practice of hairdressing and beauty culture:

1. **Age.** Who is at least 17 years of age;
2. **Character.** Who is of good respectable character;
3. **Training.** 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 2,500 hours distributed over a period of at least 18 months;
4. **Examination.** 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 chapter and

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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 \$15 which shall include registration, if examination is satisfactory. If not successful, applicant shall have the privilege of taking a 2nd examination by payment of a fee of \$10 at any subsequent examination held by the board within a period of one year.

R.S.1954, c. 25, § 220; 1961, c. 359, § 3; 1963, c. 158, § 4.

§ 1653. Examinations; temporary permits

The board shall hold at least 2 public examinations each year, and at such times and 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.

If any applicant to practice hairdressing and beauty culture, who has been a resident of the State for a period of at least 6 months, qualifies for examination, the board may issue to such applicant, until the results of the applicant's examination have been given, a permit to practice hairdressing and beauty culture under the supervision of a person registered to practice hairdressing and beauty culture. The permit shall terminate with the examination following applicant's qualification. If applicant fails first examination following qualification, said applicant may renew permit to practice hairdressing and beauty culture under supervision of a person registered to practice hairdressing and beauty culture, until the results of the next consecutive examination have been given, at which time said permit expires and shall not be renewable. Such applicant shall not be considered an apprentice. The applicant shall pay to the board a fee of \$3.

R.S.1954, c. 25, § 224; 1955, cc. 79, 104; 1957, c. 63; 1959, c. 232; 1961, c. 29, § 1; c. 359, § 3; c. 417, § 58.

§ 1654. Registration without examination

Any person licensed to practice hairdressing and beauty culture in another state whose requirements are equal to those specified in this chapter may upon the payment of a fee of \$25, be entitled to a certificate of registration without examination, providing each such state accepts without examination applicants

registered in this State for registration or licenses, as the case may be, in a similar manner.

R.S.1954, c. 25, § 221; 1961, c. 359, § 3.

§ 1655. Certificates; manicuring; renewal; fees

Said 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. Said certificate of registration shall be renewed on or before the first 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 \$5 but not exceeding \$10 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 and upon payment of the fees as provided by this chapter.

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.

Any person registered or licensed to practice hairdressing and beauty culture may apply to the secretary of said board for application as a demonstrator. Certificate of registration limited to demonstrations only may be issued upon complying with such requirements as may be determined by the board and upon payment of the fee of \$25. Certificates shall be renewed on or before July 1st each year by paying a renewal fee of \$15 for each renewal.

R.S.1954, c. 25, § 225; 1961, c. 356, §§ 1, 2; c. 359, § 3; c. 417, § 59; 1963, c. 158, §§ 9, 10.

§ 1656. —Suspension or revocation

The board may either refuse to issue or renew or may file a statement or complaint with the Administrative Hearing Commissioner requesting the suspension or revocation of any certificate of registration granted by it under this chapter for:

1. **Felony.** Conviction of a felony shown by a certified copy of the record of the court of conviction;

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2. Malpractice or incompetency. Gross malpractice or gross incompetency;

3. Disease. Continued practice by a person knowingly having an infectious or contagious disease;

4. Drunkenness or drug addiction. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

5. Conduct. Immoral or unprofessional conduct;

6. Unclean shop. The keeping of a shop or other establishment, or the tools, appliances or furnishings thereof in an unclean or insanitary condition;

7. Requirements of law. Failure to comply with any of the prescribed requirements of this chapter;

8. Misrepresentation of qualifications. For misrepresentation of qualifications.

Any person whose certificate has been suspended or revoked may apply to the Administrative Hearing Commissioner 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.

R.S.1954, c. 25, § 227; 1961, c. 359, § 3; c. 394, § 14; c. 417, § 60; 1963, c. 412, § 23.

§ 1657. Apprentices

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

Every apprentice in order to avail himself of this chapter to practice hairdressing and beauty culture 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 16 years. Said applicant shall have completed the 10th grade in a secondary school. 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.

Each apprentice shall make application on blanks supplied by the board for certificates of registration. Said application

shall be filed with the secretary of said board and shall be accompanied by a registration fee of \$10. Said certificate of registration shall expire 18 months from date of issue.

Every apprentice, after serving an apprenticeship of 18 months, shall file application for examination at the next examination held by the board in accordance with the requirements of section 1652.

R.S.1954, c. 25, § 223; 1955, c. 164; 1961, c. 359, § 3; 1963, c. 158, §§ 7, 8.