CHAPTER 126

BARBERING AND COSMETOLOGY LICENSING

SUBCHAPTER 1

GENERAL PROVISIONS

§14201. Short title

This chapter may be known and cited as the "Barbering and Cosmetology Licensure Act." [PL 1991, c. 397, §6 (NEW).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW).

§14202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1991, c. 397, §6 (NEW).]

1. Apprentice.
[PL 1993, c. 630, Pt. B, §12 (RP).]

2. Board.
[PL 2009, c. 369, Pt. B, §1 (RP).]

3. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.
[PL 1991, c. 397, §6 (NEW).]

3-A. Demonstrator.
[PL 2019, c. 373, §1 (RP).]

4. Department. "Department" means the Department of Professional and Financial Regulation.
[PL 1991, c. 397, §6 (NEW).]

4-A. Director. "Director" means the Director of the Office of Professional and Occupational Regulation within the department.
[PL 2009, c. 369, Pt. B, §3 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

5. Establishment. "Establishment" means a beauty shop or salon, cosmetology shop or salon, barber hair styling shop or salon, hair styling shop or salon, hair design shop or salon or any premises, structure, building or part of a building where any activity licensed under this chapter is practiced.
[PL 2019, c. 373, §2 (AMD).]

5-A. Limited barbering.

[PL 2019, c. 373, §3 (RP).]

6. Mobile establishment. "Mobile establishment" means a mobile vehicle or mobile structure designed, constructed or adapted to serve as an establishment at a number of sites and capable of being readily moved from any site at any time.
[PL 2019, c. 373, §4 (AMD).]

7. Practice of aesthetics. "The practice of aesthetics" means the performance by any person for hire or compensation of any one or a combination of the following practices:

A. Beautifying, massaging, cleansing, stimulating, toning, or exercising the skin of the human body by the use of cosmetic preparations, tonics, lotions, creams, antiseptics or clays or any device, electrical or otherwise, for the care of the skin; [PL 1991, c. 397, §6 (NEW).]

B. Applying makeup or eyelashes to any person; or [PL 1991, c. 397, §6 (NEW).]

C. Trimming or tinting eyebrows and eyelashes. [PL 1991, c. 397, §6 (NEW).]

The practice of aesthetics under this subsection does not include the diagnosis, treatment or therapy of any dermatological condition.
[PL 1991, c. 397, §6 (NEW).]

8. Practice of barbering.

[PL 2019, c. 373, §5 (RP).]

8-A. Practice of barber hair styling. "Practice of barber hair styling" means any one or any combination of the following practices, when done for hire or compensation, upon the head of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

A. Shaving, trimming or cutting the beard or mustache or removing superfluous hair; [PL 2019, c. 373, §6 (NEW).]

B. Massaging of the scalp, face and neck and giving a facial and scalp treatment with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances may not be galvanic or faradic; [PL 2019, c. 373, §6 (NEW).]

C. Shampooing or applying hair tonics and conditioners; [PL 2019, c. 373, §6 (NEW).]

D. Cutting, arranging and styling human hair; or [PL 2019, c. 373, §6 (NEW).]

E. Cutting, fitting or styling hairpieces or wigs. [PL 2019, c. 373, §6 (NEW).]
[PL 2019, c. 373, §6 (NEW).]

9. Practice of cosmetology. "The practice of cosmetology" means the performance by any person for hire or compensation of any one or more of the following practices:

A. Beautifying, massaging, cleansing, stimulating, toning, manipulating or exercising the skin of the human body by the use of cosmetic preparations, tonics, lotions, creams, antiseptics, or clays or any device, electrical or otherwise, for the care of the skin; [PL 1991, c. 397, §6 (NEW).]

B. Applying makeup or eyelashes to any person; [PL 1991, c. 397, §6 (NEW).]

C. Manicuring or pedicuring the nails of any person; [PL 1991, c. 397, §6 (NEW).]

D. Arranging, dressing, curling, waving, cleansing, cutting, trimming, removing, which includes shaving, singeing, bleaching, coloring, relaxing or similarly treating the hair of any person; [PL 2019, c. 373, §7 (AMD).]

E. Arranging, brushing, dressing, curling, waving, cleansing, shampooing, cutting, trimming, singeing, bleaching, coloring, tinting, dyeing, straightening, relaxing or similarly treating a wig, wiglet or hairpiece made of human hair, animal hair or synthetics; or [PL 1991, c. 397, §6 (NEW).]

F. Teaching or demonstrating cosmetology, hairdressing or beauty culture. [PL 1991, c. 397, §6 (NEW).]
[PL 2019, c. 373, §7 (AMD).]

9-A. Practice of hair design. "Practice of hair design" means any one or any combination of the following practices, when done for hire or compensation, upon the head of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

A. Shaving, trimming or cutting the beard or mustache or removing superfluous hair; [PL 2019, c. 373, §8 (NEW).]

B. Massaging of the scalp, face and neck and giving a facial and scalp treatment with creams, lotions, oils and other cosmetic preparations, either by hand or mechanical appliances, but such appliances may not be galvanic or faradic; [PL 2019, c. 373, §8 (NEW).]

C. Shampooing or applying hair tonics and conditioners; [PL 2019, c. 373, §8 (NEW).]

D. Arranging, dressing, curling, waving, cleansing, cutting, trimming, removing, singeing, bleaching, coloring, relaxing or similarly treating the hair of any person; or [PL 2019, c. 373, §8 (NEW).]

E. Cutting, fitting or styling hairpieces or wigs. [PL 2019, c. 373, §8 (NEW).]
[PL 2019, c. 373, §8 (NEW).]

10. Nail technology. "Nail technology," which includes manicuring and pedicuring services, means the performance by any person for hire or compensation of any one or more of the following practices:

A. Applying the hands or mechanical or electrical apparatus with or without cosmetic preparations, lotions, creams or antiseptics to cut, trim, shape, polish, color, tint or apply artificial nails to the nails of any person or to massage, cleanse or beautify the hands or feet of any person. [PL 2011, c. 286, Pt. M, §3 (AMD).]
[PL 2011, c. 286, Pt. M, §3 (AMD).]

10-A. School. "School" means a school or education institution where a program of study in cosmetology, barber hair styling, hair design, aesthetics or nail technology or the instruction of cosmetology, barber hair styling, hair design, aesthetics or nail technology is offered or taught.
[PL 2019, c. 373, §9 (AMD).]

11. Student. "Student" means any person duly enrolled in a school licensed by the director and engaged in learning and acquiring a knowledge of the practice of:

A. Cosmetology; [PL 2019, c. 373, §10 (RPR).]

B. Barber hair styling; [PL 2019, c. 373, §10 (RPR).]

C. Aesthetics; [PL 2019, c. 373, §10 (RPR).]

D. Nail technology; [PL 2019, c. 373, §10 (RPR).]

E. Instructing; or [PL 2019, c. 373, §10 (RPR).]

F. Hair design. [PL 2019, c. 373, §10 (NEW).]
[PL 2019, c. 373, §10 (RPR).]

12. Tanning device.
[PL 1995, c. 187, §1 (RP).]

13. Trainee. "Trainee" means any person who, under the direct supervision of a person licensed under this chapter in the same category as the training performed and in accordance with rules adopted by the director, is engaged in learning and acquiring a knowledge of the practice of:

A. Cosmetology; [PL 2019, c. 373, §11 (RPR).]

B. Barber hair styling; [PL 2019, c. 373, §11 (RPR).]

C. Aesthetics; [PL 2019, c. 373, §11 (RPR).]

D. Nail technology; [PL 2019, c. 373, §11 (RPR).]

E. Instructing; or [PL 2019, c. 373, §11 (NEW).]

F. Hair design. [PL 2019, c. 373, §11 (NEW).]

[PL 2019, c. 373, §11 (RPR).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). RR 1993, c. 2, §34 (COR). PL 1993, c. 630, §§B12,13 (AMD). PL 1993, c. 659, §A13 (AMD). PL 1995, c. 80, §1 (AMD). PL 1995, c. 187, §1 (AMD). PL 1997, c. 210, §14 (AMD). PL 2007, c. 402, Pt. HH, §§1, 2 (AMD). PL 2009, c. 369, Pt. B, §§1-5 (AMD). PL 2011, c. 286, Pt. B, §5 (REV). PL 2011, c. 286, Pt. M, §§1-6 (AMD). PL 2019, c. 373, §§1-11 (AMD).

§14203. Exemptions; exceptions

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

A. Persons authorized by law of this State to practice medicine and surgery and persons under the supervision and control of those persons; [PL 1993, c. 179, §1 (AMD).]

B. Commissioned medical officers of the United States Armed Forces; [PL 1991, c. 397, §6 (NEW).]

C. Registered nurses, licensed practical nurses and nurse's aides; [PL 1991, c. 397, §6 (NEW).]

D. Persons who practice upon members of their immediate families or on persons residing in their household and who receive no payment for such practice; [PL 1993, c. 179, §1 (AMD).]

E. Persons employed by licensed establishments who provide shampooing services within the licensed establishments; [PL 1997, c. 210, §15 (AMD).]

F. Persons employed to apply special make-up designed for theater lighting to a person who requires this make-up for an appearance in the theater or a movie, on television or as a model; and [PL 1997, c. 210, §16 (AMD).]

G. Persons licensed under chapter 21 who practice the funeral service profession on human remains in a licensed funeral establishment. [PL 1997, c. 210, §17 (NEW).]

[PL 1997, c. 210, §§15-17 (AMD).]

1-A. Activities exempted. A license under this chapter is not required for the following activities:

A. Hair braiding services; [PL 2019, c. 373, §12 (NEW).]

B. Threading services for removal of unwanted facial hair; [PL 2019, c. 373, §12 (NEW).]

C. Selling makeup, oils and cosmetics and application of those products during the process of selling those products by persons employed by a retail store; and [PL 2019, c. 373, §12 (NEW).]

D. Tanning services by means of airbrushing or spray tanning. [PL 2019, c. 373, §12 (NEW).]

[PL 2019, c. 373, §12 (NEW).]

2. Exceptions. The practice of cosmetology, barber hair styling, hair design, aesthetics or nail technology may be performed only by persons duly licensed to practice in this State and only in an establishment licensed by the director, except as provided in this subsection. Duly licensed persons may practice their respective practices:

A. On patients in hospitals or nursing homes; [PL 1991, c. 397, §6 (NEW).]

B. On residents of youth camps; [PL 2009, c. 211, Pt. B, §29 (AMD).]

C. On inmates or residents of institutions of the Department of Health and Human Services or the Department of Corrections; [PL 2019, c. 373, §13 (AMD).]

D. On persons with disabilities in those persons' places of residence; [PL 2021, c. 348, §49 (AMD).]

E. On residents of nursing homes; [PL 1991, c. 397, §6 (NEW).]

F. On hotel or motel occupants in their hotel or motel rooms; [PL 1991, c. 397, §6 (NEW).]

G. On persons in their residences; [PL 1997, c. 210, §18 (AMD).]

H. On persons in their private businesses; [PL 1997, c. 210, §19 (AMD).]

I. On human remains in licensed funeral establishments; and [PL 1997, c. 210, §20 (NEW).]

J. On persons at special events such as weddings, conventions and other similar events as determined by the director. [PL 2019, c. 373, §13 (AMD).]

The services provided pursuant to this subsection must comply with any applicable health and safety requirements, the requirements of this chapter and rules adopted under this chapter and all federal, state and local laws.
[PL 2021, c. 348, §49 (AMD).]

3. Hair braiding.
[PL 2019, c. 373, §14 (RP).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1991, c. 728, §1 (AMD). PL 1993, c. 179, §1 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1997, c. 210, §§15-20 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 402, Pt. HH, §3 (AMD). PL 2009, c. 48, §§1-3 (AMD). PL 2009, c. 211, Pt. B, §29 (AMD). PL 2009, c. 369, Pt. B, §6 (AMD). PL 2011, c. 286, Pt. M, §7 (AMD). PL 2015, c. 132, §1 (AMD). PL 2019, c. 373, §§12-14 (AMD). PL 2021, c. 348, §49 (AMD).

§14204. Instructors

A person may not instruct in any of the branches of aesthetics, barber hair styling, cosmetology, hair design or nail technology unless that person holds a valid license to practice and is authorized to instruct in each respective practice issued under this chapter, except that when specifically authorized by law, physicians may instruct without holding a license to practice in a branch of aesthetics, barber hair styling, cosmetology, hair design or nail technology. [PL 2019, c. 373, §15 (AMD).]

Upon satisfactory completion of an instructor examination, the applicant must pay the fee as set under section 14238 to be licensed to instruct. [PL 2011, c. 286, Pt. M, §8 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1997, c. 210, §21 (AMD). PL 1999, c. 386, §U1 (AMD). PL 2007, c. 402, Pt. HH, §§4, 5 (AMD). PL 2009, c. 369, Pt. B, §7 (AMD). PL 2011, c. 286, Pt. M, §8 (AMD). PL 2019, c. 373, §15 (AMD).

§14205. Violations

1. Penalties. A person is subject to the provisions of section 14236-A and Title 10, section 8003, subsection 5-A if that person:

A. Practices barber hair styling, cosmetology, hair design, nail technology or aesthetics in this State without having obtained a license as provided by this chapter; [PL 2019, c. 373, §16 (AMD).]

B. Employs a person to practice barber hair styling, cosmetology, hair design, nail technology or aesthetics who does not have a license; or [PL 2019, c. 373, §16 (AMD).]

C. Falsely professes to be qualified to practice or instruct barber hair styling, cosmetology, hair design, nail technology or aesthetics under this chapter. [PL 2019, c. 373, §16 (AMD).]

[PL 2019, c. 373, §16 (AMD).]

2. Court action.

[PL 2007, c. 402, Pt. HH, §6 (RP).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B14 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. HH, §6 (AMD). PL 2011, c. 286, Pt. M, §9 (AMD). PL 2019, c. 373, §16 (AMD).

SUBCHAPTER 2

DIRECTOR'S POWERS AND DUTIES

§14211. Board

(REPEALED)

SECTION HISTORY

RR 1991, c. 1, §47 (COR). PL 1991, c. 397, §6 (NEW). PL 1993, c. 600, §A277 (AMD). PL 1995, c. 397, §120 (AMD). PL 1997, c. 771, §7 (RP).

§14211-A. Board

(REPEALED)

SECTION HISTORY

PL 1997, c. 771, §8 (NEW). PL 1999, c. 687, §E14 (AMD). PL 2001, c. 599, §1 (AMD). PL 2001, c. 599, §3 (AFF). PL 2005, c. 235, §§5,6 (AMD). PL 2007, c. 402, Pt. HH, §7 (AMD). PL 2009, c. 369, Pt. B, §8 (RP).

§14212. Powers and duties

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1995, c. 397, §121 (AMD). PL 1997, c. 210, §§22,23 (AMD). PL 1997, c. 771, §9 (AMD). PL 2001, c. 599, §2 (AMD). PL 2007, c. 402, Pt. HH, §8 (AMD). PL 2009, c. 369, Pt. B, §9 (RP).

§14212-A. Director's powers and duties

1. Duties. The director shall administer, coordinate and enforce this chapter. The director may appoint an advisory committee to assist the director on any matter that may arise under this chapter, as needed.

[PL 2009, c. 369, Pt. B, §10 (NEW).]

2. Rule-making authority. The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must address, but are not limited to, the following:

A. Requirements for the licensure of aestheticians, barber hair stylists, cosmetologists, hair designers, nail technicians, instructors and trainees; [PL 2019, c. 373, §17 (AMD).]

B. Requirements for licensing, operating and inspecting schools. At a minimum, the rules must include standards relating to educational programs, including the styling and treatment of textured hair, instructor qualifications, school operation, academic and student records and record keeping, health, safety and sanitation, physical facilities of the school and off-site classrooms, payment of refunds, notices and information to be provided to students and credit for education obtained in subjects that are considered substantially equivalent to applied courses offered and consistent with this chapter; [PL 2025, c. 257, §1 (AMD).]

C. Requirements for licensing and operation of physical facilities and inspection of establishments consistent with this chapter; and [PL 2019, c. 373, §18 (AMD).]

D. The establishment of sanitation, health and safe practice standards, including but not limited to blood spill procedures and proper use of tools, implements, equipment and electrical and nonelectrical machines and devices used in connection with the practices authorized under this chapter. [PL 2009, c. 369, Pt. B, §10 (NEW).]

[PL 2025, c. 257, §1 (AMD).]

3. Inspections. The director or a designee of the director may enter licensed premises to conduct random inspections for compliance with this chapter and rules adopted pursuant to this chapter.
[PL 2009, c. 369, Pt. B, §10 (NEW).]

4. Diseases. The director may require the physical examination of any person offering service to members of the public who is suspected of having any communicable disease. A person who has a communicable disease may not give service to members of the public, including service within licensed establishments or schools licensed by the director. Failure to submit to such an examination is grounds for suspension or revocation of the person's registration, certification, permit or license.
[PL 2009, c. 369, Pt. B, §10 (NEW).]

SECTION HISTORY

PL 2009, c. 369, Pt. B, §10 (NEW). PL 2011, c. 286, Pt. M, §10 (AMD). PL 2019, c. 373, §§17, 18 (AMD). PL 2025, c. 257, §1 (AMD).

§14213. Register

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 2007, c. 402, Pt. HH, §9 (RP).

§14214. Disposition of fees

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1995, c. 397, §122 (RP).

SUBCHAPTER 3

LICENSURE

§14224. General provisions; licenses

1. Practice; license required. A person may not practice cosmetology, barber hair styling, hair design, nail technology or aesthetics or act as a trainee in this State unless that person has first obtained a license as provided in this chapter.
[PL 2019, c. 373, §19 (AMD).]

2. Level 1 establishment license and level 2 establishment license; operation; license required. A person, firm, corporation or other legal entity may not provide services in, operate or cause to be operated a level 1 establishment or a level 2 establishment where cosmetology, barber hair styling, hair design, nail technology or aesthetics is practiced unless that establishment has been licensed by the director. A level 1 establishment license or a level 2 establishment license issued pursuant to this subsection authorizes the operation of an establishment only at the location for which the license is issued. Operation of a level 1 establishment or level 2 establishment at any other location is unlawful unless a license for the new location has been obtained in compliance with this chapter and applicable rules.

A. A level 1 establishment licensee is a person who owns an establishment, who may hold a license to practice under this chapter and who may employ one or more individuals licensed to practice in one or a combination of the practices licensed under this chapter. A level 1 establishment owner may lease space or a chair or station within or on the owner's premises to a level 2 establishment owner. [PL 2019, c. 373, §20 (RPR).]

B. A level 2 establishment licensee is a person who holds a license to practice under this chapter and who leases space or a chair or station, pursuant to a written agreement or contract, within or on the premises of a licensed level 1 establishment and who provides services separate and apart from the level 1 establishment licensee. A level 2 establishment licensee is not an employee of the level 1 establishment licensee from whom the level 2 establishment licensee leases space or a chair or station and is subject to licensure, fees and compliance with laws and rules in the same manner as the level 1 establishment licensee. A person who is required to work under the supervision of a person licensed to practice under this chapter such as a holder of a temporary license issued pursuant to section 14230 or a trainee licensed pursuant to section 14232 is not eligible for a level 2 establishment license. [PL 2019, c. 373, §20 (RPR).]

The director shall furnish to each licensed cosmetologist, barber hair stylist, hair designer, nail technician or aesthetician a license certifying that the holder of that license is entitled to practice in this State. The licensee shall post the license in a conspicuous place where it may be readily seen and read by all persons served. The reproduction, altering or defacing of any license is prohibited.

The exceptions listed in section 14203, subsection 2 do not permit the practice of cosmetology, barber hair styling, hair design, nail technology or aesthetics in food establishments or food preparation areas. [PL 2019, c. 373, §20 (RPR).]

2-A. Operation of tanning device; public access. An establishment in which a tanning device as that term is defined in rules adopted by the Department of Health and Human Services is operated on the effective date of this subsection is not required to partition off the working area of the establishment or maintain a separate entrance in order to provide public access to the tanning device. If such an establishment undergoes a material alteration or adds more tanning devices, then the establishment may be prohibited from providing public access to the tanning device through the working area.
[PL 1995, c. 187, §2 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

2-B. Change of ownership. The owner of a new establishment is required to apply to the director for licensure of that establishment. The owner or owners of a licensed establishment that undergoes a change in ownership shall notify the director within 10 calendar days of the change. If an establishment has more than one owner and the change in ownership results from the death or divorce of one of the owners, the notice must be provided to the director as set forth in subsection 2-C. Whenever there is a change of ownership, the establishment license is valid for 30 calendar days from the transaction date to allow the new owner to comply with this section.
[PL 2019, c. 373, §21 (AMD).]

2-C. Ownership changes resulting from death or divorce of an owner. If a licensed establishment has more than one owner and ownership changes as a result of the death or divorce of one of the owners, the director shall reissue the license for the remaining license period as long as a remaining owner is named on the existing license and the director is notified within 30 calendar days of the divorce decree or the date of death. An establishment license is valid for 60 calendar days following the death of the person in whose name the establishment is licensed.
[PL 2019, c. 373, §22 (AMD).]

2-D. Special inspections.
[PL 2019, c. 373, §23 (RP).]

2-E. Change of establishment location. The owner of a licensed establishment that undergoes a change in location shall notify the director, in a format as prescribed by the director, within 10 calendar days of the change in location. The director shall issue a license for the new location. The owner is not required to submit a new application and fee. The new location is subject to all requirements for the operation of an establishment and may be subject to inspection.
[PL 2019, c. 373, §24 (NEW).]

3. Trainee. A trainee cosmetologist, barber hair stylist, hair designer, nail technician or aesthetician licensed pursuant to section 14232 may not independently conduct a practice but may, as a trainee, do any or all acts constituting the practice under the immediate personal supervision of a person licensed and approved by the director in a licensed establishment.
[PL 2019, c. 373, §25 (AMD).]

4. Student. A student studying the practice of cosmetology, barber hair styling, hair design, nail technology, aesthetics or instructing must be enrolled in a school licensed by the director pursuant to section 14233.
[PL 2019, c. 373, §26 (AMD).]

A person who violates this section is subject to the provisions of section 14236-A and Title 10, section 8003-C. [PL 2007, c. 402, Pt. HH, §10 (NEW).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B15 (AMD). PL 1993, c. 659, §A14 (AMD). PL 1995, c. 187, §2 (AMD). PL 1997, c. 622, §§1,2 (AMD). PL 1999, c. 386, §U2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2007, c. 402, Pt. HH, §10 (AMD). PL 2009, c. 369, Pt. B, §§11-15 (AMD). PL 2011, c. 286, Pt. M, §§11-14 (AMD). PL 2019, c. 373, §§19-26 (AMD).

§14225. Special mobile establishment license

The director may, subject to section 14212-A, subsection 2, adopt rules authorizing the issuance of special mobile establishment licenses, including requirements for mobile establishments, locations for these establishments and any other rules that the director considers necessary. The fee for a special mobile establishment license is set under section 14238. [PL 2019, c. 373, §27 (AMD).]

A special mobile establishment license issued pursuant to this section must set out on the license the area in which that mobile establishment is authorized to operate and any other special requirements or restrictions to which that license is subject. A separate license must be obtained for each municipality in which a mobile establishment operates. [PL 2019, c. 373, §27 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 2007, c. 402, Pt. HH, §11 (AMD). PL 2009, c. 369, Pt. B, §16 (AMD). PL 2011, c. 286, Pt. M, §15 (AMD). PL 2019, c. 373, §27 (AMD).

§14226. Qualifications; cosmetology

A person is eligible to obtain a license under this chapter for the practice of cosmetology if that person: [PL 1991, c. 397, §6 (NEW).]

1. Age.
[PL 2019, c. 373, §28 (RP).]

2. Education.
[PL 2019, c. 373, §28 (RP).]

3. Training. Has satisfactorily completed a course of instruction in cosmetology of 1,500 hours in not less than 9 months in a school licensed by the director or has experience in the practice of cosmetology as a trainee of 2,500 hours distributed over a period of at least 18 months; and
[PL 2009, c. 369, Pt. B, §17 (AMD).]

4. Examination. Has passed an approved examination.

A. [PL 1997, c. 210, §25 (RP).]

B. [PL 2011, c. 286, Pt. M, §16 (RP).]
[PL 2011, c. 286, Pt. M, §16 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §§B16,17 (AMD). PL 1997, c. 210, §§24,27 (AMD). PL 2007, c. 402, Pt. HH, §12 (AMD). PL 2009, c. 369, Pt. B, §§17-19 (AMD). PL 2011, c. 286, Pt. M, §§16, 17 (AMD). PL 2019, c. 373, §28 (AMD).

§14226-A. Qualifications; hair designer

A person is eligible to obtain a license under this chapter for the practice of hair design if that person: [PL 2019, c. 373, §29 (NEW).]

1. Training. Has satisfactorily completed a course of instruction in the practice of hair design of 1,200 hours in not less than 7 months in a school licensed by the director or has experience in the practice of hair design as a trainee of 2,000 hours distributed over a period of at least 12 months; and
[PL 2019, c. 373, §29 (NEW).]

2. Examination. Has passed an approved examination.
[PL 2019, c. 373, §29 (NEW).]

SECTION HISTORY

PL 2019, c. 373, §29 (NEW).

§14227. Qualifications; barbering

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §§B18,19 (AMD). PL 1997, c. 210, §§28-31 (AMD). PL 2007, c. 402, Pt. HH, §13 (AMD). PL 2009, c. 369, Pt. B, §§20-22 (AMD). PL 2011, c. 286, Pt. M, §§18, 19 (AMD). PL 2019, c. 373, §30 (RP).

§14227-A. Qualifications; barber hair styling

A person is eligible to obtain a license under this chapter for the practice of barber hair styling if that person: [PL 2019, c. 373, §31 (AMD).]

1. Age.
[PL 2019, c. 373, §31 (RP).]

2. Education.
[PL 2019, c. 373, §31 (RP).]

3. Training. Has satisfactorily completed a course of instruction in the practice of barber hair styling of 800 hours in not less than 5 months in a school licensed by the director or has experience in the practice of barber hair styling as a trainee of 1,600 hours distributed over a period of at least 10 months; and
[PL 2019, c. 373, §31 (AMD).]

4. Examination. Has passed an approved examination.
[PL 2011, c. 286, Pt. M, §20 (NEW).]

Only individuals licensed under this section may hold themselves out as barber hair stylists, barbers or hair stylists. [PL 2019, c. 373, §31 (NEW).]

SECTION HISTORY

PL 2011, c. 286, Pt. M, §20 (NEW). PL 2019, c. 373, §31 (AMD).

§14228. Qualifications; aesthetics

A person is eligible to obtain a license under this chapter for the practice of aesthetics if that person:
[PL 1991, c. 397, §6 (NEW).]

1. Age.
[PL 2019, c. 373, §32 (RP).]

2. Education.
[PL 2019, c. 373, §32 (RP).]

3. Training. Has satisfactorily completed a course of instruction in aesthetics of 600 hours in not less than 3 months in a school licensed by the director or has experience in the practice of aesthetics as a trainee of up to 1,000 hours distributed over a period of at least 6 months. The specific number of hours of course work required up to a maximum of 600 hours must be specified by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and
[PL 2009, c. 369, Pt. B, §23 (AMD).]

4. Examination. Has passed an approved examination.

A. [PL 1997, c. 210, §33 (RP).]

B. [PL 2011, c. 286, Pt. M, §21 (RP).]
[PL 2011, c. 286, Pt. M, §21 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B20 (AMD). PL 1997, c. 210, §§32-34 (AMD). PL 1999, c. 386, §U3 (AMD). PL 2001, c. 260, §G1 (AMD). PL 2007, c. 402, Pt. HH, §14 (AMD). PL 2009, c. 369, Pt. B, §§23, 24 (AMD). PL 2011, c. 286, Pt. M, §21 (AMD). PL 2019, c. 373, §32 (AMD).

§14229. Qualifications; nail technology

A person is eligible to obtain a license under this chapter for the practice of nail technology if that person: [PL 2011, c. 286, Pt. M, §22 (AMD).]

1. Age.
[PL 2019, c. 373, §33 (RP).]

2. Education.
[PL 2019, c. 373, §33 (RP).]

3. Training. Has satisfactorily completed a course of instruction in nail technology of 200 hours in not less than 5 weeks in a school licensed by the director or has experience in the practice of nail technology as a trainee of 400 hours distributed over a period of at least 10 weeks; and
[PL 2011, c. 286, Pt. M, §22 (AMD).]

4. Examination. Has passed an approved examination.

A. [PL 1997, c. 210, §36 (RP).]

B. [PL 2011, c. 286, Pt. M, §22 (RP).]
[PL 2011, c. 286, Pt. M, §22 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B21 (AMD). PL 1997, c. 210, §§35-37 (AMD). PL 2007, c. 402, Pt. HH, §15 (AMD). PL 2009, c. 369, Pt. B, §§25, 26 (AMD). PL 2011, c. 286, Pt. M, §22 (AMD). PL 2019, c. 373, §33 (AMD).

§14229-A. Initial license; reexamination

Within one year of notification of passing an examination, the applicant must pay a fee as set under section 14238 to receive an initial license; otherwise, the applicant must retake the full examination to apply for initial licensure. The initial license is valid until the next renewal period. The director has the authority to waive the one-year time period for extenuating circumstances. [PL 2019, c. 373, §34 (AMD).]

SECTION HISTORY

PL 2007, c. 402, Pt. HH, §16 (NEW). PL 2009, c. 369, Pt. B, §27 (AMD). PL 2011, c. 286, Pt. M, §23 (AMD). PL 2019, c. 373, §34 (AMD).

§14230. Temporary license

If an applicant to practice cosmetology, barber hair styling, hair design, nail technology or aesthetics qualifies for examination, the director may issue a temporary license to practice under the direct supervision of a qualified supervisor, as determined by rules, within a licensed establishment. The applicant must pay the fee as set under section 14238. A temporary license expires 6 months from the date of issuance and is not renewable. The applicant is not considered a trainee. [PL 2019, c. 373, §35 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B22 (AMD). PL 1997, c. 210, §38 (AMD). PL 2007, c. 402, Pt. HH, §17 (AMD). PL 2009, c. 369, Pt. B, §28 (AMD). PL 2011, c. 286, Pt. M, §24 (AMD). PL 2019, c. 373, §35 (AMD).

§14231. Examination eligibility for out-of-state applicants

The director may issue a license to any applicant who presents proof of being licensed to practice by another state or other jurisdiction of the United States as long as no cause exists for denial of a license under section 14236-A. The director may grant a license to any applicant who presents proof of being licensed in another country that maintains professional standards considered by the director to be equivalent to or higher than those set forth in this chapter, as long as no cause exists for denial of a license under section 14236-A. Such an applicant must pay the fee as provided in section 14238. [PL 2019, c. 373, §36 (AMD).]

An applicant who does not hold a current license issued by another state or other jurisdiction of the United States or another country may qualify for examination if the applicant presents proof of having satisfactorily completed a course of instruction in a licensed school or approved experience as a trainee considered by the director to have standards equivalent to or higher than the standards for instruction

or experience set forth by this chapter, as long as no cause exists for denial of a license under section 14236-A. The applicant must also comply with all other requirements to become licensed and must pay the fee provided in section 14238. [PL 2011, c. 286, Pt. M, §25 (NEW).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 287, §1 (AMD). PL 2007, c. 402, Pt. HH, §18 (AMD). PL 2009, c. 369, Pt. B, §29 (AMD). PL 2011, c. 286, Pt. M, §25 (AMD). PL 2019, c. 373, §36 (AMD). PL 2021, c. 642, §44 (AMD).

§14231-A. Licensure by endorsement

Notwithstanding any provision of this chapter to the contrary, the director, in accordance with Title 10, section 8003-H and any applicable rules adopted pursuant to that section, shall establish a process to issue a license by endorsement for each license authorized under this chapter that the director determines is appropriate for licensure by endorsement. An applicant may submit an application under the process established under this section or any other licensure process authorized in this chapter. [PL 2021, c. 642, §45 (NEW).]

SECTION HISTORY

PL 2021, c. 642, §45 (NEW).

§14232. Trainees

1. License. Each trainee must submit an application for licensure to the director. The application must be accompanied by a fee as set under section 14238 and meet requirements as specified in rule. A trainee license may be renewed no more than 2 times and is subject to fees in accordance with section 14238. The director may grant an additional renewal upon a showing of extenuating circumstances.

A. [PL 2011, c. 286, Pt. M, §26 (RP).]

B. [PL 2011, c. 286, Pt. M, §26 (RP).]

C. [PL 2011, c. 286, Pt. M, §26 (RP).]

D. [PL 2011, c. 286, Pt. M, §26 (RP).]

[PL 2011, c. 286, Pt. M, §26 (AMD).]

2. Filing with the director. Before beginning training, a trainee must file with the director:

A. The employer's name, establishment name and address; [PL 2019, c. 373, §37 (AMD).]

B. The date that the training will begin; [PL 1993, c. 630, Pt. B, §23 (AMD).]

C. The type of training, such as cosmetology, barber hair styling, hair design, nail technology or aesthetics; [PL 2019, c. 373, §37 (AMD).]

D. Evidence of age; and [PL 2019, c. 373, §37 (AMD).]

E. [PL 2019, c. 373, §37 (RP).]

F. The name of the licensee who will directly supervise the trainee in compliance with section 14224, subsection 3. [PL 2007, c. 402, Pt. HH, §19 (NEW).]

Trainees who change their place of employment, employer or qualified supervisor shall, as prescribed, notify the director within 10 calendar days of the change. The trainee is not required to submit a new application and fee.

[PL 2019, c. 373, §37 (AMD).]

3. Courses of instruction. A trainee may take courses of instruction in a licensed school. Hours or time accumulated in a school may be applied to the training program in accordance with rules adopted pursuant to this chapter.

[PL 2011, c. 286, Pt. M, §26 (AMD).]

3-A. Qualified supervisor; trainees per establishment. A level 1 establishment licensee may have no more than 5 trainees at one time. A level 2 establishment licensee may have no more than one trainee at one time. A qualified supervisor may not supervise more than 2 trainees at one time.
[PL 2019, c. 373, §38 (NEW).]

4. Renewal; display; examination. A trainee license is renewable upon payment of the fee as set under section 14238. The license must be displayed as provided for licenses in section 14224. The term "trainee" must appear in conspicuous print on the license. To be licensed as a cosmetologist, barber hair stylist, hair designer, aesthetician or nail technician, a trainee, upon completion of the required training in accordance with this chapter, must pass an approved examination.
[PL 2019, c. 373, §39 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B23 (AMD). PL 2007, c. 402, Pt. HH, §19 (AMD). PL 2009, c. 369, Pt. B, §30 (AMD). PL 2011, c. 286, Pt. M, §26 (AMD). PL 2019, c. 373, §§37-39 (AMD).

§14233. Students

Schools licensed by the director shall maintain and submit a roster of student enrollment and attrition in accordance with rules adopted by the director. [PL 2011, c. 286, Pt. M, §27 (AMD).]

To be eligible for enrollment, the student must be at least 16 years of age. Schools may accept a student who is 15 years of age at the time of enrollment if the student attains 16 years of age during the course of the study enrollment period. Evidence of the student's eligibility and enrollment in the school must be maintained by the school and presented to the director or a designee of the director as required by rule and upon request. [PL 2019, c. 373, §40 (AMD).]

All training or services rendered to a member of the public by a student must be under the direct supervision of a duly licensed instructor in a licensed school or as otherwise provided by rule. [PL 2011, c. 286, Pt. M, §27 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1997, c. 210, §39 (AMD). PL 1999, c. 386, §U4 (AMD). PL 2007, c. 402, Pt. HH, §20 (AMD). PL 2009, c. 369, Pt. B, §31 (AMD). PL 2011, c. 286, Pt. M, §27 (AMD). PL 2019, c. 373, §40 (AMD).

§14234. Demonstrators

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1995, c. 80, §2 (RPR). PL 2007, c. 402, Pt. HH, §21 (AMD). PL 2009, c. 369, Pt. B, §32 (AMD). PL 2019, c. 373, §41 (RP).

§14235. Licenses; renewal

Licensees must renew their licenses by filing an application and paying the renewal fee as set under section 14238. The expiration dates for licenses issued under this chapter may be established by the commissioner. [PL 2019, c. 373, §42 (AMD).]

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee as set under section 14238 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, including a late fee, renewal fee and additional late fee as set under section

14238, except that the director, after giving due consideration to the protection of the public, may waive requirements. [PL 2009, c. 369, Pt. B, §33 (AMD).]

Notwithstanding any other provision of this chapter, the director must waive examination if a renewal application is made by a person within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, if that person failed to renew a license because of active duty in the armed forces. The waiver of examination may not be granted if the person served more than 4 years in the armed forces, unless evidence is presented to demonstrate that the applicant was required by law to serve that period. [PL 2009, c. 369, Pt. B, §33 (AMD).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 2007, c. 402, Pt. HH, §22 (AMD). PL 2009, c. 369, Pt. B, §33 (AMD). PL 2011, c. 286, Pt. M, §28 (AMD). PL 2019, c. 373, §42 (AMD).

§14235-A. Licenses; initial

An applicant for initial licensure must submit an application together with the fee set under section 14238 and meet the requirements set forth under this chapter. [PL 2009, c. 369, Pt. B, §34 (NEW).]

SECTION HISTORY

PL 2009, c. 369, Pt. B, §34 (NEW).

§14236. Investigation of complaints; suspension, revocation and refusal to issue or renew (REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 2007, c. 402, Pt. HH, §23 (RP).

§14236-A. Denial or refusal to renew license; disciplinary action

1. Disciplinary action. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the director or the director's designee may deny a license, refuse to renew a license under this chapter or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

A. Addiction, as confirmed by professional diagnosis, to the use of alcohol or other drugs that has resulted or may result in the licensee's being unable to perform duties or being unable to perform those duties in a manner that would not endanger the health or safety of the public to be served; [PL 2007, c. 402, Pt. HH, §24 (NEW).]

B. A professional diagnosis of mental incompetence; [PL 2007, c. 402, Pt. HH, §24 (NEW).]

C. Engaging in false, misleading or deceptive advertising; [PL 2007, c. 402, Pt. HH, §24 (NEW).]

D. Employing a person to practice cosmetology, barber hair styling, hair design, nail technology or aesthetics who does not hold a valid license, unless that person is a trainee within the meaning of this chapter; or [PL 2019, c. 373, §43 (AMD).]

E. Any negligence or misconduct in any of the practices licensed under this chapter. [PL 2007, c. 402, Pt. HH, §24 (NEW).]

[PL 2019, c. 373, §43 (AMD).]

2. Reinstatement.

[PL 2009, c. 369, Pt. B, §35 (RP).]

SECTION HISTORY

PL 2007, c. 402, Pt. HH, §24 (NEW). PL 2009, c. 369, Pt. B, §35 (AMD). PL 2011, c. 286, Pt. M, §29 (AMD). PL 2019, c. 373, §43 (AMD).

§14237. Enforcement and disciplinary procedures

(REPEALED)

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 2007, c. 402, Pt. HH, §25 (RP).

§14238. Fees

The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for licensure of a school may not exceed $500 and the fee for any other purpose may not exceed $100. Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2007, c. 402, Pt. HH, §26 (NEW); PL 2011, c. 286, Pt. B, §5 (REV).]

1. Fees.
[PL 2007, c. 402, Pt. H, §26 (RP).]

2. Investigation; enforcement duties.
[PL 1995, c. 397, §123 (RP).]

SECTION HISTORY

PL 1991, c. 397, §6 (NEW). PL 1993, c. 630, §B24 (AMD). PL 1995, c. 397, §123 (AMD). PL 1997, c. 622, §§3,4 (AMD). PL 1999, c. 386, §U5 (AMD). PL 2007, c. 402, Pt. HH, §26 (RPR). PL 2011, c. 286, Pt. B, §5 (REV).

SUBCHAPTER 4

REGULATION OF SCHOOLS

§14245. License required; penalties

1. Requirement of license. Any person, partnership, association or corporation located either within or outside the State must obtain a license as specified under section 14246 before:

A. Operating, maintaining or instructing at a school within the State; or [PL 2007, c. 402, Pt. HH, §27 (NEW).]

B. Collecting any tuition, fee or other charge for education, instruction or other services provided or to be provided by a school. [PL 2007, c. 402, Pt. HH, §27 (NEW).]
[PL 2009, c. 369, Pt. B, §36 (AMD).]

2. Unlicensed practice. Any person, partnership, association or corporation that violates subsection 1 is subject to the provisions of Title 10, section 8003-C, except that, notwithstanding Title 10, section 8003-C, such a person, partnership, association or corporation is subject to a fine of not less than $100 but not more than $5,000 for each violation.
[PL 2007, c. 402, Pt. HH, §27 (AMD).]

3. Enforcement actions.
[PL 1997, c. 771, §10 (RP).]

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 1997, c. 771, §10 (AMD). PL 2007, c. 402, Pt. HH, §27 (AMD). PL 2009, c. 369, Pt. B, §36 (AMD).

§14246. License application form; fee; bond

1. Application requirements; licensing; bonding and revocation of license. The application for a license required by this subchapter must be accompanied by an application fee as set under section 14238 and a surety bond. For applicants that participate in state or federal financial aid programs, except the Federal Direct Student Loan Program under the federal Higher Education Act of 1965, 20 United States Code, Section 1087a et seq., the bond must be in favor of the Finance Authority of Maine. For all other applicants, the bond must be in favor of the director. The amount of the bond for a new applicant is $20,000. For renewal applicants, the amount of the bond must be equal to the greater of 10% of the applicant's gross receipts from tuition in the 12 months prior to the application for renewal or $20,000.

A. A license is valid for a period of 12 months from the date of issuance or as otherwise determined by the commissioner. [PL 2007, c. 402, Pt. HH, §28 (AMD).]

B. The bond must be continuous and must provide indemnification to any student suffering loss as a result of any fraud, misrepresentation, violation of this subchapter or rules adopted under this subchapter or breach of contract. The bond must provide for written notification by the surety to the director in the event of cancellation. Cancellation of the bond by the surety, or payment under the bond by the surety to the director or the Finance Authority of Maine, results in the revocation of the license. The bond must also specifically provide that proceeds are available to pay tuition refunds to students or to student loan lenders on behalf of students eligible for those refunds pursuant to the policies of the school or state or federal law, rule or regulation. [PL 2009, c. 369, Pt. B, §37 (AMD).]

C. If one or more students notify the director or the Finance Authority of Maine of a claim the student has against the school for fraud, misrepresentation, breach of contract or refund due, or that the school has violated the provisions of this subchapter or applicable rules, or if any such event is discovered by the director or the Finance Authority of Maine from other sources and the holder of the bond has reason to believe the claim is valid, the holder may make a claim against the bond on behalf of the student or students affected, or on behalf of the director. The director and the Finance Authority of Maine have the concurrent right at any time to review the school's operations and all its records to determine if the school is in compliance with this subchapter and rules adopted under this subchapter, or to determine if any claim of a student against the school is valid. [PL 2009, c. 369, Pt. B, §37 (AMD).]

[PL 2009, c. 369, Pt. B, §37 (AMD).]

2. License fee; renewal fee; renewal requirements. A fee as set under section 14238 is charged for the initial license and for the annual renewal of a license. Each submission for a license renewal must include the school's most recent financial audit conducted by a certified public accountant unaffiliated with the school. When a school does not participate in federal or state financial aid programs, internally prepared financial statements signed by the applicant are acceptable. Every renewal application must include a bond in the required amount. The director shall provide copies of the audit or financial statements and, in cases in which the bond is not in favor of the director, the original bond to the Finance Authority of Maine and may provide financial information regarding the school to other state agencies with an interest in the operation of the school. When a school applies for renewal of a license the school must certify that:

A. The school has included information in all school brochures and handbooks provided to students, and has posted information in a location in the school frequented by students advising students of their rights to receive refunds and where to direct any complaints the students have concerning their education; and [PL 1997, c. 771, §11 (NEW).]

B. The school is in compliance with all applicable federal and state laws and regulations. [PL 1997, c. 771, §11 (NEW).]

[PL 2009, c. 369, Pt. B, §38 (AMD).]

3. Definitions. As used in this section, the term "bond" means a bond, letter of credit or cash equivalent, acceptable to the holder, in its discretion.

[PL 1997, c. 771, §11 (NEW).]

4. Exemption. A career and technical education center pursuant to Title 20-A, chapter 313 that does not assess or collect tuition for a course of study offered is exempt from the surety bond or financial audit filing requirement under this section.

[PL 2019, c. 373, §44 (NEW).]

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 1997, c. 771, §11 (AMD). PL 2007, c. 402, Pt. HH, §§28, 29 (AMD). PL 2009, c. 369, Pt. B, §§37, 38 (AMD). PL 2019, c. 373, §44 (AMD).

§14247. Rules

(REPEALED)

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 1997, c. 771, §12 (AMD). PL 2007, c. 402, Pt. HH, §30 (AMD). PL 2009, c. 369, Pt. B, §39 (RP).

§14248. On-site evaluations

The director may conduct biennial on-site evaluations of schools to ensure compliance with this subchapter and applicable rules. The expense of the on-site evaluation must be borne by the school examined. [PL 2019, c. 373, §45 (AMD).]

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 2009, c. 369, Pt. B, §40 (AMD). PL 2019, c. 373, §45 (AMD).

§14249. Complaints

The director may investigate complaints involving a school including any allegation of noncompliance with or violation of this subchapter and applicable rules. The director shall promptly notify the Finance Authority of Maine of any complaints involving student financial assistance. After a hearing in conformance with Title 5, chapter 375, subchapter 4, the director may amend or modify any license and may suspend or refuse to renew a license as provided in Title 5, section 10004. [PL 2009, c. 369, Pt. B, §41 (AMD).]

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 1997, c. 771, §13 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2007, c. 402, Pt. HH, §31 (AMD). PL 2009, c. 369, Pt. B, §41 (AMD).

§14250. Denial or refusal to renew school license; disciplinary action

(REPEALED)

SECTION HISTORY

PL 1997, c. 266, §18 (NEW). PL 2007, c. 402, Pt. HH, §32 (RPR). PL 2009, c. 369, Pt. B, §42 (AMD). PL 2019, c. 373, §46 (RP).

§14251. Enforcement actions

The State may bring an action in Superior Court to enjoin any person from violating this subchapter or rules adopted under this subchapter regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted. A violation of this subchapter or any rule adopted under this subchapter is prima facie evidence of a violation of the Maine Unfair Trade Practices Act. Responsible owners, officers and employees of licensees are personally liable to any person harmed by intentional violations of this subchapter or applicable rules, including violations of rules regarding the payment of refunds, for the amount of damage caused by the violation. [PL 1997, c. 771, §14 (NEW); PL 1999, c. 547, Pt. B, §78 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1997, c. 771, §14 (NEW). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF).

§14252. Actions on behalf of students

In addition to other powers or remedies under this subchapter, the State may bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by fraud, misrepresentation, violation of this subchapter or applicable rules. The Finance Authority of Maine has concurrent power to bring one or more actions in any state or federal court having jurisdiction on behalf of students harmed by failure to pay refunds of tuition due from the school or its owners or employees. [PL 1997, c. 771, §14 (NEW).]

SECTION HISTORY

PL 1997, c. 771, §14 (NEW).

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