

HOUSE No. 904

By Mr. Centracchio of Boston, petition of the Associated Master Barbers of Massachusetts and the Journeymen Barbers International Union of Massachusetts for legislation to provide codes for the business of barbering. Public Health.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act providing for the Adoption of Codes of Fair Competition for the Barber Shop Trade.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. A state and national emergency pro-
2 ductive of widespread unemployment and disorgani-
3 zation of trade and industry, which burdens commerce
4 and affects the public welfare and undermines the
5 standards of living is hereby declared to exist. The
6 existence in this commonwealth of such present eco-
7 nomic emergency and the effects and causes thereof
8 as declared in section one, title one, of the National
9 Industrial Recovery Act enacted by the congress of
10 the United States effective June sixteen, nineteen
11 hundred and thirty-three, are hereby recognized and
12 it is hereby declared that said emergency and the
13 causes and effects thereof as so declared relate as
14 well to the barber shop trade within the common-
15 wealth, and for the purpose of ameliorating such

16 condition it is necessary and desirable to authorize
17 the adoption of codes of fair competition for the
18 barber shop trade in the various cities and towns of
19 the state as provided in this act.

1 SECTION 2. The owners, operators, or managers
2 of not less than eighty per cent of the barber shops
3 in any city or town may apply to the governing body
4 of such city or town for the establishment of a code
5 of fair competition for their industry within such
6 city or town.

1 SECTION 3. The violation of any provision of any
2 code adopted under the provisions of this act shall
3 constitute a misdemeanor punishable by a fine of
4 not more than one hundred dollars or imprisonment
5 of not more than ninety days, or both.

1 SECTION 4. The application of a code of fair com-
2 petition shall state the total number of barber shops
3 in the city or town, and the signatures of only one
4 person respectively signing on behalf of a barber
5 shop shall be counted in determining the percentage
6 of establishments making application. The appli-
7 cation shall set forth the provisions of the requested
8 code and it may contain any provision which is not
9 unlawful.

1 SECTION 5. All provisions for labor prescribed
2 pursuant to acts of congress governing labor condi-
3 tions in the barber shop trade shall become and are
4 hereby declared to be mandatory under the provisions
5 of this act.

1 SECTION 6. At any meeting after receiving such
2 application the governing body of the city or town,
3 may reject or approve the application for the code.
4 The rejection of an application shall not prevent
5 the filing of a new application for a code. If ap-
6 proved the governing body by proper ordinances shall
7 enact the provisions of such code and thereafter such
8 code shall regulate as to matters contained therein
9 the conduct of every person engaged in the barber
10 shop trade within its jurisdiction.

1 SECTION 7. The provisions of the approved codes
2 under the provisions of this act may be altered by
3 the governing body enacting the same only upon
4 application of persons qualified to apply for an origi-
5 nal code under this act.

1 SECTION 8. The provisions of the national code
2 for the barber shop trade as approved April nineteen,
3 nineteen hundred and thirty-four pursuant to an act
4 of congress, shall, insofar as its provisions are appli-
5 cable and not in conflict with provisions of this act,
6 be deemed to be incorporated herein.

1 SECTION 9. The provisions of a code approved
2 under the provisions of this act shall govern the
3 barber shop trade in the territory for which it was
4 enacted, despite conflicting provisions pursuant to
5 any act of congress before the enactment of this act.

1 SECTION 10. Nothing in this act shall prohibit
2 the formulation or approval of a state code for the
3 barber shop trade. If a state code is approved for
4 the barber shop trade any provision thereof in con-

5 flict with a local code approved under the provisions
6 of this act shall not be enforceable in the locality
7 where the local code is in force and effect.

1 SECTION 11. If any section, sentence, clause or
2 part of this act is for any reason held to be unconsti-
3 tutional, such decision shall not affect the validity of
4 the remaining portions of this act. The legislature
5 hereby declares that it would have passed this act
6 and each section, sentence, clause, or part hereof ir-
7 respective of the fact that one or more sections,
8 sentences, clauses, or parts thereof may be declared
9 unconstitutional.

1 SECTION 12. This act shall take effect thirty days
2 after its passage.