

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 724

H. P. 534

House of Representatives, February 9, 1971

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewin of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Creating the Television and Radio Technicians' Licensing Act.

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

Sec. 1. R. S., T. 32, c. 66, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 66 to read as follows:

CHAPTER 66

TELEVISION AND RADIO TECHNICIANS

SUBCHAPTER I

GENERAL PROVISIONS

§ 4361. Purpose

It is declared to be the public policy of the State of Maine that the public should be protected from financial losses and other hazards resulting from irresponsible service methods, unethical practices, inferior installation, maintenance and repair of television and radio, including antenna receiving systems.

§ 4362. Definitions

As used in this chapter, unless the context otherwise requires, the following words shall have the following meanings:

1. Apprentice electronics technician. "Apprentice electronics technician" means an individual to whom a permit as an apprentice has been issued under this chapter.

2. Board. "Board" means the Board of Television Service Examiners.

3. Certified electronics technician. "Certified electronics technician" means any individual who has been licensed by the board according to this chapter.

4. Person. "Person" means any individual, firm, association, partnership, joint stock association, trust or corporation.

5. Receiving equipment. "Receiving equipment" means radio and television receiving apparatus and associated components, including antenna receiving systems.

6. Service. "Service" means the installation, maintenance, repair, replacement, inspection and modification of receiving equipment.

7. Service dealer. "Service dealer" means a person engaging in the business of servicing equipment, having an established location for the performance of such service.

§ 4363. Exceptions

This chapter shall not apply to any of the following persons or organizations:

1. State Government and municipalities. The State Government, municipalities of the State, or any department or agency of the State or such municipalities;

2. United States Government. The United States Government or any department or agency thereof;

3. Schools. Any school, public or private, offering as part of a vocational education program courses and training in the installation, maintenance, repair, replacement, testing, inspection and modification of receiving equipment and the instructors and teachers thereof, provided the exclusion granted shall be applicable only to the service of receiving equipment rendered in and as part of a regularly constituted vocational educational program and when such service is not offered to the public for hire;

4. Manufacturer. Any bona fide manufacturer of receiving equipment or the component parts thereof;

5. Public service companies. Any public service company regulated by the Public Utilities Commission or any of their corporate affiliates where the work performed for such affiliate is on behalf of such public service company.

§ 4364. Fees

The secretary of the board shall receive and account for all moneys derived under this chapter and shall pay the same to the Treasurer of State, who shall keep such moneys in a separate fund to be known as the "Television and Radio Technicians' Fund." The board may make expenditures from this fund, upon itemized vouchers approved by the chairman of the board, which in the opinion of the board are reasonably necessary for the proper performance of its duties under this chapter.

§ 4365. Charges

All charges to customers made by persons licensed under this chapter for installing, servicing, maintaining or repairing receiving equipment shall be made out in duplicate form, one of which shall be delivered to the customer when completed and shall state indelibly, accurately and clearly the date or dates when the work was performed, the make, model and serial number of the receiving equipment, the full name and license number of the licensed person, the name and address of the customer, the customer complaint and a computation of the charge. Such computation shall separately specify the work for which such charge was made and the amount charged for labor and for each part or replacement whether such part or replacement was new or used.

SUBCHAPTER II**BOARD OF TELEVISION SERVICE EXAMINERS****§ 4371. Membership; qualifications; rules and regulations**

There is created a Board of Television Service Examiners which shall administer and enforce this chapter. Said board shall consist of 5 members appointed by the Governor, 3 from the public at large and 2 who shall be television technicians. Each member shall be so appointed for a term of 5 years and until his successor is appointed and has qualified, except that the first 5 members shall be appointed for terms of one, 2, 3, 4 and 5 years respectively. The Governor shall fill vacancies by appointment for the unexpired portion of the term. Members of the board shall serve without compensation but shall be reimbursed for travel and other necessary expenses incurred in the performance of their duties.

Said board shall establish such qualifications for the licensing and registration of certified electronics technicians, apprentice electronics technicians and service dealers in addition to the qualifications prescribed by this chapter, as it finds necessary for the public interest and public safety; prescribe limitations and conditions governing the employment of certified electronics technicians and the employment, training and supervision of apprentice electronics technicians and the conduct of apprenticeship programs; prepare and conduct at least 3 times each year written, oral and practical examinations to determine the qualifications of persons who apply for licenses to engage in servicing receiving equipment, maintain a current record of all licensed service dealers, certified electronics technicians and apprentice electronics technicians; study and recommend means of eliminating irresponsible and inferior service methods and means of regulating unethical and financially unstable service and repair men.

The board shall organize by electing one of its members as chairman and another as secretary. Thereafter, annually, during the month of July, the board shall elect one of its members as chairman and another as secretary. The board shall meet at least quarterly on a date and at a time and place which it shall determine and at other times as may be specified upon the call of the chairman or of 3 members. Three members shall constitute a quorum

to do business but the affirmative vote of 4 members shall be required to revoke, restrict, suspend or reinstate a license.

§ 4372. Hearings

The board may conduct investigations and hold hearings on any matter under this chapter. The board or any member thereof may issue subpoenas, administer oaths, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record, paper or document when so ordered, upon application of the chairman, the Superior Court may make such an order as may be appropriate to aid in the enforcement of this chapter.

§ 4373. Rules and regulations

The board shall make all reasonable rules and regulations as it may deem necessary or desirable to carry out and enforce this chapter.

SUBCHAPTER III LICENSING

§ 4381. License required

No person shall engage in the business of contracting to install, service, maintain, recondition or repair receiving equipment without a license as a service dealer or certified electronics technician or without an apprentice permit issued in accordance with this chapter. No person shall offer by advertisement, telephone or in any other manner to install, service, maintain or repair receiving equipment unless such person has been licensed as a service dealer or certified electronics technician.

§ 4382. Application; fee

Any person desiring to be licensed as a service dealer, certified electronics technician or apprentice electronics technician shall apply to the board in writing, on forms which the board shall provide, stating his name, residence, address and business address, a brief description of his qualifications, including the length and nature of his experience; in the case of an apprentice, the name of his employer or supervisor, and such other information as the board may require. Each application for a license as a service dealer shall be accompanied by a fee of \$25 and each application for a license as a certified electronics technician shall be accompanied by a fee of \$10 and each application for a permit as an apprentice shall be accompanied by a fee of \$5, provided if a service dealer as an individual is a certified electronics technician, only one license fee shall be charged in the amount of \$25.

§ 4383. Examinations; qualifications

The board may issue a license as a certified electronics technician to any person who has engaged in servicing receiving equipment for 4 or more years, or who has a combination of technical training at a university, college, correspondence or vocational or technical school and practical experience equivalent to 3 years, with not less than one year of actual practical experience, immediately preceding his application, who successfully

demonstrates his knowledge of and fitness for servicing receiving equipment by written, oral and practical examination. The board may issue a license without examination to any person who at the time of the application or within 30 days prior thereto, was licensed to engage in servicing receiving equipment by another state under a law which contained qualifications substantially similar to those prescribed by this chapter, which state grants reciprocity to persons licensed under this chapter. The board may issue a service dealer's license to a holder of an unrestricted certified electronics technician license or to a person who has a holder of such a license in his employ, provided when a service dealer license has been issued to an applicant based on the qualifications of a regular employee who has been issued an unrestricted certified electronics technician license, and the active services of such employee with the service dealer licensee have been terminated, such service dealer license shall be of no effect until the service dealer is again qualified in accordance with this chapter, and no such service dealer shall engage in the business regulated during the period not so qualified.

§ 4384. Apprentice

The board may register as an apprentice and issue an apprentice electronics technician permit to any applicant not qualified for a license as a certified electronics technician who desires to be trained in and who engages in servicing receiving equipment under the supervision of a licensed certified electronics technician or in an apprentice program approved by the board. Each apprentice so registered shall notify the board in writing within 15 days after any change of his employment which effects a change of his supervising certified electronics technician or apprentice program or a termination of his apprenticeship.

§ 4385. Kinds of licenses

The following licenses shall be issued by the board to qualified applicants.

A service dealer certified electronics technician owner unrestricted license shall be issued to a person having passed black and white, color and practical and oral examinations conducted by the board and having an established place of business who offers his services to the public, that is, any person who for another and for a fee or other valuable consideration or with the intention, or expectation, or upon the promise, of receiving a fee or other valuable consideration, engages in the business of maintaining, repairing and servicing television receiving equipment.

A certified electronics technician unrestricted license shall be issued to a person having passed black and white, color and practical and oral examinations conducted by the board and who is in the employ of another in the business of repairing, maintaining and servicing television receiving equipment for a fee or other valuable consideration and whose services may be rendered directly or indirectly to the public.

A service dealer certified electronics technician owner restricted to black and white television servicing and antenna work license shall be issued to a person having passed only the black and white and practical and oral exami-

nations conducted by the board and having an established place of business who offers his services to the public, that is, any person who for another and for a fee or other valuable consideration or with the intention or expectation, or upon the promise, of receiving a fee or other valuable consideration, engages in the business of maintaining, repairing and servicing television receiving equipment.

A certified electronics technician restricted license shall be issued to a person who has passed only the black and white and practical and oral examinations conducted by the board and who is in the employ of another in the business of repairing, maintaining and servicing television receiving equipment for a fee or other valuable consideration and whose services may be rendered directly or indirectly to the public.

An apprentice electronics technician license shall be issued to a person who has had no technical education in television repair, and who has obtained employment in the trade of television repair. Such license shall be effective for a period of 4 years of on-the-job training of which 3 years and 6 months shall be under the direct supervision of a licensed certified electronics technician, and the remaining 6 months under limited supervision of a certified electronics technician. Before the apprentice starts his training under the limited supervision of a certified electronics technician, his employer shall notify the board in writing that the apprentice has reached the stage in his training when limited supervision only is required. Immediately on termination of such 6 months of limited supervision, the apprentice shall apply to the board for a change in category to a certified electronics technician license. Any apprentice who, at any time during his 4-year apprenticeship, changes employers, shall notify the board in writing within 15 days giving the name of his new employer. During the limited supervision period, the employer shall be responsible for all work performed by the apprentice.

An apprentice electronics technician license shall be issued to a person who has completed his technical school education in television repair and has obtained employment in a licensed school. After having practical shop experience of 400 hours or 6 months under the direct supervision of a licensed certified electronics technician who is in the employ of a service dealer certified electronics technician owner, the apprentice may perform television service repairs for his employer for the last 6 months of his apprenticeship under limited supervision of his employer. At the end of one year of practical experience, the apprentice shall apply to the board for a change in category to a certified electronics technician license. Any apprentice who terminates his employment at any time during the apprenticeship shall immediately notify the board in writing within 15 days giving the name of his new employer. Before an apprentice starts training under the limited supervision of a certified electronics technician, his employer shall notify the board in writing that the apprentice has reached the stage in his training when limited supervision only is required. During the limited supervision period, the employer shall be responsible for all work performed by the apprentice. If he should fail 3 consecutive examinations, his status shall revert back to apprentice under direct supervision of a certified electronics technician for a period

of not less than 6 months after which he may again apply to the board to be tested for a certified electronics technician license. These conditions shall prevail for an apprentice until he passes the state requirements for a certified electronics technician license.

A service dealer non-technician owner license shall be issued to a person, firm, corporation or partnership which guarantees television service to the public whether it employs certified electronics technicians or lets out its work to other service organizations.

A service dealer license restricted to antenna installation and repair shall be issued to a person restricted to contracting to install, repair or maintain all types of television antenna systems for the public and other dealers in the trade whose employees are licensed as antenna technicians restricted to antenna installation and repair only and who performs no work on television sets.

An antenna technician license restricted to antenna installation and repair shall be issued to a person in the employ of a licensed television dealer who is restricted to the installation, repair and maintenance of television antenna systems for his employer and who performs no repairs on television sets.

§ 4386. Provisional license

Any resident of this State who, within the 4-year period immediately prior to the passage of this chapter, has had the equivalent of 4 years experience as a technician servicing receiving equipment shall be granted a provisional license as a certified electronics technician, contingent on his passing the examination required for licensure under this chapter within a period of 2 years from the effective date hereof and on paying the required license fee.

§ 4387. Permit

Any person who, prior to the passage of this chapter, was employed as an apprentice in servicing receiving equipment under the supervision of a person with not less than 400 hours of experience in servicing receiving equipment, for a period of at least 6 months immediately preceding the passage of this chapter, shall be granted a permit as an apprentice electronics technician upon making application, on or before a date to be specified, to the board and paying the required license fee.

§ 4388. Restricted license

The board shall have the authority to issue restricted licenses, either as apprentice electronics technician or certified electronics technician, to applicants otherwise eligible who demonstrate their competence in any particular television electronics field but who, in the opinion of the board, have insufficient training and experience to service all types of receiving equipment.

§ 4389. Penalties

Each person engaged in servicing receiving equipment shall exhibit his license upon request of any interested party. No person shall present or at-

tempt to present, as his own, the license of another, or knowingly give false evidence of a material nature to the board, or any member thereof, for the purpose of procuring a license; or represent himself falsely as or impersonate a licensed service dealer, certified electronics technician or apprentice electronics technician; or use or attempt to use a license or permit which has expired or which has been suspended or revoked; or use or attempt to use a license or permit which is restricted in excess of the restriction imposed thereon. Any person who violates any provision of this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than one year, or by both. Licenses issued to service dealers, certified electronics technicians and apprentice technicians shall not be transferable. All licenses issued shall expire one year from the date of issue thereof.

§ 4390. Revocation and suspension

The board may revoke or suspend any license or permit as a service dealer, certified electronics technician or apprentice electronics technician for: Conduct of a character likely to mislead, deceive or defraud the public or the board; engaging in any untruthful or misleading advertising or violation of any of the provisions of this chapter or any regulation of the board. No such revocation or suspension shall be ordered by the board except upon notice and hearing. Notice shall be in writing and shall inform the licensee of the substance of the charges against him and the date, not earlier than 15 days after service of such notice, and place fixed for hearing. At such hearing the licensee may be represented by an attorney, offer evidence and examine witnesses. In each case in which it orders the revocation, restriction or suspension of a license, the board shall file with the order a finding of fact and a statement of its conclusions and serve upon the licensee a copy of such order, finding and statement.

§ 4391. Charges and estimates

Before any set is removed from the customer's home to the shop for diagnosis, the dealer shall notify the customer if there is a minimum charge to determine the extent of the repair to the chassis or whether or not such determination would be grouped on a flat charge basis with all labor of which the technician removing the chassis can state the price immediately to the customer. Whenever an estimate is requested by the customer, there must be mutual agreement as to the amount before the dealer proceeds to repair the set.

Before any set is removed from a customer's home to the shop for service the customer shall be fully informed by the technician if there is a charge for pickup and delivery service. If the dealer loans a set to the customer during the repair of the customer's set, the dealer shall fully inform the customer whether or not there is a charge for this service.

When a service call is completed on repairs in the home, all parts not in warranty shall be left with the customer. When work is performed in a dealer's shop, replaced parts not in warranty shall be returned with the set and left with the customer. Tuners and other parts shall be exempted only

when there is exchange value for such tuners or parts. This paragraph shall not apply to picture tubes.

Sec. 2. R. S., T. 5, § 151, amended. The first sentence of section 151 of Title 5 of the Revised Statutes, as repealed and replaced by section 7 of chapter 544 of the public laws of 1967, is amended to read as follows:

All moneys received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Architects, the Electricians' Examining Board, the Oil Burnermen's Licensing Board, the State Board of Barbers, State Board of Hairdressers, State Board of Registration for Land Surveyors, the Examiners of Podiatrists, **the Board of Television Service Examiners**, the Board of Chiropractic Examination and Registration and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.

STATEMENT OF FACT

The purpose of this bill is reflected in the first section — Title 32, section 4361.