

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1021

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H. P. 802

House of Representatives, March 15, 1977

On Motion of Ms. Clark of Freeport referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Chonko of Topsham.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Provide for the Licensing of Electronic Technicians.**

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

**Sec. 1. 5 MRSA § 151, 1st sentence, as amended by PL 1975, c. 705, § 1,** is further amended to read:

All money 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 Certification for Geologists and Soil Scientists, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the State Board of Architects, the Electricians' Examining Board, the Oil Burner Men's Licensing Board, the Penobscot Bay and River Pilotage Commission, the State Board of Barbers, State Board of Cosmetology, State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, the Board of Examiners on Speech Pathology and Audiology, **the Board of Consumer Electronic Service Examiners** 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.

**Sec. 2. 5 MRSA § 2301, sub-§ 1, as last amended by PL 1975, c. 760, §§ 1 and 2, is further amended by adding after the 4th paragraph the following:**

**Board of Consumer Electronic Service Examiners;**

**Sec. 3. 32 MRSA c. 78 is enacted to read:**

### **CHAPTER 78**

### **ELECTRONIC TECHNICIANS**

#### **§ 7001. Definitions**

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings.

1. **Apprentice electronic technician.** "Apprentice electronic technician" means an individual to whom a permit has been issued under this chapter.
2. **Board.** "Board" means the Board of Consumer Electronic Service Examiners hereinafter created.
3. **Licensed electronic technician.** "Licensed electronic technician" means any individual who has been licensed by the board in accordance with this chapter.
  - b. **Person.** "Person" means any individual, firm, association, partnership, trust or corporation.
5. **Products.** "Products" means television, radio and audio entertainment equipment and any associated components including antenna systems.
6. **Service.** "Service" means installation, maintenance, repair, replacement, inspection and modification of products, including antenna systems.
7. **Service dealer.** "Service dealer" means a person engaging in the business of servicing products having an established location for the performance of such service.

#### **§ 7002. Exemptions**

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

1. **Governments; departments.** Federal and state governments and municipalities, or any department thereof;
2. **Federal licensing.** Any person engaged in the service of electronic products in communications requiring federal licensing;
3. **Educational programs.** 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 products and the instructors and teachers thereof, provided the exclusions granted shall be applicable only to the service of products rendered in and as part of a regularly constituted vocational educational program and when such service is not offered to the public for hire; and

4. **Manufacturers.** Manufacturers of equipment and antenna systems, components and testing equipment, who render service as a necessary operation in the sale and use of their product; provided that such service is rendered prior to the retail sale of such product.

#### § 7003. Licensing

1. **Service without license prohibited.** No person shall engage in the business of service without a license as a service dealer or licensed electronic technician or without an apprentice permit issued in accordance with this chapter.

No person shall offer by advertisement, telephone or in any manner to install service, maintain or repair these products unless that person has been licensed as a service dealer or licensed electronic technician.

2. **Application fee.** Any person desiring to be licensed as a service dealer, licensed electronic technician or apprentice electronic 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, and 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 licensed electronic technician shall be accompanied by a fee of \$10. Each application for a license as an apprentice shall be accompanied by a fee of \$5. If a service dealer as an individual is a licensed electronic technician, only one license fee shall be charged in the amount of \$25.

3. **Renewal.** All licenses are automatically renewable at the end of the fiscal year upon notification by the board, unless such license is under revocation or suspension.

4. **Qualifications; licensed dealer or technician.** The board may issue a license as an electronic technician to any individual who has been engaged in servicing products 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 2 years with not less than 2 years of practical experience immediately preceding his application, who successfully demonstrates his knowledge of and fitness for servicing these products by examination.

The board may issue a license without examination to any individual who at the time of the application or within 30 days prior thereto was licensed to engage in service products by another state under a law which contains 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 electronic technician's license or to a person who has a holder of such license in his employ, provided that when a service dealer license has been issued to an applicant based on the qualifications of a regular employee who has been issued an electronic technician's license, and the active services of such an 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.

5. Exemptions. Any resident of the State who shall, within the 4-year period immediately prior to the enactment of this chapter, have had the equivalent of 24 months of experience servicing products at one or more established places of business in this State shall be granted a license for the respective type of service for which such experience qualifies him, without examination, upon making application to the board within the 60-day period following enactment of this chapter and upon paying the appropriate fee for the type of license for which he qualifies.

6. Apprentice. The board may register as an apprentice and issue an electronic technician permit to any applicant not qualified for a license as a licensed electronic technician, who desires to be trained in and who engages in servicing products under the supervision of a licensed electronic 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 in his supervising licensed electronic technician or apprentice program or a termination of his apprenticeship.

7. Restricted license. The board shall have the authority to issue restricted licenses to applicants otherwise ineligible, who demonstrate their competence in any specialized category, but who in the opinion of the board have insufficient training and experience to service all types of products.

#### § 7004. Board; membership; qualifications; rules and regulations

1. Membership. There is created a Board of Consumer Electronic Service Examiners which shall administer and enforce this chapter. The board shall consist of 5 members to be appointed by the Governor. Three members of this board shall be licensed electronic technicians under section 7003. Two shall represent the public at large. Each member shall be so appointed for a term of 5 years or until his successor is appointed and has qualified, except that the first 5 members shall be appointed for terms of 1, 2, 3, 4 and 5 years respectively. The Governor shall fill vacancies by appointment for the unexpired portion of any term within 30 days. The board shall be composed of not more than 3 of one political party. No 2 members shall be residents of the same municipality.

2. Organization; meetings. The board shall organize by electing one of its members as chairman, and annually during July, shall elect a chairman. The board shall meet at least quarterly on a date, time and place specified beforehand, and at other times upon the call of the chairman or 3 members. Three members shall constitute a quorum to do business, but the affirmative vote of 5 members shall be required to revoke, restrict, suspend or reinstate a license.

3. **Secretary.** The board shall appoint a secretary, have authority to fix the salary of its secretary and to employ any help it may deem necessary for the proper execution of its function. The secretary shall keep a record of the proceedings of the board and a record of persons licensed, showing the name, place of business and residence of each licensee, the date and number of his license, and a record of all licenses issued, refused, revoked or suspended.

The secretary shall receive and account for all money derived from licensing under this chapter, give proper receipts, and account for all funds to the Treasurer of State in accordance with Title 5, section 151. The Treasurer of State shall deposit the funds to the account of the Board of Consumer Electronic Service Examiners. 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.

4. **Licensing and registration qualifications.** The board shall establish the qualifications for the licensing and registration of licensed electronic technicians, apprentice electronic technicians and service dealers and shall prepare and conduct examinations for these licenses at least 4 times a year.

5. **Examinations.** The examinations to be given by the board shall be practical in character and shall relate to those matters which fairly test the capacity of the applicant for the license for which he is being examined.

The examination shall cover the electronic theory and practical servicing, interpretation of symbols and schematics and knowledge of pertinent safety measures relative to the safety and well-being of the public who may use his services and shall cover knowledge and provisions of this chapter.

The examination may be written or oral, or both. Upon obtaining a grade previously established, the applicant shall be issued his license.

The license certificate shall be displayed in plain view at his place of business or employment and made available upon request by any interested party.

6. **Hearings.** The board may conduct investigations and hold hearings on any matter under this chapter in accordance with the Administrative Code, Title 5, Part 6.

#### § 7005. Administrative regulations

1. **Publication.** The board shall publish and issue administrative regulations governing the licensing, regulations and penalties for the product service business.

2. **Revocation and suspension of licenses; notice; hearing.** The board may revoke or suspend any license or permit for:

**A.** Conduct of a character likely to mislead, deceive or defraud the public or the board; or

**B.** Engaging in any untruthful or misleading advertising or violation of any of the provisions of this chapter or any regulations of the board.

**No such revocation or suspension shall be ordered by the board except upon notice of 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 the notice, and fixed place for hearing.**

**At the 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.**

#### STATEMENT OF FACT

The purpose of this bill is to provide for the licensing of electronic technicians.