

MAINE STATE LEGISLATURE

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S. P. 43

House of Representatives, January 14, 1941.

Referred to Committee on Legal Affairs in concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Referred by 89th Legislature to 90th Legislature.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Registration and Regulation of Watchmakers.

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

Sec. 1. Definitions. The term "watchmaking" includes and means the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting or regulating of the mechanical parts of a watch and the manufacturing and fitting of parts designed for use or used in watches. Such terms shall not include or mean the manufacturing or repairing of watch cases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not, nor shall such terms include or mean the manufacturing of watches or watch parts in a regularly constituted watch factory which has been designated and determined as such by the board hereinafter defined.

The term "board" as used in this act shall mean the state board of examiners in watchmaking.

Sec. 2. Certificate of registration required. No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a certificate of registration, as hereinafter provided, which certificate shall at all times be conspicuously displayed in his place of business.

Sec. 3. Board created; duties; terms of office; seal. There is hereby created a board to be known as the state board of examiners in watch-

making, whose duties it shall be to carry out the provisions of this act and to establish and enforce proper and suitable regulations for the indenturing and training of apprentice watchmakers. Such board shall consist of 5 members, appointed by the governor within 60 days after the effective date of this act. All persons so appointed shall be citizens and residents of this state and actually engaged in watchmaking as defined in section 1 of this act for at least 5 years immediately preceding the time of their appointment. Each member of said board shall hold office for 5 years and until his successor shall be appointed and qualified, except that in the first appointments 1 member shall be appointed for 1 year, 1 member for 2 years, 1 member for 3 years, 1 member for 4 years and 1 member for 5 years, and the term of office in each case shall be designated by the governor at the time of the appointment. Members of the board, before entering upon their duties shall respectively take and file the official oath. The board shall have a common seal.

Sec. 4. Officers; meetings; salary; annual report. The board shall choose annually one of its members as president and one as secretary who shall severally have power to administer oaths and take affidavits, certifying thereto under the seal of the board. The board shall meet at least once every 6 months in the state house at Augusta in a place provided by the superintendent of buildings, and in addition thereto, whenever and wherever the officers shall call a meeting. A majority of the members of the board shall constitute a quorum. The board may retain legal counsel if it deems it necessary. The secretary shall give such bond as the board shall determine to be proper. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be paid a per diem of \$5 for time actually spent in the performance of his duties and for necessary expenses; the secretary, in addition to such per diem and expenses, may be paid an annual salary not to exceed \$300 in the discretion of the board.

The board may appoint such clerks and assistants as it may deem necessary to the execution of its functions and fix their salaries.

The board shall on the 1st day of January of each year report its proceedings to the governor, including an account of moneys received and disbursed. The president and secretary shall file annually with the governor a verified list of watchmakers qualified to serve as members of the board.

Sec. 5. Application for examination; fees. Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examinations shall be filed with the board at least 10 days before the

date set for the examination and shall be accompanied by an examination fee of \$5. The applicant shall be of good moral character, at least 20 years of age.

Sec. 6. Examination. An applicant to be entitled to a certificate shall pass an examination before the board, which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include an examination of theoretical knowledge of watch construction and repair and also a practical demonstration of the applicant's skill in the manipulation of watchmakers' tools. The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In case of failure at any examination the applicant shall have the privilege of taking another examination at any other examination period upon the payment of a fee of \$2.50.

Sec. 7. Registration without examination; fees; renewals. If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration.

A watchmaker in good standing, registered or licensed in another state or having passed the examination for certified watchmaker as given by the horological institute of America and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof, may, in the discretion of the board, be issued a certificate without examination upon the payment of a fee of \$5; provided the standards of such other state are at least as high as those defined and established by the board.

Persons actually engaged in watchmaking within this state prior to the effective date of this act shall be exempt from taking the examination herein provided upon making application for a certificate within 6 months after said date accompanied by an application fee of \$5 and his affidavit setting forth the fact of having actually engaged in watchmaking, which affidavit shall be duly sworn to, and if the board shall be duly satisfied that such applicant is entitled thereto it shall cause its secretary to so register and issue a certificate of registration.

Certificates of registration shall expire on the 31st day of December of each year and may be renewed for 1 year upon the payment of a fee of \$2. Application may be made for renewal after the 15th day of December of each year.

Sec. 8. Apprentices. Any person 16 years of age or over of good moral character, employed by a registered watchmaker, may engage in watchmaking, subject to the provisions hereof, upon obtaining from the board a

certificate of registration as an apprentice watchmaker, which certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of \$1 for the certificate and shall pay a renewal fee of \$1 annually.

Sec. 9. Revocation of certificates; grounds, notice, hearing, appeal. The board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days' notice in writing of such proposed revocation.

The board may revoke a certificate of registration obtained through error of the board or fraud on the part of the applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days' notice in writing enumerating the charges and specifying a date for the hearing for such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. The holder may within 30 days after revocation, file with the secretary of the board, a written notice of appeal to the superior court for the county of Kennebec, and the secretary shall transmit to the court and to the attorney general, a certified copy of the record and the attorney general shall defend the revocation in said court. The said superior court shall affirm or reverse the revocation and its decision shall be final as to all questions of fact with the right to appeal to the supreme court on all questions of law.

One whose certificate has been revoked may, upon the expiration of 1 year after such revocation, apply to the board for registration and upon satisfactory proof that the cause of revocation no longer exists the board may, in its discretion, issue to said person a certificate of registration upon payment of the fees herein provided.

"Unethical conduct" shall include and mean any conduct of a character likely to mislead, deceive or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing; the giving of watch glasses, crystals or of any other watch parts, gratis or at less than cost, in order to advertise or increase watch repair business; performance of any service in pursuance of any such advertising; loaning of a certificate of registration to any person; failure to display the certificate of registration conspicuously at all times; employing directly or indirectly any unregistered watchmaker to perform any watchmaking; or noncompliance, within 30 days, with the

directions given in a written notice from the board to terminate employment with any person who is violating the provisions hereof.

Sec. 10. Penalties. Any one not having a certificate of registration, who shall hold himself as a watchmaker or as qualified to do watchmaking, or anyone who shall violate the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the county jail not more than 30 days, or by both such fine and imprisonment.

Sec. 11. Constitutionality. If any provisions of this act or the application thereof to any person or circumstances is held unconstitutional, the remainder of such act and the application of the same to other persons and circumstances shall not be affected thereby.