

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1070

H. P. 1466

House of Representatives, February 21, 1947.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Webber of Bangor (by request).

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

**AN ACT Providing for the Registration and Licensing of Motor Vehicle
and Aircraft Mechanics.**

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

Sec. 1. R. S., c. 25, §§ 121-133, additional. Chapter 25 of the revised statutes is hereby amended by adding thereto 13 new sections to be numbered 121 to 133, inclusive, to read as follows:

Sec. 121. Licensing of motor vehicles and aircraft mechanics. On and after the 1st day of September, 1947, it shall be unlawful for any person, firm or corporation to engage in the business of, or any person to be employed in the construction, repair, replacement or adjustment of any mechanical parts of motor vehicles or aircraft without a license from the commissioner of motor vehicle and aircraft mechanics, as hereinafter provided.

Sec. 122. Definitions. "Motor vehicle or aircraft mechanic," as used in sections 121 to 133, inclusive, means any person who receives pay or compensation for construction, repairing, replacing or adjusting any mechanical part of any motor driven vehicle or aircraft, whether propelled by electricity, oil, gasoline, naphtha, steam benzoil, or any substitute fuel therefor.

“Apprentice,” as used in sections 121 to 133, inclusive, means any person who received pay or compensation while working under the direct supervision of a motor vehicle or aircraft mechanic for the purpose of learning such trade, or who has obtained the equivalent of this training in a vocational school of recognized standing and who has been employed as such for less than 2 years.

“Advanced apprentice,” as used in sections 121 to 133, inclusive, means any person who received pay or compensation while working under the direct supervision of a motor vehicle or aircraft mechanic for the purpose of learning such trade, or who has obtained the equivalent of this training in a vocational school of recognized standing, and who has been employed as such for not less than 2 years, and not more than 4 years.

“Mechanical parts,” as used in sections 121 to 133, inclusive, include all accessories and mechanical construction of any motor on land or in the air, with the exception of the woodwork or upholstery.

“Commissioner,” as used herein, shall mean the person appointed under authority of section 123.

Sec. 123. Commissioner of motor vehicle and aircraft mechanics appointed; salary. There shall be a commissioner of motor vehicle and aircraft mechanics to be appointed within 30 days after the effective date of sections 121 to 133, inclusive, by the commissioner of labor and industry and who shall be a motor vehicle mechanic actually engaged in working on automobiles, trucks, busses and other vehicles as aforesaid. Such commissioner shall receive an annual salary of \$4,000. He shall serve until his successor has been duly appointed and qualified. He shall also receive 5c per mile for each mile actually travelled while in the discharge of his duties. No person shall be eligible for appointment as such commissioner until he shall have worked at his trade or profession for at least 5 years as journeyman and be working in line with such trade at the time of his appointment. Said commissioner shall serve under the direction of the commissioner of labor and industry and shall be responsible to him for his acts in carrying out the provisions of sections 121 to 133, inclusive. It shall be the duty of said commissioner to examine applicants, issue, renew or revoke licenses and otherwise carry out the purposes and enforce the provisions of sections 121 to 133, inclusive.

Sec. 124. Exemptions. The following shall be exempted from the provisions of sections 121 to 133, inclusive:

I. Any individual duly registered and qualified to practice as a professional mechanical engineer in compliance with the laws of this state;

II. Any individual, firm or corporation engaged in the manufacture, production or assembly of new automobiles, aircraft or mechanical parts thereof;

III. Any person who shall have filed an application for registration as a motor vehicle or aircraft mechanic and shall have paid the fee provided for in section 128; provided, however, that such exemption shall continue only for such reasonable time as the commissioner requires to consider and grant or deny the said application for registration.

Sec. 125. Application. Every person in the vocation of motor vehicle or aircraft mechanic at the time of the effective date of sections 121 to 133, inclusive, shall, not later than August 31, 1947, file application with the commissioner for a license to engage in such vocation, together with satisfactory evidence that he has been engaged in such business for a period of at least 1 year prior to such application. Such persons shall be issued a permit to work as motor vehicle or aircraft mechanics until examination can be made.

Sec. 126. Limitation. After September 1, 1947 no person shall be issued such permit or license until he has taken an examination and until he has competed at least 2 years as an apprentice and 2 years as an advanced apprentice, or the equivalent as provided for in section 122; provided, however, that any person who becomes a resident of this state by removal from another state may make application for a license and take such examination after he furnishes the commissioner with satisfactory evidence that he has for at least 4 years prior to said application been engaged in the work of motor vehicle or aircraft mechanic as defined in section 122.

Sec. 127. Examination. Upon receipt of any application the commissioner at his discretion may determine whether the examination shall be oral or written, and the time and place where such examination shall be conducted. The examination shall be such as to enable the said commissioner to determine that the applicant possesses reasonable knowledge of electrical, gasoline or other motors by which motor vehicles or aircraft are propelled, together with a reasonable knowledge of the uses and purposes of transmission, differential, carburetors, electric systems, steering the name, place of business and residence of every licensed motor vehicle and aircraft mechanic in the state, together with the number and date of

and controlling apparatus, brakes and other mechanisms necessary and requisite in the construction, repair or alteration of motor vehicles or aircraft.

Sec. 128. Fees. The application for examination as a motor vehicle or aircraft mechanic shall be in writing, signed by the applicant and addressed to the commissioner of motor vehicle and aircraft mechanics. The fee to be paid by the applicant for the issuance of a license as a motor vehicle or aircraft mechanic shall be \$5, the fee to be paid upon the renewal of a license shall be \$3. All fees thus received shall be paid into the state treasury.

Sec. 129. Expiration of licenses. All licenses issued in pursuance of sections 121 to 133, inclusive, shall expire on the 1st day of each year. It shall be the duty of every licensed motor vehicle and aircraft mechanic to renew said license before expiration if he continues in the vocation of motor vehicle or aircraft mechanic.

Sec. 130. Posting of licenses. It shall be the duty of employers to provide a suitable and conspicuous place for the display of all licenses or permits issued in accordance with the provisions of sections 121 to 133, inclusive, and such permits or licenses shall be posted where patrons can view the same upon entering or leaving the premises.

Sec. 131. Employment of apprentices. It shall be unlawful for any person, firm or corporation to employ more than 1 apprentice for each 5 motor vehicle or aircraft mechanics then so employed, except that any person, firm or corporation employing less than 5 motor vehicle or aircraft mechanics may employ 1 apprentice without violating the provisions of sections 121 to 133, inclusive.

Sec. 132. Reports and records. Such commissioner, with the approval of the commissioner of labor and industry, is empowered to make such rules and regulations from time to time as he shall deem necessary. He shall present an annual report to the commissioner of labor and industry in such form as said commissioner of labor and industry shall require, which report shall include a statement of fees received during the preceding year for the licensing of motor vehicle and aircraft mechanics, as well as the acts and proceedings of said commissioner and his recommendations. Such report in condensed form shall be incorporated in the report of the commissioner of labor and industry submitted biennially to the governor.

Said commissioner shall keep a record of all his proceedings relating to the issuance, refusal, suspension, revocation or renewal of licenses,

every license issued. This record shall be open to public inspection at all reasonable times.

Sec. 133. Penalty. Any person, firm, corporation, or superintendent, manager, agent, or other officer thereof, engaged in the business defined in section 121, failing to comply with the provisions of sections 121 to 133, inclusive, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 nor more than \$500 for each offense.

Sec. 2. Appropriation. For the purpose of paying the salary of said commissioner during the fiscal year ending June 30, 1948, the sum of \$4,000 is hereby appropriated out of any money in the treasury not otherwise appropriated.