

# MAINE STATE LEGISLATURE

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June 16, 1941

To the Plumbers Examining Board  
Re: Employees

Sections 125 to 129, inclusive, of Chapter 22 of the Revised Statutes provided for the licensing of plumbers, suspension of license and penalty for misrepresentation or acting without license. These sections were repealed by Chapter 1 of the Public Laws of 1933 and re-enacted by Sections 180 to 184, inclusive, of said chapter. Under the provisions of both of the foregoing acts the licensing power was vested in the trustees of water districts or the board of water commissioners in cities which owned and controlled municipal water works or the municipal officers of towns which owned and controlled municipal water works.

By the provisions of Chapter 149 of the Public Laws of 1937 said Section 180 was amended to read as follows:

"No plumbing shall hereafter be done for compensation, except as hereinafter provided, unless done by a plumber or other person licensed by the Plumbers' Examining Board hereafter created."

By said Chapter 149, Sections 181 to 184, inclusive, of said Chapter 1 were repealed and a Plumbers' Examining Board was created by the new Section 182. It is provided that this Board shall consist of an executive officer who shall be the director of the Division of Sanitary Engineering of the State Bureau of Health and two other members to be appointed by the Governor with the advice and consent of the Council. Provisions are made for regular and special meetings, the keeping of records of the proceedings of the Board and the making of such rules and regulations as the Board shall deem necessary for the holding of examinations and for carrying out the provisions of the act.

Sections 183-A to 183-E, inclusive, make provisions for the licensing of master plumbers, journeyman plumbers, examinations for licenses and for renewal of licenses. 183-G provides, among other things, that the Board shall keep a record of all moneys received and dispensed by it. 183-H and 183-I provides for the investigation of complaints and violations of the provisions of the act. 183-J provides that the Board shall be empowered to employ and remove employees, and 183-L provides that all fees received by the Board shall be paid by the executive officer thereof into the Treasury of the State for the purpose of carrying out the provisions of the act. 183-M provides, among other things, that the provisions of the act shall not apply in cities, towns or plantations that have a population of three thousand or less.

It is apparent that: (1) The Department of Health and Welfare has no part in the appointment of this Board, except in so far as the personnel thereof is affected by reason of the fact that the director of the Division of Sanitary Engineering in the State Bureau of Health is a member thereof; (2) That the principal function of the Board is the licensing of plumbers in cities, towns and planta-

tions that have a population of over three thousand people; (3) The employment of a person or persons for the purpose of investigating complaints concerning the installation of plumbing in towns of over three thousand inhabitants by one who is neither a licensed master plumber or a licensed journeyman plumber.

The employment of plumbing inspectors is a function of the Department of Health and Welfare through the Bureau of Health, and this function is in no way affected by the act creating the Plumbers' Examining Board.

Whether or not the Board of Plumbing Examiners is considered a part of the State Bureau of Health, the exercise of its functions is entirely within its own control irrespective of the State Bureau of Health.

In my opinion the person or persons employed by the Plumbers' Examining Board to carry out the provisions of the act under discussion are employees of that Board and not employees of the State Department of Health and Welfare.

LeRoy R. Folsom  
Assistant Attorney General