

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

Question: May the Board of Barbers continue to license as an apprentice barber an individual who has twice failed the barber examination? This individual qualified for the two previous examinations by serving the statutory eighteen month apprenticeship.

Answer: The Board may continue to license this individual as an apprentice barber. There is no statutory provision which would prevent the Board from issuing an apprentice license. An apprentice barber qualifies for an apprentice license by: 1) commencing apprenticeship with a registered barber, and 2) by filing the necessary information with the Board. Revised Statutes, Chapter 25, section 230-I.

It is mandatory upon every apprentice barber after eighteen months of apprenticeship to apply for the barber examination. To any applicant qualifying to take the examination, the Board *may* issue a permit to practice barbering pending the results of the examination. It is not mandatory that the Board issue the permit. It should be noted that the permit to practice barbering pending the results of the examination is a different right than the apprentice license, although the applicant is to be considered as an apprentice. Section 230-J.

After two failures of the barber examination, the law does not permit the Board to issue a renewal of the permit to practice barbering pending the results of the examination, Section 230-J. There is no mention of any restriction on the continued issuance of an apprentice license. Such a restriction cannot be read into the law.

Question: May the Board of Barbers lawfully issue a renewal of a permit to practice barbering pending the results of the examination to an applicant for examination who has twice failed the examination?

Answer: Revised Statutes, Chapter 25, section 230-J, does not permit the renewal of a permit to practice barbering after the second consecutive failure of the examination.

You have asked several questions as to the procedure which should be followed to revoke an apprentice license in the event the licensed individual is not lawfully entitled to the license because of two failures of the barber examination. In view of our answer to your first question there is no need to answer these questions.

Sincerely,

PETER G. RICH

Assistant Attorney General

November 28, 1962

To: Ober C. Vaughan, Director of Personnel

Re: Personnel Board, Membership of

We have your request for an opinion as to who may be elected to be the fifth member of the Personnel Board. Revised Statutes, Chapter 63, section 3, provides as follows:

“The 5th member of the board shall be elected by the other 4 members of the board from department heads for a 2-year term, and until their successors are elected and qualified.”

Listed below are the departments and their heads who would qualify for membership on the Personnel Board.

DEPARTMENT	HEAD
Adjutant General	Adjutant General
Agriculture	Commissioner
Attorney General	Attorney General
Audit	State Auditor
Banks and Banking	Commissioner
Civil Defense and Public Safety	Director
Division of Veterans Affairs	Director
Economic Development	Commissioner
Education	Commissioner
Employment Security Commission	Chairman
Finance and Administration	Commissioner
Inland Fisheries and Game	Commissioner
Forestry	Commissioner
Health and Welfare	Commissioner
Highway Commission	Chairman
Industrial Accident Commission	Chairman
Insurance	Commissioner
Labor and Industry	Commissioner
Library	State Librarian
Liquor Commission	Chairman
Mental Health and Corrections	Commissioner
Public Utilities Commission	Chairman
Sea and Shore Fisheries	Commissioner
State Police	Chief
Secretary of State	Secretary of State
Treasury Department	State Treasurer

PETER G. RICH

Assistant Attorney General

December 5, 1962

To: Earle R. Hayes, Executive Secretary, Maine State Retirement System

Re: Transfer of Credits — Subsec. VIII of Sec. 17 of Chapter 63-A, R.S.

The factual situation is as follows:

An employee of a state department and member of the Maine State Retirement System left state service on March 1, 1946. He immediately became employed by the Maine Turnpike Authority. He did not withdraw his contributions to the Retirement System upon termination of his service as a state employee. On September 1, 1952, the Maine Turnpike Authority affiliated with Maine State Retirement System as a participating local district. The employee, on the same date, rejoined the Maine Retirement System as an employee of the Turnpike Authority. The Turnpike Authority did pick up what is commonly called "Prior Service Credits" for this employee so as to make coverage retroactive to his employment on March 1, 1946.