

MAINE STATE LEGISLATURE

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Yes ✓
March 23, 1966

Theodore E. Edwards, Chairman

Electricians Examining Board

Jerome S. Matus, Assistant

Attorney General

Limited Electricians' Licenses for House Wiring Purposes

FACTS:

Immediately prior to September 3, 1965, the effective date of the repeal and replacement of 32 M.R.S.A. § 1101, 6, limited electricians' licenses had been granted and were in force for house wiring purposes. On September 3, 1965, 32 M.R.S.A. § 1101, 6 was replaced by the 1965 Public Laws, c. 383, § 3, which related to type S Journeymen licenses. These journeymen licenses were limited to the fields of automatic gas heat, outdoor sign work, or refrigeration.

During the Special Session of the 102nd Maine Legislature, which was held from January 17, 1966 to February 9, 1966, there was passed c. 498 "An Act Relating to Limiting Electricians Licenses and Funds for State Electrical Inspection." Section 1 of this Act amended 32 M.R.S.A. § 1101 by adding a new subsection 7. The new subsection 7 is identical in language to 32 M.R.S.A. § 1101, 6 prior to the effective date of its repeal and replacement on September 3, 1965 except that the new subsection has included an additional sentence dealing with the annual fee for a limited electrician's license.

At the present time and until May 11, 1966, which is the effective date of Public Laws of 1965, c. 498, limited electricians' licenses may not be issued by the Electricians Examining Board. It should be noted that Type S Journeymen's licenses can be issued. The Electricians Examining Board now believes that house wiring is a general category rather than a specific installation. The thought has been raised that limited electricians' licenses should no longer be available for overall house wiring but should be limited to specific installations such as elevators and similar categories.

QUESTION:

When 32 N.R.S.A. § 1101, 7 became effective, is the Electricians Examining Board legally obligated to establish a limited license for general house wiring purposes?

ANSWER:

See Opinion.

OPINION:

The Board is legally obligated to grant limited electricians' licenses of the type in force immediately prior to September 3, 1965. Public Laws of 1965, c. 498, § 3 reads as follows:

"Limitation. Persons holding a limited electrician's license on or before September 3 1965 shall be granted a limited electrician's license under section 1 of this Act without further examination."

Thus it is clear that a person who held a limited electrician's license permitting him to make a specific installation of house wiring has been granted by this legislative mandate the same right to hold a similar license.

It seems to us that the nature of house wiring in September, 1965 must be substantially the same in May, 1966. We recognize that the Electricians Examining Board has substantial and persuasive reasons for placing house wiring in a general category rather than that of a specific electrical installation. We further recognize, however, that these substantial and persuasive reasons should have been present prior to September 3, 1965. Since 32 N.R.S.A. § 1101, 6 before being repealed and replaced by Public Laws of 1965, c. 385, § 3 was identical in language to 32 N.R.S.A. § 1101, 7 (P. L. 1965, c. 498, § 1) except for the sentence in the new provision which related to the amount of license fees, the Legislature in passing P. L. 1965, c. 498, § 3 must be assumed to have recognized the types of limited licenses which had been granted and were in force just prior to September 3, 1965. In view of the identity of the language between 32 N.R.S.A. § 1101, 7 and former 32 N.R.S.A. § 1101, 6, and

the thrust of P. L. 1965, c. 498, § 3 the Legislature must have decided the same type of license to be granted upon proper application under 33 N.R.S.A. § 1101, 7.

If the Electricians Examining Board desires to eliminate house wiring as a specific electrical installation for which a limited electrician's license shall be granted, the Electricians Examining Board should prepare and have passed by the Legislature specific legislation clearly eliminating house wiring as a category for which a limited electrician's license shall be granted.

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