

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 15, 1968

To Charles F. Rogan, Executive Secretary Dept. Electricians Examining Board

From Phillip M. Kilmister, Assistant Dept. Attorney General

Subject Prerequisites for Examination for Journeyman Electrician's Examination.

QUESTION:

Under Title 32, Chapter 17, Section 1202 of the Revised Statutes, must an applicant hold an apprentice or helper license for two years before he may qualify for a journeyman examination?

ANSWER:

No.

OPINION:

It is provided in 32 M.R.S.A. § 1202 that an apprentice or helper electrician must possess at least 2 years' service in such capacity, or the equivalency thereof duly approved by the Electrician Examining Board, in order to qualify for examination for licensure as a journeyman electrician. This statute also provides that a helper or apprentice shall obtain a license indicating his status as such in the employ of a licensed electrician as a prerequisite for obtaining licensure as a journeyman.

32 M.R.S.A. § 1202 as amended by P. L. 1967, c. 69, § 7 provides in part as follows:

"1. Application; qualifications. The board shall issue a license to any person who files an application therefor and who meets the following qualifications:

"A. At least 2 years' service as an apprentice or helper electrician, except that the board may give such credit as it deems justified toward such service for satisfactory completion of a course of instruction in the trade in a school approved by the board;

"B. Satisfactory passing of an examination conducted by said board as provided in section 1203 to determine his fitness to receive such license.

"2. Apprentice or helper. The board may issue a license upon the payment of a fee of \$1 to any person who applies therefor, without examination, provided said applicant submits evidence satisfactory to the board that he has entered the employ of a licensed electrician to assist him as an apprentice or helper. Any such person entering the employ of such electrician to assist him as an apprentice or helper for the purpose of qualifying for any of the licenses mentioned in section 1203 shall apply for such license after commencing such employment." (Emphasis supplied)

It is interesting to note that P. L. 1967, c. 69, § 7 repealed a final sentence in the previously existing statutory language of subsection 2 of section 1202 which read as follows:

"Any person who enters such employ as a helper without the intention of qualifying for any of such licenses shall not be required to apply for a license under this section."

The legislature has provided that apprentices and helpers who wish to qualify for licensure as journeymen must first obtain a license indicating their status as apprentices or helpers. However, the legislature has not indicated clearly that a helper or an apprentice must hold such a license for a two-year period prior to applying for examination to become a journeyman. 32 M.R.S.A. 1202, 2 which requires licensure as a helper or apprentice by the prospective journeyman merely provides a means of assisting the board in determining whether a given applicant possesses the necessary two years' service as a helper or apprentice.

Actual experience for two years as an apprentice or helper appears to be a valid prerequisite for qualification for examination and eventual licensure as a journeyman. The manifestation, by means of a so-called license, of two years' intention or desire to become a journeyman, is not! There is no difference between the licensed and unlicensed helper or apprentice, except that the former is desirous of becoming a licensed journeyman.

The language of subsection 2 of section 1202 quoted above does not state any time limit after commencement of employment with a licensed electrician in which a helper or an apprentice must apply for licensure certifying his employment as such.

Charles F. Rogan

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In conclusion, we believe that the license referred to in subsection 2 of 32 M.R.S.A. § 1202 is nothing more than evidence of employment and that the mandatory two-year service requirement set forth in 32 M.R.S.A. § 1202, subsection 1, A may be proven by evidence on behalf of a journeyman applicant, other than proof of licensure for two years as an apprentice or helper.

Phillip M. Kilmister
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