

MAINE STATE LEGISLATURE

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November 16, 1972

Charles F. Rogan, Exec. Secretary

Electricians Examining Board

John Kendrick, Assistant

Attorney General

York Electric - Corporate licensing

We have your request to be advised upon the question whether a corporation in the electrical contracting business is required to have a Master electrician's license if the corporation employs Journeyman electricians.

You state that York Electric Company, a corporation, does not hold any license. It's clear that the corporation must hold some type of electricians license that will cover the work it is doing, or be held in violation of the law. 32 M.R.S.A. § 1205 clearly contemplates a license being issued to the corporation, although the license must of course be applied for and qualified for by an individual. The individual must either be a corporate officer or corporate employee, but in either case must be in charge of the work being done in a supervisory capacity.

There is no clear-cut prohibition of journeymen electricians working for other journeymen electricians. 32 M.R.S.A. § 1105 makes it a misdemeanor for anyone "who engages in the business" of specified electrical work to do so without "having a license in effect hereunder." It is not clear who must have what type license from a reading of the "hereunder" referred to, i.e., other sections of your Board's law.

A person or firm engaged in electrical contracting must hold that type license which will cover all the work he or his men are doing under the contracts he gets. If, for example, the work being done requires a journeyman electrician, the firm must hold at least a journeyman's license. Licensing of corporations is provided in 32 M.R.S.A. § 1205 which says that the corporation may be issued a license (any license, again depending upon the type work it does) if at least one of its officers "or employees directly in charge of the business affairs" of the corporation satisfies the Board of his qualifications as an electrician.

It cannot be construed as law that because the definition of journeyman electrician is "a person doing work. . . . in the employment of a master electrician" (32 M.R.S.A. § 1101, sub-§ 3) your Board may require all employers of Journeymen electricians to be licensed as Master electricians. Accordingly, I advise you that such a requirement would not stand up in court. The law licensing and regulating electricians simply does not go that far.

If it is the intention of your Board that journeymen electricians should be employed only by persons or firms holding master electrician licenses, new legislation to that effect will have to be gotten. I suggest you look at 32 M.R.S.A. § 3507, which requires corporations and partnerships engaged in the plumbing business to hold licenses as master plumbers.

JK:mfe