

# MAINE STATE LEGISLATURE

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Electricians Examining Board

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Prerequisite Qualifications to Examination for Electricians' Licenses

We have your recent inquiry as to whether license applicants may use as "qualifying experience", under 32 M.R.S.A. § 1202, sub-§1A, any experience gained by them unlicensed (i.e. not holding an apprentice or helper license which are issued to any person upon payment of \$1 and a showing that he is employed by a licensed master electrician.) Substantially the same question was answered by a formal opinion of this office dated March 15, 1968, a copy of which is attached. The conclusion reached was that an applicant need not have held an apprentice or helper license to qualify for a journeyman examination. The same conclusion appears to be valid today, for several reasons.

(1) The only subsequent amendment of § 1202 was by Chapter 267 of the Public Laws of 1969. This created an experience requirement for applicants wishing to be examined for a master electrician's license; additionally, it required all applications thenceforth be sworn. It did not affect the reasoning of the 1968 Opinion.

(2) Holders of apprentice or helper licenses must be in the employ of a licensed electrician. If holding either of these two licenses is taken as a prerequisite of being examined for journeyman's license, (or after 3 years, masters license) there would be a deprivation of due process for those applicants who validly gained experience not through breaking the law by doing electrical work on contract without a license, but by working under the supervision of an electrical contractor outside the State for example, or in the military, or by employment by one of the several types of business corporations excepted from license requirements by 32 M.R.S.A. § 1102. In other words, we do not necessarily have here a case of "legal experience" versus "illegal experience" when we examine whether an applicant must have held a lesser class license for a number of years to qualify for examination for a higher grade license.

JK/mf

Enclosure

**NOT A FORMAL OPINION**