

MAINE STATE LEGISLATURE

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June 5, 1974

Harry B. Rollins, Executive Secretary

Electricians Examining Board

John W. Benoit, Jr., Deputy

Attorney General

We have your memo dated March 29, 1974, asking the following questions:

"Under Title 32, Chapter 17, Sec. 1101-6 and Sec. 1105. What constitutes a Firm, Partnership or Corporation? Who has to be licensed in order to validate the above three? Does the above three have to be licensed?"

"In the case of a Partnership, where the father and son are the Partnership, does the Partnership also have to be licensed, along with the father and son?"

The provisions of 32 M.R.S.A. § 1101, et seq. utilize the terms persons, firms and corporations. They are all eligible to apply for a Master Electrician's License.

- (a) A "firm" is a conventional term. It means name, title or style under which a company transacts business. The term is synonymous with "company," "partnership" or "concern." Black's Law Dictionary, "Firm."
- (b) A "corporation" is a franchise possessed by one or more individuals, who subsist under a special denomination, and are vested by the policy of the law with the capacity of perpetual succession. Black's Law Dictionary, "Corporation."
- (c) A "partnership" is where two or more persons agree to carry on any business together upon terms of mutual participation in its profits and losses. Black's Law Dictionary, "Partnership."

32 M.R.S.A. § 1101, sub-§ 6 requires that the certificate shall specify the name of the person authorized to act for a firm or corporation, and that person must remain with the firm or corporation in order for the license to continue in existence. In the case of a firm, the person must be either a member (this would be one of the partners if the firm is a partnership) or an employee. In the case of a corporation, the person must be either an officer of the corporation or an employee.

AN INFORMAL OPINION

We construe your third question ("Does the above three have to be licensed?") to ask whether the firm or corporation must also be licensed notwithstanding the fact that a person in that firm, partnership or corporation is licensed. Yes, if the firm, partnership, or corporation engages in electrical work.

JOHN W. BENOIT, JR.
Deputy Attorney General

JWBJr:mfe

AN INFORMAL OPINION