

# MAINE STATE LEGISLATURE

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# Department of Health and Welfare

STATE HOUSE, AUGUSTA, MAINE

Date February 12, 1975

Donald C. Hoxie, Director, Health Engineering

From Joseph M. Kozak, Assistant Attorney General

Subject OPINION RELATIVE TO THE LICENSURE OF CORPORATIONS ENGAGED IN THE BUSINESS OF PLUMBING

## SYLLABUS:

The fact that a corporation engaged or working in plumbing employs, on the job, a licensed plumber does not relieve the corporation from the licensure requirement of Title 32 M.R.S.A. §3302.

## FACTS:

Title 32 M.R.S.A. §3302 requires a license for any "person, corporation, partnership or other entity who is engaged in plumbing or working in plumbing."

Title 32 M.R.S.A. §3304 provides that "any person who installs any plumbing or drainage without first having obtained a license either as a master plumber or as a journeyman plumber or employing a person to do such plumbing who has not such a license...shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both.

## QUESTION:

Is a corporation engaging in the plumbing business or installing plumbing and drainage for hire and employing, on the job, a person who has a license required to be licensed?

## ANSWER AND REASONS:

Yes. The language of Title 32 M.R.S.A. §3302 is clear in requiring that a corporation engaged in plumbing or working in plumbing be licensed. Title 32 M.R.S.A. §3507 provides the conditions under which such a corporation may be licensed:

The board may issue its license to corporations and partnerships engaged in the plumbing business and applying therefore, on payment of a fee of \$40, provided one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or the members of such partnership directly in charge of the business affairs, apply for the examinations and satisfy the board of their qualifications as master plumbers.

Implicit in §3507 is a recognition by the legislature of the nature of corporate control. Since a corporation engaged in plumbing has primary control and direction over the plumbing business it undertakes, it appears that licensure of such a corporation is intended to insure that the corporation itself would be properly qualified to engage in the business of plumbing.

The fact that a corporation engaged in the plumbing business retains or hires a licensed plumber does not relieve the corporation of the licensing requirement of §3302. Failure of a corporation engaged in the business of plumbing to procure such a license before installing any plumbing or drainage will subject the corporation to the sanctions imposed by Title 32 M.R.S.A. §3304.