

MAINE STATE LEGISLATURE

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December 11, 1975

Richard M. Knight, Coordinator, VTI's

Educational & Cultural Services

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Attorney General

Public Law 374 - Trade examination of VTI graduates

Your memorandum of November 3, 1975, requested an opinion of this office concerning interpretation of P.L. 1975, c. 374. More specifically, you ask whether graduates of courses in electricity, oil burner service, and plumbing at the various Vocational-Technical Institutes (VTI's) are eligible to take the journeyman's examination in these trade areas on November 12. The answer to your question is affirmative.

Chapter 374 of the Public Laws of 1975 (L.D. 1121; S.P. 335) was designed to permit certain graduates of the VTI's to take the journeyman's examination offered by the Electrician's Examining Board, the Oil Burner Men's Licensing Board, or the Plumbers' Examining Board. Statement of Fact - L.D. 1121. This purpose was clearly accomplished by enacting a new section 2361 to Title 20 M.R.S.A., which reads:

"§ 2361. Graduates of vocational-technical institutes

Any person who has satisfactorily completed a course of instruction at a Maine vocational-technical institute in the practice of electrical installations, oil burner installations or plumbing shall be entitled to take the journeyman's examination conducted by any of the respective boards: Electrician's Board, Oil Burner Men's Licensing Board, or Plumbers' Examining Board, as the case may be."

In addition, the applicable statutes of Title 32 M.R.S.A., concerning qualifications to take the various journeyman's examination, were amended to include 20 M.R.S.A. § 2361 by reference as one of the alternative methods of compliance. 32 M.R.S.A. § 1202 amended by P.L. 1975, c. 374, § 2; 32 M.R.S.A. § 2301 amended by P.L. 1975, c. 374, § 3; 32 M.R.S.A. § 3505, amended by P.L. 1975, c. 510, § 43.

Therefore, both the stated purpose of the Act and its explicit language provide the answer to your question. The respective examining and licensing boards are required to administer their journeyman's examinations to any applicant who presents evidence or otherwise satisfies the board that he has satisfactorily completed a course of instruction at a VTI in the practice of the trade. This requirement upon the Boards applies to the examinations to be given on December 12, 1975, as well as to subsequent examinations.

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It is our understanding that there has also been some question as to whether the particular trade courses at the VTI's must be approved or certified in some manner by the examining boards before the provisions of P.L. 1975, c. 374 would apply. We believe that this question should also be answered and that it must be answered in the negative. L.D. 1121, as introduced and as finally enacted, is silent on this point. Committee Amendment "A" to the Bill (S-127) would have added a requirement that the course of instruction be approved by the board having licensing jurisdiction. However, Committee Amendment "A" was indefinitely postponed in both the House and the Senate in concurrence. Legislative Record - House, May 22, 1975. Since the Legislature did not include this provision in the enacted version of the bill, it must be assumed that such approval by the boards was not intended. Although this course approval is not required, a coordination of effort and sharing of information between the boards and the VTI's on curriculum matters would benefit all parties.

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe

cc: Electrician's Examining Board
Oil Burner Men's Licensing Board
Plumbers' Examining Board