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Licensing Fees, Reimbursement
Oil Burner men's Licensing Fees
32 M.R.S.A. 101-4
" " 2402-2(B)

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September 8, 1977

To: Mary Ellen Peaslee, Director,
Central Licensing Division,
Department of Business Regulation

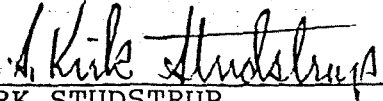
From: S. Kirk Studstrup, Assistant Attorney General

Re: Licensing Fees

I am responding to your memorandum request of August 12, 1977, for an opinion concerning licensing fees. It is my understanding from discussions and your memorandum that the question arises from the following situation: A journeyman oil burner-man or electrician has paid his licensing fee and had his license renewed for a two-year period. The fee in either case is \$20 for the two-year renewal. 32 M.R.S.A. §§ 101,4 and 2402,2(B). Very shortly after the renewal, the journeyman passes his master's examination and is issued a new license at an increased rate. On the basis of these facts, your question is whether there is any statutory provision for return or retention of any of the journeyman's license fee. The answer to your question is negative.

I have reviewed the statutory provisions of both Chapters 17 and 33 of Title 32 M.R.S.A, relating to the licensing of electricians and oil burnermen respectively. In both cases the statute merely states what the biennial renewal fee shall be. In neither case is there any statutory provision which would require the appropriate licensing board either to retain all of this fee under these circumstances or return all or part of it. In the absence of any statutory provision to the contrary, it is my opinion that it would be within the sound discretion of the respective licensing board to determine whether they will retain or refund any

or all of the journeyman's license fee under these limited circumstances. It should be noted, however, that if any licensing board decides to refund part of a license fee, such policy should probably be limited to the situation where the applicant has qualified for a higher professional rating. The board may also wish to consider the expense of processing the journeyman's application for renewal even if it was effective for only a very limited period of time.



S. KIRK STUDSTRUP
Deputy Attorney General

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