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Inter-Departmental Memorandum Date September 16, 1977

Central Licensing Division

To Mary Ellen Peaslee, DirectorDept. Business RegulationFrom S. Kirk Studstrup, AssistantDept. Attorney GeneralSubject Opinion re "Certificates of Registration"

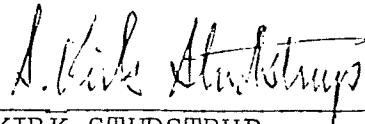
I am responding to your memorandum of August 24, 1977, in which you requested my opinion on a question concerning "certificates of registration." I assume that you asked this question since the responsibility of your Division is expressed in terms of processing and issuing "certificates of registration or re-registration." Your specific question is whether this term encompasses ". . . the issuance of certificates whereby a fee is not charged and the issuance of such certificates whereby a fee is not charged and the issuance of such certificates was not mandated by Law?" Conversations which I had with you subsequent to your memorandum indicate that you used the word "certificates" as meaning written confirmation of the issuance of a license and that you are concerned about a situation where issuance of such evidence of a grant of authority is not specifically required by law nor is there a licensing fee charged.

In answer to your question, my review of 10 M.R.S.A. § 8003, which establishes the Central Licensing Division, indicates that the term "certificates of registration or re-registration" was intended to include a broad variety of documentation, without limitation. Sub-section 3 of that section states, in part, "Certificates of registration and re-registration shall mean documents or licenses evidencing admission to the respective professions, occupations and industries in the State; . . ." It is clear that this term would include any documentation, in any form, which authorizes the recipient to engage in a profession, occupation or industry, or acts as evidence of such authorization. There is no requirement that the specific statute require issuance of a certificate or that a fee be charged for this service, before an authorization document would become a "certificate of registration." I believe this interpretation is not only compelled by § 8003, but is also in keeping with the intent of the Legislature to centralize all licensing functions in the Department of Business Regulation.

It should be noted parenthetically that the foregoing comments do not compel the Central Licensing Division to provide its services to any specific Bureau, Board or Commission within the Department. Nor does it require a Bureau, Board or Commission to subscribe to the Division's services. Decisions on these questions are expressly placed within the discretion of the Commissioner of Business Regulation. 10 M.R.S.A. § 8003(2). There may be good reasons why the Commissioner would decide that a particular certificate would not be appropriate

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for handling by the Division.' In the same manner, assessment of the client Bureaus, Boards or Commissions to cover the cost of the Division's operations is within the Commissioner's discretion. The fact that no fee is charged for issuance of a particular certificate might be taken into consideration by the Commissioner in making this assessment. These are matters which you should discuss with the Commissioner.



S. KIRK STUDSTRUP
Assistant Attorney General

SKS:mfe

cc: Alfred W. Perkins, Commissioner
Business Regulation