

MAINE STATE LEGISLATURE

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Electricians Licenses; Reciprocity
Ⓟ Licensing; Reciprocity
Reciprocity; Licensing
32 M.R.S.A. 1153

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AUGUSTA, MAINE 04333

December 16, 1977

Mr. Blake MacKay
Executive Secretary
Electricians' Examining Board
Augusta, ME 04333

Dear Mr. MacKay:

This opinion is in response to the inquiry of the Electricians' Examining Board dated November 28, 1977, with respect the board's authority to provide for the issuance of licenses to persons holding electrician's licenses from other states. Specifically, you ask whether the board may license by reciprocity a licensee of another state who obtained the license by virtue of a "grandfather" provision.

When a legislature first enacts licensing laws for a profession or occupation, it frequently exempts from meeting the newly established minimum standards persons already engaged in that profession or occupation. The legislation permitting this is frequently referred to as a "grandfather clause." When Maine first provided for the licensing of electricians, established electricians were "grandfathered" from meeting the newly established standards. See P.L. 1953, c. 307, §1.

32 M.R.S.A. §1153, as repealed and replaced by P.L. 1977, c. 340, §9, authorizes the board "to provide (by regulation) for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this State." The quoted language has remained unchanged since the Legislature first provided for the licensing of electricians. See, P.L. 1953, c. 307, §1. Investigation reveals that the board has never promulgated regulations for reciprocal licensing but has issued such licenses pursuant to informal, written agreements with the States of New Hampshire and Vermont. We have orally advised the board cease this practice and have offered our assistance to the board in developing regulations for such licensing, as required by §1153.

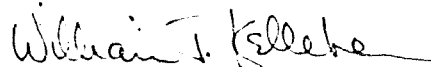
Sections 1201 and 1203 establish minimum standards for licensure of electricians. It is these "standards" which are referred to in §1153. Section 1201 sets forth various practical experience requirements for persons wishing licensure as journeyman, limited or master electricians. Those persons meeting such requirements are also required to pass an

examination conducted by the board which "shall be of a thorough and practical character commensurate with the responsibilities of the prospective license holder. (The examination) shall include such provisions of the National Electrical Code as the board may deem appropriate." Section 1203. We note that §1153-A requires that "(a)ll installations of electrical equipment shall comply with the then current edition of the National Electrical Code, pamphlet #70, published by the National Fire Protection Association" Reading sections 1203 and 1153-A in pari materia, it is clear that the board in developing examinations, must test the applicant's knowledge of the National Electrical Code's installation standards.

In empowering the board to provide, by regulation, for reciprocal licensing, the unambiguous intent of the Legislature is to ensure that persons licensed by reciprocity meet the same minimum standards for licensing discussed above. This is consistent with the legislative purpose in providing for licensing of electricians, i.e. the safety of the public. When statutory language is plain, and the intention of the Legislature clear, the language must be given its plain meaning. In Re Richards, 272 F. Supp. 480 (D.C. Me., 1967). If the board determines another state has licensing standards equal to Maine's, it can, by regulation, provide for the issuance of Maine licenses to persons who have met that state's standards. A grandfather provision is not a "standard" for licensure as that word is used in §1153, but is a specific exception to licensing "standards". Since the intent of our Legislature is to permit reciprocal licensing of electricians from other states who have met licensing standards at least equal to ours, the board is without authority to license those persons who hold another state's license solely due to a "grandfather" provision.

I trust this response will prove helpful to the board as it develops its regulations. If this office may be of further assistance, please do not hesitate to contact me.

Sincerely yours,



WILLIAM J. KELLEHER
Assistant Attorney General

WJK/glm

cc: Donald Alexander