

State Coal Mine Inspector, Authority to Grant Permits for Men to Act as Mine Foreman, Fire Boss and Mine Examiner. Coal Mine Inspector, When May Grant Permits to Mine Foreman, Fire Boss and Mine Examiner.

The state coal mine inspector has power to grant permits to persons to perform the duties of mine foreman, fire boss and mine examiner who may be employed by any one engaged in the operation of coal mines in the state of Montana, until such time as the person so employed has had an opportunity to be examined as to his competency by the board of examiners appointed for that purpose.

March 20, 1911.

Mr. J. B. McDermott,
State Coal Mine Inspector,
Helena, Montana.

Dear Sir:

Your letter of March 17th has been received, requesting my opinion upon the following proposition:

"Under Chapter 69, Section 9-a, Eleventh Session Laws of Montana, and also under Senate Bill No. 66, passed by the recent session of the legislature, how and under what circumstances would the state coal mine inspector have authority to grant permits for men to act in the capacity of mine foreman, fire boss, or mine examiner in the coal mines in Montana; and how long a period of time would the permit if granted be allowed to run?"

In reply, I will say, that it was evidently the intention of the legislature to repeal Chapters 64 and 69 of the Eleventh Session Laws, instead of Chapter 64 and 65, as Chapter 65 has reference to an act to establish a legislative reference bureau in connection with the historical and miscellaneous departments of the state library and to provide for the maintenance thereof; but at any rate, Chapter 69 of the Eleventh Session Laws is practically re-enacted in Senate Bill No. 66 and is repealed by implication by this act. Under Section 36-a of

Senate Bill No. 66, the state coal mine inspector has power to grant permits to persons to perform the duty of mine foreman, mine examiner or fire boss, as provided in the act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the state of Montana, until such time as the person so employed has had an opportunity to be examined as to his competency by the Board of Examiners provided for in the act, but no longer.

Section 28 of the act provides for the creation of the examining board of applicants for the position of mine foreman, etc., Section 32 of the act referred to provides that such board of examiners shall meet at the call of the state coal mine inspector, who shall call them upon receipt of five requests for examination, and shall grant certificates to all persons whose examination discloses their fitness for the duties of mine foreman, mine examiner or fire boss as specified in the act.

You are therefore advised that the state coal mine inspector has power to grant permits to persons to perform the duties of mine foreman, mine examiner or fire boss, who may be employed by any one engaged in the operating of coal mines in the state of Montana, until such time as the person so employed has had an opportunity to be examined as to his competency by the board of examiners provided for in the act hereinbefore referred to but as soon as such individual so appointed has had an opportunity to be examined by said board of examiners, his term of appointment under such permit expires and he would not longer be permitted to hold such position without a certificate of competency provided for in Senate Bill No. 66.

Yours very truly,

ALBERT J. GALEN,

Attorney General.