

Opinion No. 43-4329

July 1, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Dr. J. J. Clarke, Secretary, New Mexico Board of Dental Examiners, Hobbs, New Mexico

We are in receipt of your letter of June 28th, 1943, in which you ask our opinion as to whether or not the annual renewal fee for a dental license, provided by section 51-407 of the 1941 compilation, is payable by persons in the military services, in the light of Senate Bill No. 160 passed by the last Legislature and which will appear as Chapter 78 of the Laws of 1943. Chapter 78 provides:

"That any person having a license issued by any board or commission established by the laws of this State, who are engaging in any business or profession who enter or are drafted into the armed services of this country, in connection with the present war, shall not in any way be prejudiced by reason thereof and upon their release from such armed services, or one year thereafter, shall be reinstated or shall retain their license after such release."

Chapter 51-407 provides for the payment of an annual fee of \$ 3, and that upon failure to pay this fee dental license shall be automatically suspended. It further provides that such license may be restored upon the payment of a fee of \$ 10, together with all unpaid fees.

Webster's defines "prejudice" to mean to injure, damage, impair or hurt.

It is, therefore, my opinion that a person in military service who had his license suspended for failure to pay the annual license fee, would be prejudiced, inasmuch as he would have to pay an additional \$ 10, together with all back fees, to have his license reinstated, which would certainly injure him financially.

Trusting the foregoing sufficiently answers your inquiry, I am

By ROBERT W. WARD

Asst. Atty. Gen.