

MAINE STATE LEGISLATURE

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CHAPTER 3

RULES OF CONSTRUCTION

Sec.

71. Laws.

72. Words and phrases.

§ 71. Laws

The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

1. Acts by agents. When an act that may be lawfully done by an agent is done by one authorized to do it, his principal may be regarded as having done it.

2. And; or. The words "and" and "or" are convertible as the sense of a statute may require.

3. Authority to 3 or more. Words giving authority to 3 or more persons authorize a majority to act, when the enactment does not otherwise determine.

4. Corporations. Acts of incorporation shall be regarded in legal proceedings as public acts. All acts of incorporation become null and void in 2 years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters.

The organization of any corporation under any general law of the State becomes null and void in 2 years from the day when its certificate of incorporation has been filed in the office of the Secretary of State, unless such corporation shall have commenced actual business under its organization.

5. Dates. Wherever in the Revised Statutes or any legislative act a reference is made to several dates and the dates given in the reference are connected by the word "to", the reference includes both the dates which are given and all intervening dates.

1959, c. 363, § 4.

6. Disqualification. When a person is required to be disinterested or indifferent in a matter in which others are interested, a relationship by consanguinity or affinity within the 6th degree according to the civil law, or within the degree of 2nd

cousins inclusive, except by written consent of the parties, will disqualify.

7. Gender. Words of the masculine gender may include the feminine.

8. Severability. The provisions of the statutes are severable. The provisions of any session law are severable. If any provision of the statutes or of a session law is invalid, or if the application of either to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

1959, c. 363, § 4.

9. Singular and plural. Words of the singular number may include the plural; and words of the plural number may include the singular.

10. Statute titles. Abstracts of titles, chapters and sections, and notes are not legal provisions.

11. Statutory references. Wherever in the Revised Statutes the word "Title" or "chapter" or "subchapter" appears without definite reference, it refers to the Title or chapter or subchapter in which the word "Title" or "chapter" or "subchapter" appears; if the chapter or subchapter is given a number without reference to a numbered Title, it refers to the chapter or subchapter of the Title in which the numbered chapter or subchapter appears. Wherever in the Revised Statutes a numbered section appears without reference to a numbered Title, it refers to the section of the Title in which the numbered section appears.

Wherever in the Revised Statutes or any legislative act a reference is made to several sections and the section numbers given in the reference are connected by the word "to," the reference includes both the sections whose numbers are given and all intervening sections. (1955, c. 405, § 2; 1957, c. 397, § 4.)

R.S.1954, c. 10, § 22; 1955, c. 405, § 2; 1957, c. 397, § 4; 1959, c. 363, § 4.

§ 72. Words and phrases

The following rules shall be observed in the construction of statutes relating to words and phrases, unless such construction is inconsistent with the plain meaning of the enactment.

1. Affirmations. When a person required to be sworn is conscientiously scrupulous of taking an oath, he may affirm.

2. Annual meeting. "Annual meeting," applied to towns, means the annual meeting required by law for choice of town officers.

3. General rule. Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning.

4. Grantee. "Grantee" means the person to whom a freehold estate or interest in land is conveyed.

5. Grantor. "Grantor" means the person who conveys a freehold estate or interest in land.

6. Highway. "Highway" may include a county bridge, county road or county way.

7. Inhabitant. "Inhabitant" means a person having an established residence in a place.

8. Insane person. "Insane person" may include an idiotic, non compos, lunatic or distracted person. This rule does not apply to Title 15, chapter 309 and Title 34, chapters 187 and 191.

1961, c. 303, § 2.

9. Issue. "Issue," applied to the descent of estates, includes all lawful lineal descendants of the ancestor.

10. Land or lands. "Land" or "lands" include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.

11. Month. "Month" means a calendar month.

12. Municipal officers. "Municipal officers" means the mayor and aldermen of cities, the selectmen of towns and the assessors of plantations.

13. Municipality. "Municipality", except in Title 30, chapters 201 to 213, 235, 239, subchapters IV and V, chapter 241, subchapters 1 and 2, and chapter 243, includes cities, towns and plantations.

1961, c. 395, § 3.

14. Oath. "Oath" includes an affirmation, when affirmation is allowed.

15. Person. "Person" may include a body corporate.

16. Pledge; mortgage, etc. The terms "pledge," "mortgage," "conditional sale," "lien," "assignment" and like terms, when used in referring to a security interest in personal property shall include a corresponding security interest under Title 11, the Uniform Commercial Code.

1963, c. 362, § 2.

17. Real estate. "Real estate" includes lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.

18. Registered mail. The words "registered mail" when used in connection with any requirement for notice by mail shall mean either registered mail or certified mail.

1961, c. 217.

19. Seal, corporate. Whenever a corporate seal is used or required on any instrument, an impression made on the paper of such instrument by the seal of the corporation, without any adhesive substance, shall be deemed a valid seal. A seal of a corporation upon a certificate of stock, corporate bond or other corporate obligation for the payment of money may be facsimile, engraved or printed where such certificate is signed by a transfer agent or transfer clerk and by a registrar, and where such bond or obligation is certified by a trustee.

20. Seal, court. When the seal of a court, magistrate or public officer is to be affixed to a paper, the word "seal" may mean an impression made on the paper for that purpose with or without wafer or wax.

21. State. "State," used with reference to any organized portion thereof, may mean a territory or said district.

22. State paper. "State paper" means the newspaper designated by the Legislature, in which public acts, resolves, advertisements and notices are required to be published.

23. Sworn. "Sworn," "duly sworn" or "sworn according to law," used in a statute, record or certificate of administration of an oath, refer to the oath required by the Constitution or laws in the case specified, and include every necessary subscription to such oath.

24. Timber and grass. "Timber and grass," when used in reference to the public reserved lots, so called, in unorganized

territory in the State, mean all growth of every description on said lots.

25. Town. "Town" includes cities and plantations, unless otherwise expressed or implied.

26. United States. "United States" includes territories and the District of Columbia.

27. Vacant and vacancy. "Vacant" and "vacancy" as applied to public office shall comprise and include all cases where the person elected or appointed to such office resigns therefrom or dies while holding the same or, being elected or appointed, is ineligible, dies or becomes incapacitated before qualifying as required by law.

28. Written and in writing. "Written" and "in writing" include printing and other modes of making legible words. When the signature of a person is required, he must write it or make his mark, but the signatures of any officer or officers of a corporation upon a certificate of shares in such corporation, when any such certificate is signed by a transfer agent or transfer clerk and by a registrar, and upon a corporate bond or other corporate obligation or the interest coupons annexed to a corporate bond or other corporate obligation, may be facsimiles, engraved or printed.

29. Will. "Will" includes a codicil.

30. Year. "Year" means a calendar year, unless otherwise expressed. "Year," used for a date, means year of our Lord.

R.S.1954, c. 10, §§ 22, 23; 1961, c. 217; c. 303, § 2; c. 395, § 3; c. 417, § 7; 1963, c. 362, § 2; c. 402, § 2.