

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

January 17, 1936

Hon. Charles O. Beals  
Labor Commissioner  
Augusta, Maine

Dear Sir:

I have your recent communication in which you ask,--

"Can a paragraph be so framed that it will take the place of Rule 1, Section 5, Page 27, and still not conflict with Section 8, Chapter 85, Public Laws 1925, in limiting an inspection certificate, issued on the inspection made by a special inspector employed by an insurance company, to a period of less than fourteen months, as given in Section 8 of the before mentioned act, if the insurance has been either cancelled or has expired?"

My answer is in the negative.

It is provided in the Act in question, that the Board of Appeals shall formulate "rules for the safe and proper construction, installation, repair, use and operation of steam boilers". I do not find any provision which authorizes the Board to limit an inspection certificate for a period less than fourteen months, in case the owner or user of a boiler fails to carry insurance on the same; nor do I find any provision which requires such owner or user to keep his boiler insured.

In order to enable the Board to issue the proposed rule, or any other rule limiting the inspection certificate, it will be necessary to read into the enactment a meaning at variance with its express terms. It has recently been held by the Court that in the interpretation of a statute, "the controlling consideration is the legislative intent, and that must ordinarily be found in the words which the legislature has used to define its purpose. If the phrasing is unambiguous, the court has no power to correct supposed errors or to read into an enactment a meaning at variance with its express terms."

Very truly yours,

Deputy Attorney General

SLF H