

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

It seems from an examination of the Maine State Retirement System law that "Prior Service" credits can be granted to members of the Maine National Guard.

GEORGE C. WEST

Deputy Attorney General

July 18, 1961

To: Marion E. Martin, Commissioner of Labor and Industry

Re: Interpretation of Chapter 466, Public Laws of 1955, to Establish Board of Construction Safety Board Rules and Regulations

You have asked for an opinion covering an apparent conflict between parts of Sections 88-B and 88-E of Chapter 466 of the Public Laws of 1955.

Section 88-B provides in part:

" . . . The term 'construction' . . . shall not apply to construction for self use."

It must be borne in mind that this section only *defines* terms or words used in the law. "Definitions" are not a substantive part of the statute. They only assist in understanding the meaning of words and phrases used in a statute.

Section 88-E says in part:

"The provisions relating to safety . . . shall not apply to construction for self use providing not more than 5 persons are employed for wages in such construction or that such construction is not performed by a party for hire under a verbal or written contract."

Section 88-E is a substantive part of the statute. It sets forth exceptions relating to that which the statute shall not cover or extend. Being substantive in nature it is a necessary part of the statute and must be considered as controlling.

In short, the exceptions in Section 88-E are determinative of what the statute does not cover.

GEORGE C. WEST

Deputy Attorney General

July 21, 1961

To: William E. Schumacher, M.D., Director of Bureau of Mental Health

Re: Examination and Commitment costs of Mentally Ill Person — Responsibility for

You have asked, in substance, who is responsible for the costs of examination and commitment of a mentally ill person to a state hospital.

Answer: Sections 137 and 138 of Chapter 27, Revised Statutes of 1954, outlines the channels of financial responsibility for the examination and commitment. Section 137 provides that the town where the mentally ill resided or was found at the time of his arrest is first chargeable. Section 138 then provides that the town first chargeable may recover the amount paid from (1) the mentally ill person, if able, or (2) from persons legally liable for his support or (3) from