

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

# STATE OF MAINE

Inter-Departmental Memorandum Date February 10, 1975

To W. G. Blodgett, Executive Director

Dept. Maine State Retirement System

From Charles R. Larouche, Assistant

Dept. Attorney General

Subject Eligibility of "The Community Health Association" to Participate In  
Maine State Retirement System

This replies to your memo of February 4, 1975, concerning the subject.

You ask whether or not the Community Health Association is eligible to become a participating local district in the Maine State Retirement System. The answer to that question is negative.

5 M.R.S.A. § 1092, subsection 1, provides that "The employees of any county, city, town, water district, public library corporation or any other quasi-municipal corporation of the state . . . may participate in the retirement system. . . ."

It appears from the copy of the certificate of organization enclosed with your memo that the subject Association is a corporation organized for the purpose of furnishing aid to prevent disease and to promote health. It is a private, non-stock corporation organized for a benevolent purpose. However, it was not created to perform a municipal function.

The Supreme Judicial Court of Maine has described the nature of a quasi-municipal corporation as follows:

"For the term municipal relates not only to a town or city, as a territorial entity, but it also pertains to local self government in general, and in a broader sense to the internal government of a state. Standard Dictionary, Municipal. A town or city is wholly a creature of the state, and wholly subservient to the state, and for that reason is not strictly a municipal corporation, as interpreted by the common law. It is rather a quasi municipal corporation.

\* \* \* \*

"But if the education of children, the care of roads, the furnishing of fire protection, and of water for domestic and public purposes, are public municipal functions, when performed by cities or towns, it is difficult to see why they should be otherwise, when performed by local subdivisions of territory and people, greater or smaller than a city or town. A body

W. G. Blodgett, Executive Director  
Page 2  
February 10, 1975

politic and corporate, created for the sole purpose of performing one or more municipal functions, is a quasi municipal corporation, and as we have said, in common interpretation, is deemed a municipal corporation. The phrase 'municipal corporation' is now generic, and, we think, it should be held to include municipal corporations proper, and such quasi municipal corporations, as cities, towns, school districts, water, fire and other municipal districts." Augusta v. Water District, 101 Me. 148, 151.

Section 1092, subsection 1 lists several quasi-municipal corporations:


"county, city, town, water district, public library corporation. . ."

It then states "any other quasi-municipal corporation" is eligible. The listing of particular entities followed by the general term has the effect of limiting the meaning of that term.

"Where general words follow specific words in an enumeration describing the legal subject, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words." Sutherland, Statutory Construction, Sec. 47.17, 4th Ed.

Hence, the term "any other quasi-municipal corporations" refers to others which are not named but which are similar in nature to a county, city, town, water district or public library corporation.

If I can be of any further aid to you in this matter, please advise me.

  
CHARLES R. LAROUCHE  
Assistant Attorney General

CRL:mfe