

MAINE STATE LEGISLATURE

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Words & phrases
"Local anesthetic"
"general anesthetic"

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February 7, 1977

Honorable Gerard P. Conley
State Senate
State House
Augusta, Maine

Dear Senator Conley:

In your letter to me of February 2, 1977, you have requested advice as to the legal meaning of the words "local anesthetic" and "general anesthetic."

1 M.R.S.A. § 72 states in applicable part as follows:

"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. . . .

(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."

Thus, when the words "local anesthetic" or "general anesthetic" are used in the Maine statutes, unless there is a specific statutory definition, the above rule applies.

Accordingly, reference is made to the Attorneys' Dictionary of Medicine and Word Finder by Schmidt. It is stated in part therein that:

"Anesthetics are also classified as general and local. A general anesthetic is one which induces anesthesia of the whole body and brings on unconsciousness. . . . A local anesthetic is one which produces anesthesia of a limited part of the body. . . ."

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In Fowler v. Michigan Board of Pharmacy, 20 N.W.2d 680 (Mich., 1945), the Court said, "We believe local anesthetic means as defined in Dorland's American Medical Dictionary (Rev. 1941): 'That which is confined to one limited part of the body.'" 20 N.W.2d at 681-82.

You ask, as an example, whether an anesthetic which anesthetizes the lower 50% of the body is a general or local anesthetic. According to the above definitions and rule of construction, the example you pose would appear to involve a local, rather than a general, anesthetic.

Very truly yours,

DAVID ROSEMAN
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