

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1393

S. P. 545

In Senate, March 8, 1967

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Mills of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Creating the Uniform Statutory Construction Act.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 1, § 71, sub-§§ 3, 7, 8 and 9, repealed. Subsections 3, 7, 8 and 9 of section 71 of Title 1 of the Revised Statutes are repealed.

Sec. 2. R. S., T. 1, § 72, sub-§§ 3, 14 and 15, repealed. Subsections 3, 14 and 15 of section 72 of Title 1 of the Revised Statutes are repealed.

Sec. 3. R. S., T. 1, § 72, sub-§ 21, repealed. Subsection 21 of section 72 of Title 1 of the Revised Statutes, as amended by section 1 of chapter 513 of the public laws of 1965, is repealed.

Sec. 4. R. S., T. 1, § 72, sub-§ 28, amended. Subsection 28 of section 72 of Title 1 of the Revised Statutes is amended to read as follows:

28. Signatures. ~~“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~~ 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.

Sec. 5. R. S., T. 1, § 72, sub-§§ 29, 30, repealed. Subsection 29 and 30 of section 72 of Title 1 of the Revised Statutes are repealed.

Sec. 6. R. S., T. 1, c. 4, additional. Title 1 of the Revised Statutes is amended by adding a new chapter 4, to read as follows:

CHAPTER 4

STATUTORY CONSTRUCTION

§ 73. Applicability

This chapter applies to all statutes and to rules adopted under them.

§ 74. Common and technical usage

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

§ 75. Singular and plural

The singular include the plural, and the plural includes the singular.

§ 76. Gender

Words of one gender include the other genders.

§ 77. Tense

Words in the present tense include the future.

§ 78. Week.

The word "week" means 7 consecutive days.

§ 79. Year

The word "year" means 12 consecutive months.

§ 80. Computation of time

In computing a period of days, the first day is excluded and the last day is included.

If the last day of any period is a Sunday or legal holiday, the period is extended to include the next day which is not a Sunday or legal holiday.

If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

§ 81. Joint authority

A grant of authority to 3 or more persons as a public body confers the authority upon a majority of the number of members fixed by statute.

§ 82. Quorum

A quorum of a public body is a majority of the number of members fixed by statute.

§ 83. Conflict in the expression of numbers

If there is a conflict between figures and words in expressing a number, the words govern.

§ 84. Intentions in the enactment of statutes

1. Statutes. In enacting a statute, it is presumed that

A. Compliance with the constitutions of the State and of the United States is intended;

B. The entire statute is intended to be effective;

C. A just and reasonable result is intended;

D. A result feasible of execution is intended; and

E. Public interest is favored over any private interest.

§ 85. Statutes presumed prospective

A statute is presumed to be prospective in its operation unless expressly made retrospective.

§ 86. Aids in construction of ambiguous statutes

1. Ambiguous statutes. If a statute is ambiguous, the court, in determining the intention of the Legislature, may consider among other matters:

A. The object sought to be attained;

B. The circumstances under which the statute was enacted;

C. The legislative history;

D. The common law or former statutory provisions, including laws upon the same or similar subjects;

E. The consequences of a particular construction;

F. The administrative construction of the statute; and

G. The preamble.

§ 87. Severability of statutory provisions

If any provision of a statute or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

§ 88. Special or local provision prevails over general

If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the

provisions is irreconcilable, the special or local provisions prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

§ 89. Irreconcilable statutes passed at different sessions

If statutes enacted at different sessions of the Legislature are irreconcilable, the statute latest in date of enactment prevails.

§ 90. Original controls over subsequent printing

If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

§ 91. Continuation of prior law

A statute which is reenacted, revised or amended is intended to be a continuation of the prior statute and not a new enactment, so far as it is the same as the prior statute.

§ 92. Statutory references

A reference to any portion of a statute applies to all reenactments, revisions or amendments thereof.

§ 93. References to a series

If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

§ 94. Multiple amendments to the same provision, one without reference to the other

If amendments to the same statute are enacted at the same or different sessions of the Legislature, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each.

§ 95. Repeal of repealing statute

The repeal of a repealing statute does not revive the statute originally repealed or impair the effect of any saving clause therein.

§ 96. Effect of amendment or repeal upon rights, obligations, etc.

1. Affect. The reenactment, revision, amendment or repeal of a statute does not, except as provided in subsection 2:

A. Affect the prior operation of the statute or any prior action taken thereunder.

B. Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

C. Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal; or

D. Affect any investigation, proceeding or remedy in respect of any privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the statute had not been repealed or amended.

2. Exception. If the penalty, forfeiture or punishment for any offense is reduced by a reenactment, revision or amendment of a statute, the penalty, forfeiture or punishment shall be imposed according to the statute as amended.

§ 97. Definitions

The definitions which follow are in effect:

1. Child. "Child" includes child by adoption.
2. Executor and administrator. "Executor" includes administrator and "administrator" includes executor.
3. Oath or swear. "Oath" includes "affirmation" and "swear" includes "affirm."
4. Person. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
5. Population. "Population" means that shown by the most recent regular or special Federal Census.
6. Property; real and personal. "Property" means real and personal property.
7. Rules and regulations. "Rule" includes regulation.
8. State. "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legislative authority of the United States of America.
9. United States. "United States" includes all the states.
10. Will. "Will" includes codicil.
11. Written. "Written" or "in writing" includes any representation of words, letters, symbols or figures; this provision does not affect any law relating to signatures.

§ 98. Uniformity of interpretation

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 99. Short title

This chapter may be cited as the Uniform Statutory Construction Act.