

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1700

H.P. 1159

House of Representatives, April 25, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

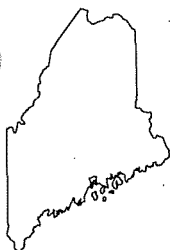
Presented by Representative MARSANO of Belfast.

Cosponsored by Senator GAUVREAU of Androscoggin, Representative PARADIS of Augusta and Representative RICHARDS of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning the Construction of the Maine Revised Statutes.



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

4 Sec. 1. 1 MRSA §71, sub-§8 is amended to read:

6 8. **Severability.** The provisions of the statutes are
8 severable. The provisions of any session law are severable. If
10 any provision of the statutes or of a session law is invalid, or
12 if the application of either to any person or circumstance is
14 invalid, such invalidity shall does not affect other provisions
or applications which can be given effect without the invalid
provision or application. The repeal of a severability clause
located in and applicable to any title or a division of a title,
chapter, section or Act, must be construed as the removal of
surplus language unless the law indicates otherwise.

16 Sec. 2. 1 MRSA §71, sub-§9-A is enacted to read:

18 9-A. ~~Shall; must; may.~~ "Shall" and "must" are terms of
20 equal weight that indicate a mandatory duty, action or
requirement. "May" indicates authorization or permission to act.

22 **STATEMENT OF FACT**

24 This bill amends the statute governing construction of the
26 laws to clarify that the repeal of a surplus severability clause
does not indicate that a construction of nonseverability is
28 intended and clarifies that "shall" and "must" are mandatory
terms of equal weight.