

In view of the opinions presented by our Courts, I am of the opinion that an electric power plant is a factory that produces goods and, therefore, comes within the jurisdiction of the Department of Labor and Industry as set forth in Title 34 of Chapters 4 and 6 of the New Jersey Statutes Annotated. Under these statutes it will be necessary for the subject power plant to submit to all the mandatory requirements of the law and appropriate rules and regulations wherever set out.

Respectfully submitted,

THEODORE D. PARSONS,
Attorney General,

By: LOUIS S. COHEN,
Deputy Attorney General.

TDP:LSC:kms

DECEMBER 21, 1953.

DR. E. S. HALLINGER, *Secretary,*
State Board of Medical Examiners,
28 West State Street,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 53.

DEAR DR. HALLINGER:

This will acknowledge receipt of your communication wherein you request an opinion as follows:

“Will you kindly give me an opinion as to whether the candidates who were admitted to the October 1953 examination under Chapter 363, P. L. 1953 (A-120) and failed are permitted to be re-examined at the next regular examination which will be held in June, 1954.”

It is our opinion that candidates who applied for admission to the examination under the provisions of Chapter 363 of the Laws of 1953 and were admitted to the October 1953 examination but failed, are permitted to be re-examined at the next regular examination.

Chapter 363 of the Laws of 1953 sets forth the requirements for certain residents of this State who apply for admission to the examination. It provides that any person who meets such requirements, upon proof thereof to the State Board of Medical Examiners, shall be admitted to the examination by said Board. It is silent as to what examination the applicant shall be admitted and is also silent as to re-examination. To the extent of such silence, Chapter 363 is apparently deemed by the Board to be somewhat ambiguous.

In seeking the meaning of an ambiguous statute, we should look to the pre-existing body of law. It is presumed that the Legislature, in enacting a statute, had knowledge and took cognizance of existing laws on the same subject or relating thereto (*Matter of Simmons*, 130 App. Div. 350, affirmed 195 N. Y. 573). In the construction of an ambiguous law, every effort should be made to arrive at a meaning in harmony with other laws relating to the same or kindred matters (*Smith vs. People*, 47 N. Y. 330).

In accordance with these canons of interpretation and construction of statutes, each legislative act is to be interpreted with reference to other acts relating to the same subject and the same person or class of persons. The persons or class of persons under consideration are applicants for admission to the examination for a license to practice medicine and surgery. The subject in question is that of examinations and re-examinations.

We look, therefore, to other sections of the Medical Practice Act relating to applicants for admission to the examination, examinations, and re-examinations. In so doing, we find that Section 45:9-12 of the Revised Statutes provides in part, as follows, viz.:

“ . . . Upon the approval of the application for examination, such applicant shall thereupon be entitled to admission to such examination. If said applicant fails to pass the examination, he may be re-examined at the next regular examination . . . ”

For the reasons above expressed, we construe Chapter 363 of the Laws of 1953 with reference to Section 45:9-12 of the Revised Statutes and by virtue of the provisions thereof advise that if the applicants under consideration failed to pass the October 1953 examination, they may be re-examined at the next regular examination.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: FREDERIC G. WEBER,
Deputy Attorney General.

DECEMBER 14, 1953.

HONORABLE GEORGE C. SKILLMAN,
Director of Local Government,
Commonwealth Building,
Trenton 8, New Jersey.

FORMAL OPINION—1953. No. 54.

DEAR DIRECTOR:

You have requested our opinion as to whether a municipality can legally make a budget appropriation for all of the cost of a so-called Blue Cross Hospital Service Plan, to which a group of employees of the municipality have evidenced their desire to belong.

In my opinion, a municipality is not authorized to make such an appropriation.

The relevant provisions of the pertinent statutes read as follows:

“R. S. 40:11-15. In any municipality or county where the employees of the municipality or county have or shall have formed themselves into groups for the purpose of obtaining the advantages of a group plan of life insurance, or a group plan of health and accident insurance, or both, the governing body of the municipality or county, when written petitions and authorizations signed by the