

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

November 9, 1953

To Francis H. Sleeper, M. D., Superintendent, Augusta State Hospital
Re: Trial Visits

You ask if under the provisions of Section 142 of Chapter 23 of the Revised Statutes of 1944, a patient can be "continued on a trial visit from a State of Maine mental hospital longer than one year."

In considering this problem we quote the entire section:

"The superintendent of either hospital may permit any inmate thereof to leave such institution temporarily, in charge of his guardians, relatives, friends, or by himself *for a period not exceeding 6 months*, and may receive him when returned by any such guardian, relatives, friends, or upon his own application within such period, without any further order for commitment, and the liability of the state, or of any person by bond given for the care, support, and treatment of such insane person as originally committed, shall remain in full force and unimpaired upon the return of such person as if he had remained continuously in such hospital. The superintendent of either hospital with the approval of the department may on receipt of formal application in writing before the date of expiration of such leave of absence grant an extension of time *for another 6 months*."

It is the opinion of this office that the wording of the above quoted section is clear and that a patient on a trial visit may have not more than one six-months' extension of time. It can be seen that the proper application of this leave period would provide that the liability of the State or of any person by bond given for the care, support, and treatment of such insane person as originally committed shall remain in full force. Whatever the contingency might be which would affect the liability of the State or any person giving bond, we cannot know; but to comply with the statute we feel that the leave period should be strictly adhered to.

JAMES G. FROST
Deputy Attorney General

November 9, 1953

To Earle R. Hayes, Secretary, Maine State Retirement System
Re: Legislative Employees

In response to your memo of October 19th, we would advise that under the provisions of Section 4 of Chapter 9, R. S., the Secretary and Assistant Secretary of the Senate are elected by the Senate. The Secretary of the Senate is elected for a full two-year period, calls the Senators-elect to order, and presides until a President is elected. In the absence of the Secretary of the Senate, the Assistant performs said duties.

Having such duties, these officers have, in our opinion, full-time positions for retirement purposes, and said officers should accordingly be credited for their services.