

# MAINE STATE LEGISLATURE

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Mental Health and Corrections

Trial Visit - Convalescent Status

QUESTION PRESENTED: Must those persons placed on trial visit under Section 141 of Chapter 27 of the Revised Statutes of Maine, 1954, prior to the effective date of the repeal of that statute whose leave time has not expired, be returned to the hospital upon such expiration date, or are such persons considered to be on convalescent status under Section 184 of Chapter 27, Revised Statutes of Maine, 1954, which became effective simultaneously with the repeal of Section 141 above?

The nature and purpose of the two statutes in question are not dissimilar. The major difference being the definiteness of the time element involved. It is the opinion of this office that due to the similarity and continuity of the statutes, a person placed on trial visit before the effective date of the repeal of Section 141 and the enactment of Section 184 and whose leave had not expired on that date, shall be considered to be on convalescent status and shall be subject to the provisions of Section 184. This result is not a retroactive application of the law; as to the persons affected by the change in law, the new merely commences when the old ceases.

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Courtland D. Perry  
Assistant Attorney General

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