

MAINE STATE LEGISLATURE

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April 6, 1944

Jacob P. Berman, Esq.
85 Exchange Street
Portland 3, Maine.

Re: Estate of Alvah B. Joyce

Dear Jake,

Mr. Maurice G. Pressey of the State Auditor's Department has shown me your letter of April 4th. He informs me that the father of Alvah B. Joyce died some months before the son. The information in this office is that the son was a beneficiary under the father's estate to an extent sufficient in amount to justify administration, even from the most liberal point of view. As I told you the other day over the phone, I feel that our law should be amended so that where there is a widow, or widow and minor children, estates showing only up to \$200. should not need to go through the expense of administration.

We have had this problem arise rather frequently, and it has seemed to me that the thing to do is to ask the legislature to amend the law, rather than to start a practice in the State House which we might later find difficulty in justifying.

In regard to the vacation pay, the interpretation given to that by this office is that when a person is paid by the year, the rate of pay set is actually fifty-two weeks' pay for fifty weeks' work, whereas if the person is working by the week, the vacation pay is in the same category as sick leave. For several years now, "sick leave" has been cumulative, but not after the death of the employee. If an employee having several weeks of accumulated sick leave should pass away without using up to that time, the State would not pay to the estate the wages for the remaining sick leave period.

A further interesting point in regard to Mr. Joyce is that "vacation time" is on a calendar year basis and any privilege for vacation for the year 1943, for instance, would expire on the thirty-first day of December; so nothing would carry over to the benefit of the estate of Mr. Joyce.

Sincerely yours,

Frank I. Cowan
Attorney General

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