

# MAINE STATE LEGISLATURE

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May 14, 1946

To Fred W. Hollingdale, Commissioner of the Treasury

I have your memo of May 13th, stating that a pension was granted by the legislature, under Chapter 59, Resolves of 1943, to one Arthur Seldon Hutchins in the amount of \$20. a month, beginning May 1, 1943, for a period of five years. You further state that Mr. Hutchins died on April 29, 1946, and a check to his order, covering his monthly pension, was issued on April 30, 1946; and you inquire whether a check should be delivered to his estate or, if no estate, to his heirs, and if so, should the check be for a full month's pension or for that portion of the month from the first of the month to date of death.

In reply to your memo I will say that the check payable to Mr. Hutchins should be cancelled and a check issued to his estate for the amount of pension due him up to the date of his death. The State is not obligated under this legislative Resolve after the date of the death of the recipient. This is the practice to be followed when money is due a person who is in the State service, or the beneficiary under the provisions of our Social Security laws; but in rare cases where no administrator or executor is appointed, by agreement with all the heirs, the check may be made payable to the heirs, with the approval of this office.

Ralph W. Farris  
Attorney General

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