

MAINE STATE LEGISLATURE

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January 2, 1947

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To E. L. Walter, Supervisor, Accounts and Control

Re: Pension of the late A. J. Wiggin

I have your memo of January 1st relating to the State pension of the late A. J. Wiggin, former employee of the State Highway Commission, who was granted a retirement pension on December 6, 1939, by order of the Governor and Council, which became effective January 1, 1940, at the rate of \$45 per week. I note that the State has been paying this pension on a monthly basis by authority of Council Order #160, 1943, at the rate of \$195.53 per month.

You state that Mr. Wiggin died on December 27, 1946; and in view of the recent ruling given by this office to Mr. Perkins, the Actuary, which was an interpretation of the definition in Subsection 18 of Section 1, Chapter 60, R. S. 1944, which has to do with the State Employees' Retirement System, which was passed in 1942 subsequent to the date of Mr. Wiggin's pension, granted by the Governor and Council under the provisions of Sections 20 to 23 inclusive, Chapter 159, R. S. 1930, as amended by the Public Laws of 1931 and 1933, you request an opinion as to whether Mr. Wiggin's estate is entitled to:

1. Any payment after the last monthly instalment (November 30, 1946);
2. A payment computed as three full weeks of December, 1946; or
3. A payment computed on a daily basis up to, but not including, the actual day of his death.

I am assuming that Mr. Wiggin did not contribute to the Employees' Retirement System after the enactment of said System; that he received his pension under the old law above cited, paid by the Retirement System under the provisions of Section 14, Chapter 60, R. S. 1944. In view of the fact that the original council order granted him a pension of \$45 per week, and by reason of convenience in 1943 that same weekly amount was computed and paid on a monthly basis by authority of a new council order, it is my opinion that a payment computed as three full weeks of December, 1946, should be paid to his estate, on the basis that at the time of his death, he was under the old system, and the ruling of this office dated December 18, 1946, to Mr. Perkins does not apply.

Ralph W. Farris
Attorney General

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