

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 6, 1974

To W. G. Blodgett, Executive Director

Dept. Maine State Retirement System

From Charles R. Larouche, Assistant

Dept. Attorney General

Subject Disposition of Group Life Insurance of Deceased Natural Parent to Her Children Adopted by Another Person

This replies to your December 4, 1974 memorandum concerning the subject.

It appears that S had two children, A and B, who were later adopted by her parents. Subsequently, S had two more children, C and D. It now appears that S has died and has failed to name a beneficiary of the proceeds of her group life insurance. You believe that distribution of the proceeds of this insurance should be made on an equal basis to each of the four children, A, B, C and D. You ask whether or not I concur in that conclusion. The answer to that question is affirmative.

5 M.R.S.A. § 1151, sub-§ 3 provides that where there is not a designated beneficiary and no widow or widower, distribution of the proceeds of the group life insurance shall be made to "the child or children of such employee. . . ." 5 M.R.S.A. § 1001, sub-§ 6 defines child or children as follows:

"'Child' or 'children' shall mean any unmarried natural, born or unborn, or legally adopted progeny of the member, under 18 years of age, or adjudged mentally incompetent by a probate court of the State of Maine, or certified by the Medical Board of the Maine State Retirement System to be physically and permanently incapacitated."

19 M.R.S.A. § 535, provides that an adopted child "shall not by reason of adoption lose his right to inherit from his natural parents or kindred."

While the distribution of the proceeds of this State group life insurance is not "an inheritance," they are analogous and these two quoted statutory provisions deal with essentially the same subject, i.e., the matter of distribution of property upon death. Accordingly, they would seem to be dealing with the same subject matter and 19 M.R.S.A. § 535 may be taken as an expression of the legislative intent with regard to adopted children under 5 M.R.S.A. § 1151, sub-§ 3.

If I can be of any further aid to you in this matter, please advise me.


CHARLES R. LAROUCHE
Assistant Attorney General