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Retirement definition of widow-widower
5 M.R.S.A. § 1151(3)
STATE OF MAINE

Inter-Departmental Memorandum Date June 14, 1978

To Philip Gingrow, Asst. Exec. Dir. Dept. Maine State Retirement System

From Kay R. H. Evans, Assistant Dept. Attorney General

Subject Definition of "Widow or Widower" in 5 M.R.S.A. § 1151(3)

Your memo of March 7, 1978, asks for an opinion regarding the definition of the phrase "widow or widower," as used in the group life insurance provisions of the retirement law, especially § 1151(3) of Title 5. Your question is whether the terms include the partners to a marriage which has been terminated, as by divorce, prior to the death of one partner, when at the time of the death of one of them neither partner had remarried.

The retirement law contains no definition of this phrase. It has appeared unchanged in this particular statutory section since the section's enactment as part of the group life insurance program, P.L. 1955, c. 451. The retirement law does contain a definition of the term "spouse," 5 M.R.S.A. § 1001(24), inserted as part of the enactment of revised death benefits, P.L. 1957, c. 367, § 2. The Legislature has never indicated that the term "spouse" included the terms widow/widower nor can it be implied that the Legislature meant at any time to change the terms widow/widower wherever they appear in the retirement law to "spouse" and simply failed to do so in this section through oversight or error.

Absent a special definition or a different meaning clear from the context, statutory terms are to be given ordinary meaning. Widow/widower ordinarily refers to the surviving partner of a marriage terminated by death, Webster, 3rd International Dictionary.^{1/} Under this definition, termination of a marriage by any event other than the death of one of the partners also terminates the possibility that either partner can be the widow/widower of the other.

Kay R H Evans

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^{1/} Maine cases dealing with the meaning of these terms generally involve the issue whether widow/widowhood, a status based on surviving the death of a husband or wife, continues after the remarriage of the survivor. See Inhabitants of Solon v. Holway, 157 A. 236, (Me., 1931); Canal Bank v. Bailey, 51 A.2d 482 (Me., 1947). In the factual situation under discussion, there is no remarriage, but neither is there a marriage terminated by death.