

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

N I N E T Y - F I F T H    L E G I S L A T U R E

---

---

**Legislative Document**

**No. 484**

H. P. 846

House of Representatives, February 7, 1951.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Vaughan of Hallowell.

---

---

**STATE OF MAINE**

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-ONE

---

**RESOLVE, in Favor of Winifred Malloy, of Hallowell.**

---

**Winifred Malloy; retirement benefit granted. Resolved:** That there be, and hereby is, granted to Winifred Malloy, of Hallowell, a retirement benefit in the sum of \$347.52, to be paid from the funds of the Maine State Retirement System.

## STATEMENT OF FACTS

Daniel T. Malloy, an employee of the state of Maine, for 15 years in the department of inland fisheries and game, and subsequently 4 years in the department of sea and shore fisheries, applied for retirement effective January 19, 1950 under the disability provisions of section 7 of the Maine state retirement law. Since establishment of the retirement act by the 91st legislature in 1942, Mr. Malloy had contributed into his annuity account the amount of \$1,101.81. After receiving disability benefits in the total amount of \$432.16 over a period of 6 months, Mr. Malloy died. In compliance with existing provisions of the law, the retirement system deducted this sum (\$432.16) from Mr. Malloy's accumulated contributions only, and paid to his beneficiary the balance of \$669.65. Due to the long and faithful service of Mr. Malloy during his many years' association with the state; due to the fact that all other sections of the retirement system act contemplate and provide for the sharing of the cost of a portion of the total retirement allowance by the state; and due to the fact that the wording of the disability section is misleading so as to cause Mr. Malloy to expect that in the event of his death that his beneficiary would in fact receive such an amount as is provided in option 1 of section 10, it is believed only just and equitable that his widow should receive the benefit which Mr. Malloy obviously believed that she would receive upon his death, i.e., the difference between the amount he himself contributed and the amount actually paid to him during his disability from his annuity allowance. This would amount to \$347.52 over and above what has been refunded to Mrs. Malloy.