

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1478

S.P. 541

In Senate, May 2, 1995

**An Act to Create a Special Accidental Death Benefit for the Surviving
Family Members of Law Enforcement Officers Killed in the Line of Duty.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator CAREY of Kennebec.
Cosponsored by Senators: HALL of Piscataquis, RUHLIN of Penobscot, Representatives:
CROSS of Dover-Foxcroft, REED of Dexter.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 5 MRSA §18001**, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

6 **§18001. Definitions**

8 As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

10 **1. Law enforcement officer.** "Law enforcement officer" means a state police officer, as defined by the Bureau of State Police; an inland fisheries and wildlife officer, as defined by the Department of Inland Fisheries and Wildlife; a marine patrol officer, as defined by the Department of Marine Resources; or a county or municipal law enforcement officer who participates in the retirement system through employment with a participating local district as described in section 18201.

12 **2. Qualifying member.** "Qualifying member" means a member who dies as a result of an injury arising out of and in the course of employment as an employee or a former member receiving a disability retirement benefit who dies as a result of an injury arising out of and in the course of employment as an employee.

14 **Sec. 2. 5 MRSA §18003**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

16 **§18003. Computation of benefit**

18 **1. Surviving spouse; no dependent children.** If the qualifying member is survived by a spouse and no dependent child, the surviving spouse shall ~~must~~ be paid 2/3 of the average final compensation of the qualifying member, except that if the qualifying member is a law enforcement officer, the surviving spouse must be paid an annual sum equal to the annual rate of earnable compensation the law enforcement officer was receiving at the time of the officer's death.

20 **2. Surviving spouse having care of dependent children.** If the qualifying member is survived by a spouse who has the care of the dependent child or dependent children of the qualifying member, the surviving spouse shall ~~must~~ be paid an annual sum equal to the average final compensation of the qualifying member, except that if the qualifying member is a law enforcement officer, the surviving spouse must be paid an annual sum equal to the annual rate of earnable compensation the law enforcement officer was receiving at the time of the officer's death.

3. **Surviving spouse not having care of dependent children.**

2 If the qualifying member is survived by a spouse who does not
4 have the care of the dependent child or dependent children of the
6 qualifying member, the surviving spouse shall share with the
8 dependent child or dependent children an annual sum equal to the
10 average final compensation of the qualifying member, the benefit
12 to be divided equally among the surviving spouse and the
14 dependent child or dependent children, except that if the
qualifying member is a law enforcement officer, the surviving
spouse shall share with the dependent child or dependent children
an annual sum equal to the annual rate of earnable compensation
the law enforcement officer was receiving at the time of the
officer's death, the benefit to be divided equally among the
surviving spouse and the dependent child or dependent children.

4. **No surviving spouse.** If no spouse survives the

16 qualifying member, the dependent child or dependent children
18 shall must be paid an annual sum equal to the average final
20 compensation of the qualifying member, except that if the
qualifying member is a law enforcement officer, the dependent
child or dependent children must be paid an annual sum equal to
22 the annual rate of earnable compensation the law enforcement
officer was receiving at the time of the officer's death.

26 **STATEMENT OF FACT**

28 This bill creates a special accidental death benefit for the
30 surviving family members of a law enforcement officer who
32 participates in the Maine State Retirement System and who dies as
a result of an injury arising out of and in the course of the
officer's employment.