

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 910, L.D. 2362, Bill, "An Act to Establish State Death Benefits for State Police Officers Killed in the Line of Duty"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish State Death Benefits for Law Enforcement Officers Killed in the Line of Duty'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 5 MRSA §18005, sub-§2, as amended by PL 1991, c. 885, Pt. E, §12 and affected by §47, is further amended to read:

2. Workers' compensation or similar law. The amount payable under this article must be reduced by any amount received by the surviving spouse and dependent child or dependent children under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a similar law. For purposes of this article, a death benefit paid to a law enforcement officer under Title 25, chapter 195-A is not considered a benefit paid under a "similar law" and may not be used to reduce the amount payable under this article.

A. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

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B. The prorated lump-sum settlement amounts must reduce the accidental death benefits payable monthly under this article.

Sec. 2. 5 MRSA §18605, sub-§2, as amended by PL 1991, c. 885, Pt. E, §16 and affected by §47, is further amended to read:

2. Workers' compensation or similar law. The amount payable under this article must be reduced by any amount received by the surviving spouse and dependent child or dependent children under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992, or a similar law. For purposes of this article, a death benefit paid to a law enforcement officer under Title 25, chapter 195-A is not considered a benefit paid under a "similar law" and may not be used to reduce the amount payable under this article.

A. Lump-sum settlements of benefits that would reduce the accidental death benefits under this subsection must be prorated on a monthly basis in an equitable manner prescribed by the board.

B. The prorated lump-sum settlement amounts must reduce the accidental death benefits payable monthly under this article.

Sec. 3. 25 MRSA c. 195-A is enacted to read:

CHAPTER 195-A

DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS  
KILLED IN THE LINE OF DUTY

§1611. Definitions

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

1. Chief. "Chief" means the Chief of the State Police.

2. Law enforcement officer or officer. "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, fire marshal, liquor enforcement officer or marine patrol officer in this State.

§1612. Death benefit

1. Amount; recipients. In a case in which the chief determines under rules adopted pursuant to this section that a law enforcement officer has died as the direct and proximate

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result of a personal injury sustained in the line of duty, the State shall pay a benefit of \$50,000 as follows:

A. If there is no surviving child of the officer, to the surviving spouse of such officer;

B. If there is a surviving child or children and a surviving spouse, 1/2 to the surviving child or children of the officer in equal shares and 1/2 to the surviving spouse;

C. If there is no surviving spouse, to the child or children of the officer in equal shares; or

D. If there is no surviving child or spouse of the officer, to the parent or parents of the officer in equal shares.

2. Interim benefit payment. When the chief determines, upon showing of need and prior to final action, that the death of an officer is one for which a benefit will probably be paid, the chief may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

3. Deduction of interim payment. The chief shall deduct the amount of an interim payment made pursuant to subsection 2 from the amount of any final benefit paid to the individual or individuals entitled to receive a benefit under subsection 1.

4. Repayment of interim payment; waiver. If a final benefit is not paid, the recipient or recipients of any interim payment under subsection 2 are liable for repayment of the amount received. The chief may waive all or part of the repayment if the chief determines that undue hardship would result from that repayment.

5. Execution or attachment prohibited. A benefit paid under this section is not subject to execution or attachment.

6. Other benefits. The \$50,000 benefit payable under this section may not be considered a benefit paid under a "similar law" in Title 5, sections 18005 and 18605 and may not be used to reduce an accidental death benefit amount payable under those provisions or under any other provision of law.

7. Rulemaking. The chief shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 4. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

**2000-01**

**PUBLIC SAFETY, DEPARTMENT OF**

**State Death Benefits - Law Enforcement Officers**

All Other \$50,000

Appropriates initial funding to be used to provide a death benefit for law enforcement officers killed in the line of duty. Any balance remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purpose.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

**2000-01**

**APPROPRIATIONS/ALLOCATIONS**

General Fund \$50,000

This bill includes a General Fund appropriation of \$50,000 in fiscal year 2000-01 for the Department of Public Safety to provide initial funding for state death benefits for law enforcement officers killed in the line of duty. The Department of Public Safety will also require additional General Fund appropriations and Highway Fund allocations if more than one benefit payment is made in fiscal year 2000-01. The amounts can not be determined at this time.

The additional costs associated with adopting rules can be absorbed by the Department of Public Safety utilizing existing budgeted resources.'

**SUMMARY**

This amendment replaces the bill. The amendment establishes a state death benefit of \$50,000 for law enforcement officers

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2 killed in the line of duty, payable by the Chief of the State  
Police. The amendment designates to whom the benefit is paid and  
4 in what proportion and allows for an interim payment of up to  
\$3,000 to the surviving spouse, child or parent of the law  
6 enforcement officer. A benefit paid under the Maine Revised  
Statutes, Title 25, section 1612 is not subject to execution or  
attachment, nor may it be used to reduce any accidental death  
8 benefit amount payable under the Maine State Retirement System.  
The Chief of the State Police is required to adopt rules to carry  
10 out the purposes of the amendment, and those rules are routine  
technical rules. The amendment also adds an appropriation  
12 section and a fiscal note.

**COMMITTEE AMENDMENT**