

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2362

S.P. 910

In Senate, January 12, 2000

**An Act to Establish State Death Benefits for State Police Officers Killed
in the Line of Duty.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule
203.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator AMERO of Cumberland.

Cosponsored by Senators: DAGGETT of Kennebec, DAVIS of Piscataquis, MITCHELL of
Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, Representatives: CARR of
Lincoln, LINDAHL of Northport, MARTIN of Eagle Lake, McALEVEY of Waterboro.

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

2
4 Sec. 1. 25 MRSA §1596 is enacted to read:

6 §1596. Death benefit

8 1. Amount; recipients. In any case in which the Chief of
10 the State Police determines under rules issued pursuant to this
12 section that a state police officer, referred to in this section
as "officer," has died as the direct and proximate result of a
personal injury sustained in the line of duty, the State shall
pay a benefit of \$50,000 as follows:

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

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

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

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

28 2. Interim benefit payment. Whenever the Chief of the
State Police determines upon showing of need and prior to final
30 action that the death of an officer is one with respect to which
a benefit will probably be paid, the chief shall notify the
32 Treasurer of State of this determination, and the Treasurer of
State may make an interim benefit payment not exceeding \$3,000 to
34 the individual or individuals entitled to receive a benefit under
subsection 1 in the manner set out in subsection 1.

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

42 4. Repayment of interim payment; waiver. If no final
44 benefit is paid, the recipient or recipients of any interim
payment under subsection 2 are liable for repayment of the amount
46 received. The Chief of the State Police may waive all or part of
the repayment if the chief determines that undue hardship would
48 result from such repayment.

50 5. Reductions from final benefit payment. The benefit
payable under this section is in addition to any other benefit

2 that may be due from any other source except that a benefit is
3 not payable under this section with respect to the death of an
4 officer if a benefit is paid pursuant to Title 5 with respect to
5 the disability of that officer.

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

8
9 7. Rulemaking. The Chief of the State Police shall propose
10 rules to carry out the purposes of this section. Rules adopted
11 pursuant to this section are major substantive rules pursuant to
12 Title 5, chapter 375, subchapter II-A.

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SUMMARY

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17 This bill, based on federal law, establishes a death benefit
18 of \$50,000 for state police officers killed in the line of duty.
19 The bill designates to whom the benefit is paid and in what
20 proportion and allows for an interim payment to the surviving
21 spouse, child or parent of the slain state police officer. If
22 the state police officer received or the officer's estate
23 received a disability payment from the Maine State Retirement
24 System, the death benefit is not payable.