

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "F" to COMMITTEE AMENDMENT "A" to H.P. 1790, L.D. 2510, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001"

Amend the amendment by striking out all of Parts FFF, GGG and NNN.

Further amend the amendment by adding after Part DDDD the following:

PART EEEE

Sec. EEEE-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services - Capital Construction and Improvement Reserve Fund

Capital Expenditures \$29,627,290

Provides funds for the site preparation and construction of a new psychiatric treatment center.

SENATE AMENDMENT

2	<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>	
4	<b>TOTAL</b>	<hr/> \$29,627,290
6	<b>EDUCATION, DEPARTMENT OF</b>	
8	<b>Maine Learning Technology Endowment</b>	
10		
12	All Other	(\$30,000,000)
14	Deappropriates funds provided in Part A, section 1 to help capitalize the Maine Learning Technology Endowment.	
16		
18	<b>DEPARTMENT OF EDUCATION TOTAL</b>	<hr/> (\$30,000,000)
20	<b>MAINE STATE RETIREMENT SYSTEM, BOARD OF TRUSTEES OF THE</b>	
22		
24	<b>Retirement System - Retirement Allowance Fund</b>	
26	All Other	\$330,420
28	Provides funds to reduce the unfunded liability of the Maine State Retirement System.	
30		
32	<b>BOARD OF TRUSTEES OF THE MAINE STATE RETIREMENT SYSTEM</b>	
34	<b>TOTAL</b>	<hr/> \$330,420
36		
38	<b>TOTAL APPROPRIATIONS</b>	<hr/> (\$42,290)

**PART FFFF**

42       **Sec. FFFF-1. 5 MRSA §18005, sub-§2,** as amended by PL 1991, c.  
44       885, Pt. E, §12 and affected by §47, is further amended to read:

46       **2. Workers' compensation or similar law.** The amount  
48       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. FFFF-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. FFFF-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

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

6 **§1612. Death benefit**

8 **1. Amount; recipients.** In a case in which the chief  
9 determines under rules adopted pursuant to this section that a  
10 law enforcement officer has died while in the line of duty, the  
11 State shall pay a benefit of \$50,000 as follows:

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

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

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

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

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

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

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

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

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

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

8  
10 **Sec. FFFF-4. Appropriation.** The following funds are  
12 appropriated from the General Fund to carry out the purposes of  
14 this Part.

2000-01

16 **PUBLIC SAFETY, DEPARTMENT OF**

18 **State Death Benefits - Law Enforcement  
Officers**

20 All Other \$50,000

22 Appropriates initial funding to be used to  
24 provide a death benefit for law enforcement  
26 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.'

28  
30 Further amend the amendment by relettering or renumbering  
any nonconsecutive Part letter or section number to read  
consecutively.

32 **FISCAL NOTE**

34  
36 This amendment will have no net effect on General Fund  
appropriations and revenue and a balanced budget is maintained  
for fiscal year 1999-00 and fiscal year 2000-01.

38  
40 It includes a General Fund deappropriation of \$30,000,000 in  
fiscal year 2000-01 to the Maine Learning Technology Endowment  
and strikes Parts FFF and GGG related to the Maine Learning  
42 Technology Endowment. The elimination of Part FFF also will  
eliminate the General Fund appropriation of \$7,710 in fiscal year  
44 2000-01 for the Legislature for a task force related to the Maine  
Learning Technology Endowment.

46  
48 The elimination of the Education Technology Reserve in Part  
GGG that would have provided up to \$20,000,000 of excess General  
Fund revenue and available balance remaining from the  
50 unappropriated surplus at the close of fiscal year 1999-00 to the

2 Maine Learning Technology Endowment will avoid the diversion of  
funds that may have otherwise been available for transfer to the  
4 Maine Rainy Day Fund, the Retirement Allowance Fund, the State  
Contingent Account and the Reserve for General Fund Operating  
Capital.

6  
8 The amendment also includes a General Fund appropriation of  
\$29,627,290 in fiscal year 2000-01 to provide funding for the  
psychiatric treatment facility to replace Part NNN, the Maine  
10 Governmental Facilities Authority authorization to issue up to  
\$33,000,000 of securities for the facility. The elimination of  
12 Part NNN will reduce debt service costs, a portion of which would  
be eligible for federal reimbursement. This will reduce the  
14 amounts that will accrue to the Retirement Allowance Fund to  
reduce the unfunded liability in future years pursuant to Part  
16 000.

18 This amendment also adds a new Part providing initial  
funding through a \$50,000 General Fund appropriation in fiscal  
20 year 2000-01 to the Department of Public Safety for state death  
benefits for law enforcement officers killed in the line of  
22 duty. The department will also require additional General Fund  
appropriations and Highway Fund allocations if more than one  
24 benefit payment is made in fiscal year 2000-01. The additional  
amounts that may be required can not be estimated at this time.

26  
28 This amendment also provides a General Fund appropriation of  
\$330,420 in fiscal year 2000-01 to the Maine State Retirement  
System to reduce the unfunded liability of the system.

30  
32 **SUMMARY**

34 This amendment removes language that establishes the Maine  
Learning Technology Endowment and the Education Technology  
36 Reserve. It includes a General Fund appropriation to provide  
funding for the psychiatric treatment facility and removes  
38 language that authorizes the Maine Governmental Facilities  
Authority to issue securities to finance the construction of the

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L.D. 2510

2 facility. It also establishes state death benefits for law  
enforcement officers killed in the line of duty and provides  
4 funds to reduce the unfunded liability of the Maine State  
Retirement System.

6  
8 SPONSORED BY: Jane Amero

(Senator AMERO)

10 COUNTY: Cumberland  
12

**SENATE AMENDMENT**