

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 2044

H.P. 1455

House of Representatives, January 16, 2020

**An Act To Increase the Death Benefit for Firefighters, Law
Enforcement Officers and Emergency Medical Services Personnel**

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

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ACKLEY of Monmouth.

Cosponsored by Representatives: DOUDERA of Camden, HARRINGTON of Sanford, HEPLER of Woolwich, HIGGINS of Dover-Foxcroft, MAREAN of Hollis, NEWELL of the Passamaquoddy Tribe, PEBWORTH of Blue Hill, RISEMAN of Harrison.

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

2 **Sec. 1. 25 MRSA §1611, sub-§1-A** is enacted to read:

3 **1-A. Consumer Price Index.** "Consumer Price Index" means the Consumer Price
4 Index for All Urban Consumers, CPI-U, as compiled by the United States Department of
5 Labor, Bureau of Labor Statistics.

6 **Sec. 2. 25 MRSA §1612**, as amended by PL 2009, c. 421, §3, is further amended
7 to read:

8 **§1612. Death benefit**

9 **1. Amount; recipients.** In a case in which the chief determines under rules adopted
10 pursuant to this section that a law enforcement officer has died while in the line of duty or
11 in a case in which the State Fire Marshal determines under rules adopted pursuant to this
12 section that a firefighter has died while in the line of duty or in a case in which the
13 director determines under rules adopted pursuant to this section that an emergency
14 medical services person has died while in the line of duty, the State shall pay a benefit of
15 ~~\$50,000~~ as follows: \$75,000.

16 Beginning July 1, 2021 and annually thereafter, the benefit amount must be indexed to
17 the Consumer Price Index whenever there is a percentage increase in the Consumer Price
18 Index from July 1st to June 30th of the previous year. A firefighter, law enforcement
19 officer or emergency medical services person who dies while in the line of duty must be
20 paid the benefit amount as indexed immediately prior to that firefighter's, law
21 enforcement officer's or emergency medical services person's death. The Department of
22 Administrative and Financial Services shall adopt rules to calculate the annual percentage
23 increase in the death benefit.

24 The State shall pay the benefit as follows:

25 A. If there is no surviving child of the firefighter, law enforcement officer or
26 emergency medical services person, to the surviving spouse of the person;

27 B. If there is a surviving child or children and a surviving spouse of the firefighter,
28 law enforcement officer or emergency medical services person, 1/2 to the surviving
29 child or children in equal shares and 1/2 to the surviving spouse;

30 C. If there is no surviving spouse of the firefighter, law enforcement officer or
31 emergency medical services person, to the child or children in equal shares; or

32 D. If there is no surviving child or spouse, to the parent or parents of the firefighter,
33 law enforcement officer or emergency medical services person in equal shares.

34 **2. Interim benefit payment.** Interim benefits may be paid as follows.

35 A. When the State Fire Marshal determines upon showing of need and prior to final
36 action that the death of a firefighter is a death for which a benefit will probably be
37 paid, the State Fire Marshal may make an interim benefit payment not exceeding
38 \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1
39 in the manner set out in subsection 1.

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

6 C. When the director determines upon showing of need and prior to final action that
7 the death of an emergency medical services person is a death for which a benefit will
8 probably be paid, the director may make an interim benefit payment not exceeding
9 \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1
10 in the manner set out in subsection 1.

11 **3. Deduction of interim payment.** The State Fire Marshal, the chief or the director,
12 as the case may be, shall deduct the amount of an interim payment made pursuant to
13 subsection 2 from the amount of any final benefit paid to the individual or individuals
14 entitled to receive a benefit under subsection 1.

15 **4. Repayment of interim payment; waiver.** If a final benefit is not paid, the
16 recipient or recipients of any interim payment under subsection 2 are liable for repayment
17 of the amount received. The State Fire Marshal in the case of a firefighter, the chief in the
18 case of a law enforcement officer or the director in the case of an emergency medical
19 services person may waive all or part of the repayment if that official determines that
20 undue hardship would result from that repayment.

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

23 **6. Other benefits.** The ~~\$50,000~~ death benefit payable under this section may not be
24 considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and
25 18605 and may not be used to reduce any accidental death benefit amount payable under
26 those provisions or under any other provision of law.

27 **7. Payment from the Maine Budget Stabilization Fund.** Benefits are payable
28 from the Maine Budget Stabilization Fund as provided in Title 5, section 1532,
29 subsection 6. If funds in the Maine Budget Stabilization Fund are insufficient to pay a
30 death benefit when due, the benefit must be paid as soon as a sufficient balance exists.

31 **8. Rulemaking.** The State Fire Marshal, the chief and the Emergency Medical
32 Services' Board shall adopt rules to carry out the purposes of this section, except when the
33 Department of Administrative and Financial Services adopts rules as described in this
34 section. Rules adopted pursuant to this section are routine technical rules as defined in
35 Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

36 **SUMMARY**

37 This bill increases the death benefit for a law enforcement officer, firefighter or
38 emergency medical services person who has died while in the line of duty from \$50,000
39 to \$75,000 through June 30, 2021. For deaths occurring after June 30, 2021, the
40 Department of Administrative and Financial Services is required to adopt rules to

- 1 annually calculate an increase in the death benefit based on the previous year's increase in
- 2 the Consumer Price Index.