

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date 6/12/23

L D. 439
(Filing No H- 455)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 272, L D 439, "An Act to Allow Death by Suicide to Be Considered a Death While in the Line of Duty"

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 25 MRSA c. 195-A, headnote is amended to read

CHAPTER 195-A

**DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS,
EMERGENCY MEDICAL SERVICES PERSONS, DEPARTMENT OF
CORRECTIONS LAW ENFORCEMENT OFFICERS AND CORRECTIONS
OFFICERS WHO DIE WHILE IN THE LINE OF DUTY**

Sec. 2. 25 MRSA §1611, sub-§1-C is enacted to read

1-C. Department of Corrections law enforcement officer. "Department of Corrections law enforcement officer" means a person who is employed by the Department of Corrections as an investigative officer, as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer, as described in Title 34-A, section 5602, or a probation officer. "Department of Corrections law enforcement officer" does not include a corrections officer.

Sec. 3. 25 MRSA §1611, sub-§5, as amended by PL 2017, c 229, §6, is further amended to read

5. 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, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an

COMMITTEE AMENDMENT

1 ~~investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile~~
 2 ~~community corrections officer as described in Title 34-A, section 5602, a probation officer,~~
 3 a security officer appointed by the Commissioner of Public Safety pursuant to section 2908,
 4 a motor vehicle detective or supervisor appointed by the Secretary of State pursuant to Title
 5 29-A, section 152, a military security police officer appointed by the Adjutant General, a
 6 University of Maine System police officer or marine patrol officer in this State "Law
 7 enforcement officer" does not include a Department of Corrections law enforcement
 8 officer

9 **Sec. 4. 25 MRSA §1612, sub-§1**, as amended by PL 2019, c 658, §6, is further
 10 amended to read

11 **1. Amount; recipients.** In a case in which the chief determines under rules adopted
 12 pursuant to this section that a law enforcement officer has died while in the line of duty, in
 13 a case in which the State Fire Marshal determines under rules adopted pursuant to this
 14 section that a firefighter has died while in the line of duty, in a case in which the director
 15 determines under rules adopted pursuant to this section that an emergency medical services
 16 person has died while in the line of duty or in a case in which the Commissioner of
 17 Corrections determines under rules adopted pursuant to this section that a Department of
 18 Corrections law enforcement officer or corrections officer has died while in the line of duty
 19 prior to July 1, 2021, the State shall pay a benefit of \$100,000 When determining whether
 20 an individual has died while in the line of duty, the chief, the State Fire Marshal, the director
 21 or the Commissioner of Corrections, as applicable, shall evaluate whether an individual
 22 who died by suicide died as a result of events or actions experienced by the individual while
 23 in the line of duty

24 Beginning July 1, 2021 and annually thereafter, the benefit amount must be indexed to the
 25 Consumer Price Index whenever there is a percentage increase in the Consumer Price Index
 26 from July 1st to June 30th of the previous year A firefighter, law enforcement officer,
 27 emergency medical services person, Department of Corrections law enforcement officer or
 28 corrections officer who dies while in the line of duty must be paid the benefit amount as
 29 indexed immediately prior to that firefighter's, law enforcement officer's, emergency
 30 medical services person's, Department of Corrections law enforcement officer's or
 31 corrections officer's death The Department of Administrative and Financial Services shall
 32 adopt rules to calculate the annual percentage increase in the death benefit

33 The State shall pay the benefit as follows

34 A If there is no surviving child of the firefighter, law enforcement officer, emergency
 35 medical services person, Department of Corrections law enforcement officer or
 36 corrections officer, to the surviving spouse of the person,

37 B If there is a surviving child or children and a surviving spouse of the firefighter, law
 38 enforcement officer, emergency medical services person, Department of Corrections
 39 law enforcement officer or corrections officer, 1/2 to the surviving child or children in
 40 equal shares and 1/2 to the surviving spouse,

41 C If there is no surviving spouse of the firefighter, law enforcement officer,
 42 emergency medical services person, Department of Corrections law enforcement
 43 officer or corrections officer, to the child or children in equal shares, or

1 D If there is no surviving child or spouse, to the parent or parents of the firefighter,
 2 law enforcement officer, emergency medical services person, Department of
 3 Corrections law enforcement officer or corrections officer in equal shares

4 **Sec. 5. 25 MRSA §1612, sub-§2, ¶B**, as enacted by PL 2001, c 439, Pt CCCCC,
 5 §4, is amended to read

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

11 **Sec. 6. 25 MRSA §1612, sub-§2, ¶D**, as enacted by PL 2019, c 658, §6, is
 12 amended to read

13 D When the Commissioner of Corrections determines upon showing of need and prior
 14 to final action that the death of a Department of Corrections law enforcement officer
 15 or corrections officer is a death for which a benefit will probably be paid, the
 16 commissioner may make an interim benefit payment not exceeding \$3,000 to the
 17 individual or individuals entitled to receive a benefit under subsection 1 in the manner
 18 set out in subsection 1

19 **Sec. 7. 25 MRSA §1612, sub-§4**, as amended by PL 2019, c 658, §6, is further
 20 amended to read

21 **4. Repayment of interim payment; waiver.** If a final benefit is not paid, the recipient
 22 or recipients of any interim payment under subsection 2 are liable for repayment of the
 23 amount received. The State Fire Marshal in the case of a firefighter, the chief in the case
 24 of a law enforcement officer, the director in the case of an emergency medical services
 25 person or the Commissioner of Corrections in the case of a Department of Corrections law
 26 enforcement officer or a corrections officer may waive all or part of the repayment if that
 27 official determines that undue hardship would result from that repayment.

28 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 29 number to read consecutively

30 **SUMMARY**

31 This amendment replaces the bill. Similar to the bill, it requires the applicable
 32 authority, when determining whether a law enforcement officer, firefighter, emergency
 33 medical services person, Department of Corrections law enforcement officer or corrections
 34 officer has died while in the line of duty, to evaluate whether an individual who died by
 35 suicide has died as a result of events or actions experienced by the individual while in the
 36 line of duty. Like the bill, it also gives the Commissioner of Corrections, rather than the
 37 Chief of the State Police, the authority to make that determination for Department of
 38 Corrections law enforcement officers, as such officers are defined in the amendment. It
 39 also makes a number of related technical changes to the laws governing death benefits for
 40 law enforcement officers, firefighters, emergency medical services persons, Department of

ROS

COMMITTEE AMENDMENT "A" to H P 272, L D 439

1 Corrections law enforcement officers and corrections officers who die while in the line of
2 duty

3
4

FISCAL NOTE REQUIRED
(See attached)



131st MAINE LEGISLATURE

LD 439

LR 113(02)

An Act to Allow Death by Suicide to Be Considered a Death While in the Line of Duty

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-455)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Maine Budget Stabilization Fund

Fiscal Detail and Notes

Current law provides death benefit payments for law enforcement officers, firefighters, emergency medical services personnel and corrections officers who die while in the line of duty. The death benefit is \$100,000 indexed annually by the consumer price index. This bill allows consideration of whether any such individual who died by suicide has died while in the line of duty. As it cannot be predicted how many deaths by suicide may be determined to have occurred in the line of duty, no estimate of cost can be made. Funding for death benefits comes from the Maine Budget Stabilization Fund.