

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 439

H.P. 272

House of Representatives, February 2, 2023

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

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SALISBURY of Westbrook.

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

2 **Sec. 1. 25 MRSA §1612, sub-§1**, as amended by PL 2019, c. 658, §6, is further
3 amended to read:

4 **1. Amount; recipients.** In a case in which the chief determines under rules adopted
5 pursuant to this section that a law enforcement officer other than a Department of
6 Corrections law enforcement officer has died while in the line of duty, in a case in which
7 the State Fire Marshal determines under rules adopted pursuant to this section that a
8 firefighter has died while in the line of duty, in a case in which the director determines
9 under rules adopted pursuant to this section that an emergency medical services person has
10 died while in the line of duty or in a case in which the Commissioner of Corrections
11 determines under rules adopted pursuant to this section that a corrections officer or a
12 Department of Corrections law enforcement officer has died while in the line of duty prior
13 to July 1, 2021, the State shall pay a benefit of \$100,000. When determining whether an
14 individual has died while in the line of duty, the chief, the State Fire Marshal, the director
15 or the commissioner, as applicable, shall evaluate whether an individual who died by
16 suicide died while in the line of duty.

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

25 The State shall pay the benefit as follows:

- 26 A. If there is no surviving child of the firefighter, law enforcement officer, emergency
27 medical services person or corrections officer, to the surviving spouse of the person;
- 28 B. If there is a surviving child or children and a surviving spouse of the firefighter, law
29 enforcement officer, emergency medical services person or corrections officer, 1/2 to
30 the surviving child or children in equal shares and 1/2 to the surviving spouse;
- 31 C. If there is no surviving spouse of the firefighter, law enforcement officer,
32 emergency medical services person or corrections officer, to the child or children in
33 equal shares; or
- 34 D. If there is no surviving child or spouse, to the parent or parents of the firefighter,
35 law enforcement officer, emergency medical services person or corrections officer in
36 equal shares.

37 **SUMMARY**

38 This bill requires the applicable authority, when determining whether a law
39 enforcement officer, firefighter, emergency medical services person or corrections officer
40 has died while in the line of duty, to evaluate whether an individual who died by suicide
41 has died while in the line of duty. The bill also gives the Commissioner of Corrections,

1 rather than the Chief of the State Police, the authority to make that determination for
2 Department of Corrections law enforcement officers.