

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$27,750
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$27,750

See title page for effective date.

**CHAPTER 433
H.P. 272 - L.D. 439**

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

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

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 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, a probation officer,~~ a security officer appointed by the

Commissioner of Public Safety pursuant to section 2908, a motor vehicle detective or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State. "Law enforcement officer" does not include a Department of Corrections law enforcement officer.

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

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

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

The State shall pay the benefit as follows:

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

B. If there is a surviving child or children and a surviving spouse of the firefighter, law enforcement officer, emergency medical services person, Department of Corrections law enforcement officer

or corrections officer, 1/2 to the surviving child or children in equal shares and 1/2 to the surviving spouse;

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

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

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

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

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

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

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

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

See title page for effective date.

**CHAPTER 434
S.P. 205 - L.D. 451**

**An Act to Ensure Transparent
and Accountable Temporary
Nurse Agencies**

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

Sec. 1. 22 MRSA §2131, sub-§1, as amended by PL 2009, c. 621, §2, is further amended to read:

1. Registration; renewal. A temporary nurse agency shall register with the department and renew the registration ~~as required by rule thereafter annually. In the event of a change of ownership, operation or location of the temporary nurse agency, the temporary nurse agency shall update the registration in accordance with rules adopted by the department.~~ For purposes of this chapter, unless the context otherwise indicates, "temporary nurse agency" means a business entity or subdivision ~~thereof of a business entity~~ that primarily provides nurses, certified nursing assistants and other qualified staff to another organization on a temporary basis within this State. A temporary nurse agency does not include an agency licensed in this State as a home health care services provider.

Sec. 2. 22 MRSA §2131, sub-§1-B is enacted to read:

1-B. Employee quality assurance. A temporary nurse agency shall ensure that each employee the agency assigns or refers to a health care facility for a position meets the state and federal qualification requirements for that position and has the appropriate work experience for that position. A temporary nurse agency shall maintain a record for each employee that must include documented evidence of credentials and required immunizations and documentation of any orientation, in-service education and completion of training or an educational program required by law. On request, a temporary nurse agency shall make available a record described in this subsection to the department. On request by a health care facility and with justification according to rules adopted by the department, a temporary nurse agency shall provide a record described in this subsection for an employee of that health care facility to that health care facility.

Sec. 3. 22 MRSA §2131, sub-§1-C is enacted to read:

1-C. Predatory recruitment prohibited. A temporary nurse agency may not require, as a condition of employment, assignment or referral, that an employee of the temporary nurse agency or staff contracted to the temporary nurse agency recruit new employees for the temporary nurse agency from among the permanent em-