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Date: (Filing No. H-)

LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 437, L.D. 669, “An Act Regarding Labor”

Amend the bill by striking out the title and substituting the following:

'An Act to Provide a Death Benefit for Department of Transportation Workers'

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

'Sec. 1. 5 MRSA §1532, sub-§6, as amended by PL 2019, c. 658, §1, is further amended to read:

6. Death benefits. The Governor shall allocate funds from the stabilization fund as needed to pay benefits due pursuant to Title 25, chapter 195-A. Allocations may be made upon written request of the Chief of the State Police, the State Fire Marshal, the Director of Maine Emergency Medical Services or the Commissioner of Corrections or the Commissioner of Transportation and after consultation with the State Budget Officer.

Sec. 2. 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 AND DEPARTMENT OF TRANSPORTATION EMPLOYEES WHO
DIE WHILE IN THE LINE OF DUTY**

Sec. 3. 25 MRSA §1611, sub-§1-D is enacted to read:

1-D. Department of Transportation employee. "Department of Transportation employee" means a person who is employed by the Department of Transportation and who performs official duties:

COMMITTEE AMENDMENT

- 1 A. On state or state aid highways;
- 2 B. On bridges, culverts and related structures;
- 3 C. On rail, port, aviation or transportation facilities under the authority or supervision
- 4 of the Department of Transportation;
- 5 D. In transportation construction or maintenance zones; or
- 6 E. On any other transportation project or property owned, maintained or administered
- 7 by the Department of Transportation.

8 A Department of Transportation employee is considered to be performing official duties
9 when acting within the scope of employment or authorization by the Department of
10 Transportation.

11 **Sec. 4. 25 MRSA §1612, sub-§1**, as amended by PL 2023, c. 433, §4, is further
12 amended to read:

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

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

39 The State shall pay the benefit as follows:

- 40 A. If there is no surviving child of the firefighter, law enforcement officer, emergency
41 medical services person, Department of Corrections law enforcement officer or
42 corrections officer or Department of Transportation employee, to the surviving spouse
43 of the person;

1 B. If there is a surviving child or children and a surviving spouse of the firefighter, law
2 enforcement officer, emergency medical services person, Department of Corrections
3 law enforcement officer or corrections officer or Department of Transportation
4 employee, 1/2 to the surviving child or children in equal shares and 1/2 to the surviving
5 spouse;

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

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

14 **Sec. 5. 25 MRSA §1612, sub-§2, ¶E** is enacted to read:

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

20 **Sec. 6. 25 MRSA §1612, sub-§4**, as amended by PL 2023, c. 433, §7, is further
21 amended to read:

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

30 **Sec. 7. 25 MRSA §1612, sub-§8**, as amended by PL 2019, c. 658, §6, is further
31 amended to read:

32 **8. Rulemaking.** The State Fire Marshal, the chief, the Emergency Medical Services'
33 Board ~~and~~, the Department of Corrections ~~and~~ the Department of Transportation shall adopt
34 rules to carry out the purposes of this section, ~~except that the Department of Administrative~~
35 ~~and Financial Services shall adopt rules as required by subsection 1.~~ Rules adopted
36 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
37 subchapter 2-A.

38 **Sec. 8. State shall pay death benefits to families of James Brown and**
39 **Dwayne Campbell.** Notwithstanding any provision of law to the contrary, the State shall
40 pay a death benefit in the amount of \$100,000 to the family of James Brown and in the
41 amount of \$100,000 to the family of Dwayne Campbell from the Maine Budget
42 Stabilization Fund, as established in the Maine Revised Statutes, Title 5, section 1532,
43 indexed to the Consumer Price Index, as defined in Title 25, section 1611, subsection 1-A
44 and as described in Title 25, section 1612, subsection 1.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill, which is a concept draft, and changes the title. The
5 amendment adds Department of Transportation employees who die while performing
6 official duties to the list of eligible persons whose families may receive a death benefit
7 payment. The amendment removes the requirement in current law that the Department of
8 Administrative and Financial Services adopt rules to calculate the annual percentage
9 increase in the death benefit. The amendment requires the State to pay a death benefit to
10 the families of Department of Transportation employees James Brown and Dwayne
11 Campbell, who died January 13, 2026.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**