

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 437 - L.D. 669

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

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

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:

A. On state or state aid highways;

B. On bridges, culverts and related structures;

C. On rail, port, aviation or transportation facilities under the authority or supervision of the Department of Transportation;

D. In transportation construction or maintenance zones; or

E. On any other transportation project or property owned, maintained or administered by the Department of Transportation.

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

Sec. 4. 25 MRSA §1612, sub-§1, as amended by PL 2023, c. 433, §4, 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 or in a case in which the Commissioner of Transportation determines under rules adopted pursuant to this section that a Department of Transportation employee has died while performing official duties, 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, or a Department of Transportation employee who dies while performing official duties, 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 or Department of Transportation employee'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 or Department of Transportation employee, 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 or Department of Transportation employee, 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 or Department of Transportation employee, 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 or Department of Transportation employee in equal shares.

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

E. When the Commissioner of Transportation determines upon showing of need and prior to final action that the death of a Department of Transportation employee 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. 6. 25 MRSA §1612, sub-§4, as amended by PL 2023, c. 433, §7, 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 or the Commissioner of Transportation in the case of a Department of Transportation employee may waive all or part of the repayment if that official determines that undue hardship would result from that repayment.

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

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

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