



131st MAINE LEGISLATURE

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Legislative Document

No. 42

S.P. 34

In Senate, January 4, 2023

**An Act Regarding the Commissioner of Corrections' Role in Death
Benefit Determinations and Regarding Training for Corrections
Officers**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator LAFOUNTAIN of Kennebec.

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

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

3 **1-C. Department of Corrections law enforcement officer.** "Department of
4 Corrections law enforcement officer" means a person employed by the Department of
5 Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection
6 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602 or
7 a probation officer.

8 **Sec. 2. 25 MRSA §1611, sub-§5**, as amended by PL 2017, c. 229, §6, is further
9 amended to read:

10 **5. Law enforcement officer or officer.** "Law enforcement officer" or "officer" means
11 an active state police officer, municipal police officer, county sheriff, deputy sheriff, game
12 warden, an employee of the Office of the State Fire Marshal who has law enforcement
13 powers pursuant to section 2396, subsection 7, fire marshal, judicial marshal, forest ranger,
14 Baxter State Park ranger, a detective employed by the Office of the Attorney General
15 pursuant to Title 5, section 202, ~~a person employed by the Department of Corrections as an~~
16 ~~investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile~~
17 ~~community corrections officer as described in Title 34-A, section 5602, a probation~~
18 Department of Corrections law enforcement officer, a security officer appointed by the
19 Commissioner of Public Safety pursuant to section 2908, a motor vehicle detective or
20 supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a
21 military security police officer appointed by the Adjutant General, a University of Maine
22 System police officer or marine patrol officer in this State.

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

25 **1. Amount; recipients.** In a case in which the chief determines under rules adopted
26 pursuant to this section that a law enforcement officer other than a Department of
27 Corrections law enforcement officer has died while in the line of duty, in a case in which
28 the State Fire Marshal determines under rules adopted pursuant to this section that a
29 firefighter has died while in the line of duty, in a case in which the director determines
30 under rules adopted pursuant to this section that an emergency medical services person has
31 died while in the line of duty or in a case in which the Commissioner of Corrections
32 determines under rules adopted pursuant to this section that a corrections officer or a
33 Department of Corrections law enforcement officer has died while in the line of duty prior
34 to July 1, 2021, the State shall pay a benefit of \$100,000.

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

43 The State shall pay the benefit as follows:

- 1 A. If there is no surviving child of the firefighter, law enforcement officer, emergency
2 medical services person or corrections officer, to the surviving spouse of the person;
- 3 B. If there is a surviving child or children and a surviving spouse of the firefighter, law
4 enforcement officer, emergency medical services person or corrections officer, 1/2 to
5 the surviving child or children in equal shares and 1/2 to the surviving spouse;
- 6 C. If there is no surviving spouse of the firefighter, law enforcement officer,
7 emergency medical services person or corrections officer, to the child or children in
8 equal shares; or
- 9 D. If there is no surviving child or spouse, to the parent or parents of the firefighter,
10 law enforcement officer, emergency medical services person or corrections officer in
11 equal shares.

12 **Sec. 4. 25 MRSA §1612, sub-§2, ¶B**, as enacted by PL 2001, c. 439, Pt. CCCC,
13 §4, is amended to read:

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

19 **Sec. 5. 25 MRSA §1612, sub-§2, ¶D**, as enacted by PL 2019, c. 658, §6, is
20 amended to read:

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

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

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

37 **Sec. 7. 25 MRSA §2804-D**, as amended by PL 2017, c. 436, §1, is further amended
38 to read:

39 **§2804-D. Basic corrections training**

40 **1. Required.** As a condition to the continued employment of any person as a
41 corrections officer, that person must successfully complete, within the first 12 months of
42 employment, a basic training course as approved by the board. For a corrections officer

1 who is responsible for the custody or supervision of persons confined in a juvenile facility,
2 the board may approve a separate basic training course. Thereafter, as a condition of
3 continued employment as a corrections officer, the officer must satisfactorily maintain the
4 basic certification. The board, under extenuating and emergency circumstances in
5 individual cases, may extend the 12-month period for not more than 180 days. The board,
6 in individual cases, may waive basic training requirements when the facts indicate that an
7 equivalent course has been successfully completed in another state or federal jurisdiction.
8 A full-time correctional trade instructor must meet the training requirements established
9 under this subsection for corrections officers. Beginning January 1, 2018, the basic training
10 course must include 8 hours of training in how to identify, understand and respond to signs
11 of mental illnesses and substance use disorder that is provided by a trainer who is certified
12 by a nationally recognized organization that provides evidence-based mental health ~~first~~
13 ~~aid~~ training.

14 **SUMMARY**

15 This bill defines "Department of Corrections law enforcement officer" and gives the
16 Commissioner of Corrections, rather than the Chief of the State Police, the authority over
17 death benefits for Department of Corrections law enforcement officers.

18 The bill allows the Board of Trustees of the Maine Criminal Justice Academy to
19 approve a separate training course for corrections officers working in juvenile facilities.
20 The bill also removes a reference to "first aid" in the law requiring training for corrections
21 officers related to identifying mental illness and substance use disorder.