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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 272, L.D. 439, “An Act to Allow Death by Suicide to Be Considered a Death While in the Line of Duty”

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

**'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

**COMMITTEE AMENDMENT**

1 ~~investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile~~  
2 ~~community corrections officer as described in Title 34-A, section 5602, a probation officer,~~  
3 a security officer appointed by the Commissioner of Public Safety pursuant to section 2908,  
4 a motor vehicle detective or supervisor appointed by the Secretary of State pursuant to Title  
5 29-A, section 152, a military security police officer appointed by the Adjutant General, a  
6 University of Maine System police officer or marine patrol officer in this State. "Law  
7 enforcement officer" does not include a Department of Corrections law enforcement  
8 officer.

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

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

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

33 The State shall pay the benefit as follows:

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

37 B. If there is a surviving child or children and a surviving spouse of the firefighter, law  
38 enforcement officer, emergency medical services person, Department of Corrections  
39 law enforcement officer or corrections officer, 1/2 to the surviving child or children in  
40 equal shares and 1/2 to the surviving spouse;

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

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

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

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

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

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

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

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

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

30 **SUMMARY**

31 This amendment replaces the bill. Similar to the bill, it requires the applicable  
32 authority, when determining whether a law enforcement officer, firefighter, emergency  
33 medical services person, Department of Corrections law enforcement officer or corrections  
34 officer has died while in the line of duty, to evaluate whether an individual who died by  
35 suicide has died as a result of events or actions experienced by the individual while in the  
36 line of duty. Like the bill, it also gives the Commissioner of Corrections, rather than the  
37 Chief of the State Police, the authority to make that determination for Department of  
38 Corrections law enforcement officers, as such officers are defined in the amendment. It  
39 also makes a number of related technical changes to the laws governing death benefits for  
40 law enforcement officers, firefighters, emergency medical services persons, Department of

COMMITTEE AMENDMENT “ ” to H.P. 272, L.D. 439

1 Corrections law enforcement officers and corrections officers who die while in the line of  
2 duty.

3

**FISCAL NOTE REQUIRED**

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**(See attached)**