

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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.