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STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

MEMORANDUM

TO: Senator Catherine E. Breen, Senate Chair
Representative Drew Gattine, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Susan Deschambault, Senate Chair
Representative Charlotte Warren, House Chair
Joint Standing Committee on Criminal Justice and Public Safety

DATE: March 4, 2020

SUBJECT: Decisions of Criminal Justice and Public Safety Committee on the Governor's Proposed Supplemental Budget

As chairs of the Joint Standing Committee on Criminal Justice and Public Safety, we write to convey to the Joint Standing Committee on Appropriations and Financial Affairs the decisions of the Criminal Justice and Public Safety Committee regarding the Governor's proposed supplemental budget. We refer you to the report back sheets for the full report and vote tallies. We provide below further detail on amendments voted by a majority or minority of the committee, as noted.

Dept.	Program name and number	Votes and amendments
DPS	Maine Drug Enforcement Agency 0388	9 members voted the initiative out. 1 member voted the initiative in as amended to fund 1 trooper position in the Maine State Police, the trooper to work pursuant to a memorandum of understanding between the Maine State Police and the Office of Marijuana Policy in DAFS.
DPS	Maine State Police 0291	11 members voted the initiative in as amended to fund 5 trooper positions and 2 sergeant positions, those positions to be primarily assigned to the I-295 corridor and using the savings in the initiative to fund correctional officer and staff pay under LD 802 and 1941. 1 member voted the initiative in as amended

		to fund 5 trooper positions and 2 sergeant positions, those positions to be primarily assigned to the I-295 corridor but with no mention of spending the saved funds on corrections.
Part E	Language	Increase in death benefit payable by the State to firefighters, emergency medical services persons and law enforcement officers from \$50,000 to \$100,000. Committee voted 10-0 in support of Part E, as amended to reflect the committee amendment to LD 1455, copy attached. The amendment authorizes the death benefit to corrections officers. The amendment raises the benefit to \$100,000 for deaths through July 1, 2021 and then provides an adjustment mechanism tied to increases in the Consumer Price Index.

Thank you for the opportunity to provide the positions of the Criminal Justice and Public Safety Committee.

Cc: Members, Joint Standing Committee on Appropriations and Financial Affairs
Members, Joint Standing Committee on Criminal Justice and Public Safety
Maureen Dawson, OFPR
Lauren Metayer, OFPR
Suzanne Voynik, OFPR
Commissioner Kirsten Figueroa, DAFS
Commissioner Randall Liberty, DOC
Commissioner Michael Sauschuck, DPS

Sec. A-6. Appropriations and allocations.
CORRECTIONS, DEPARTMENT OF

The following appropriations and allocations are made.

Administration - Corrections 0141

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$0	(\$14,537)
GENERAL FUND TOTAL	\$0	\$0	(\$14,537)

Justification:

The Department is proposing to reduce the fiscal year 2020-21 Personal Services funding for Downeast Correctional Facility due to a delay in the contraction completion timeline. The position funding is no longer needed until March 1, 2021, to prepare for the June 1, 2021 completion date. The position funding was previously budgeted to start January 1, 2021 in Public Law 2017, c.343 (COS C-A-7001).

Correctional Medical Services Fund 0286

Initiative: Provides one-time funding for mandated prisoner Hepatitis C treatment.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$3,000,000	\$2,500,000
GENERAL FUND TOTAL	\$0	\$3,000,000	\$2,500,000

Justification:

Current litigation is contesting appropriate treatment of prisoners with Hepatitis C. The Department currently has approximately 650 cases.

Corrections Food Z177

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$0	(\$66,338)

GENERAL FUND TOTAL

\$0 \$0 (\$66,338)

Justification:

The Department is proposing to reduce the fiscal year 2020-21 Personal Services funding for Downeast Correctional Facility due to a delay in the contraction completion timeline. The position funding is no longer needed until March 1, 2021, to prepare for the June 1, 2021 completion date. The position funding was previously budgeted to start January 1, 2021 in Public Law 2017, c.343 (COS C-A-7001).

Downeast Correctional Facility 0542

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
Personal Services	\$0	\$0	(\$271,966)
All Other	\$0	\$0	(\$137,518)
GENERAL FUND TOTAL	\$0	\$0	(\$409,484)

Justification:

The Department is proposing to reduce the fiscal year 2020-21 Personal Services funding for Downeast Correctional Facility due to a delay in the contraction completion timeline. The position funding is no longer needed until March 1, 2021, to prepare for the June 1, 2021 completion date. The position funding was previously budgeted to start January 1, 2021 in Public Law 2017, c.343 (COS C-A-7001).

Mountain View Correctional Facility 0857

Initiative: Provides one-time funding for increased prisoner population due to the closure of the Downeast Correctional Facility.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$500,000	\$500,000
GENERAL FUND TOTAL	\$0	\$500,000	\$500,000

Justification:

As a result of the increase in population, associated All Other costs have increased including food, fuel, electric, clothing, repairs, and general operations.

State Prison 0144

Initiative: Provides funding for increases in the Warren sanitary treatment contract.

Ref. #:

Committee Vote: In 11-0

AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$0	\$236,575
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$236,575</u>

Justification:

Maine State Prison (MSP) has experienced an unexpected, ongoing increase in the Warren Sanitary Treatment contract (\$236,575). The Warren Sanitary Treatment contract continues to increase beyond the MSP's control.

CORRECTIONS, DEPARTMENT OF

	2018-19	2019-20	2020-21
DEPARTMENT TOTALS			
GENERAL FUND	\$0	\$3,500,000	\$2,746,216
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$3,500,000</u>	<u>\$2,746,216</u>

Sec. A-14. Appropriations and allocations. The following appropriations and allocations are made.

FIRE PROTECTION SERVICES COMMISSION, MAINE

Maine Fire Protection Services Commission 0936

Initiative: Provides one-time startup funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

Ref. #: _____ One Time _____ Committee Vote: In 11-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
All Other	\$0	\$0	\$1,500,000
GENERAL FUND TOTAL	\$0	\$0	\$1,500,000

Justification:

Provides one-time startup funding to the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

FIRE PROTECTION SERVICES COMMISSION, MAINE

	2018-19	2019-20	2020-21
DEPARTMENT TOTALS			
GENERAL FUND	\$0	\$0	\$1,500,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$1,500,000

Sec. A-28. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Division of Building Codes and Standards Z073

Initiative: Continues one Public Safety Inspector III position previously established by Financial Order 000433 F0, makes the position permanent and provides funding for related All Other costs.

Ref. #:

Committee Vote:

In 10-0

AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000	1.000
Personal Services	\$0	\$0	\$89,059
All Other	\$0	\$0	\$38,948
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$128,007

Justification:

This position is needed to plan and coordinate trainings for code enforcement officials. Responsibilities include facilitating and providing specific training across the state to ensure that all code enforcement officials have access to the necessary trainings, specifically the 12 areas of training required for certification. In addition, this position will undertake the rule making process to adopt the codes and standards as required by statute and field technical questions pertaining to the Maine Uniform Building and Energy Code. This position is funded by the elimination of the transfer of funds from Department of Public Safety, Uniform Building Codes and Standards Fund to the Department of Economic and Community Development, Office of Community Development to reflect the change in responsibility for training and certification of code enforcement officers enacted in Public Law 2019, chapter 517.

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$128,007
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$128,007

Sec. A-28. Appropriations and allocations.
PUBLIC SAFETY, DEPARTMENT OF

The following appropriations and allocations are made.

Consolidated Emergency Communications Z021

Initiative: Provides funding to include 2 Emergency Dispatch System Administrator positions in the special retirement plan pursuant to Public Law 2019, chapter 537.

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

CONSOLIDATED EMERGENCY COMMUNICATIONS FUND	2018-19	2019-20	2020-21
Personal Services	\$0	\$0	\$4,612
All Other	\$0	\$0	\$180
<hr/>			
CONSOLIDATED EMERGENCY COMMUNICATIONS FUND TOTAL	\$0	\$0	\$4,792

Justification:

Public Law 2019, chapter 537 allows dispatchers to opt into the 1998 Special Plan as set forth in 5 MRSA §423. The proposed language failed to include this class of employee that works in the Bureau of Consolidated Emergency Communications. The Bureau has two positions in this classification that should be included in the list of employees allowed to opt into this special retirement plan. Amendment to the statutory language is included in the language section.

Criminal Justice Academy 0290

Initiative: Establishes one Maine Criminal Justice Academy Training Coordinator position and provides funding for related All Other costs.

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000	1.000
Personal Services	\$0	\$21,685	\$90,619
All Other	\$0	\$3,967	\$16,558
<hr/>			
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,652	\$107,177

Justification:

The Academy runs the basic training programs for law enforcement and corrections personnel which results in the cadets obtaining certification. The Academy also trains certified officers to become instructors. These instructors teach at the basic training program and conduct in-service training across the state.

This position will focus on instruction in the areas of Use of Force, firearms and other mandatory training topics. All cadets at the Academy are required to complete training in these high-risk areas. The Training Coordinator must have relevant knowledge in these areas and a solid understanding of the associated legal parameters of these programs. The Academy's Board of Trustees recently added Use of Force training as a required in-service hands-on topic starting in 2021. This means that all certified law enforcement officers in Maine must receive this training. To accomplish this, this Training Coordinator must recruit certified officers to become instructors on this topic, provide that instruction to the recruits and then oversee the training programs to ensure that the Academy's standards are met.

This position will be responsible for professional services work which involves the coordination and provision of education and training to law enforcement and corrections personnel. Work includes: developing curricula, establishing criteria for educational goals and objectives, and for selecting and evaluating instructors who will be teaching in law enforcement and corrections programs in the basic training programs along with in-service training programs. The Training Coordinator will help develop, plan, schedule, conduct and evaluate these programs in both corrections and law enforcement training.

Drug Enforcement Agency 0388

Initiative: Establishes 3 Maine Drug Enforcement Agency Detective positions and one Maine Drug Enforcement Agency Sergeant position and provides funding for related All Other costs for a new marijuana enforcement unit that will be billed to the office of marijuana policy within the Department of Administrative and Financial Services.

Ref. #: _____ Committee Vote: Out - 9 AFA Vote: _____

		<u>In as amended - 1</u>			
OTHER SPECIAL REVENUE FUNDS			2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	<u>Amendment</u>		0.000	0.000	4.000
Personal Services	<u>funds, 1 trooper</u>		\$0	\$0	\$525,714
All Other	<u>position in</u>		\$0	\$0	\$123,455
	<u>Maine State Police</u>				
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>working under an</u>		\$0	\$0	\$649,169
	<u>MOU with DAFS</u>				
	<u>Office of Marijuana Policy</u>				

Justification:

These positions will be tasked with carrying out enforcement of rules and policies on behalf of the Office of Marijuana Policy. The Office of Marijuana Policy will be funding these positions to carry out the law enforcement aspect of the program as set forth in the Maine Medical Use of Marijuana Act, 22 MRSA §2422-A.

Emergency Medical Services 0485

Initiative: Continues one Business System Administrator position previously established by Financial Order 000610 F0, makes the position permanent and provides funding for related All Other costs.

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

FEDERAL EXPENDITURES FUND		2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT		0.000	0.000	1.000
Personal Services		\$0	\$0	\$92,835
All Other		\$0	\$0	\$7,991
FEDERAL EXPENDITURES FUND TOTAL		\$0	\$0	\$100,826

Justification:

This position provides technical support and oversight for the web-based systems that are used by all emergency services throughout the state and personnel providing patient care reporting. In addition, this position is responsible for the monitoring of opiate related emergencies. The workload related to these activities especially as it relates to opiate-related emergencies is substantive and not able to be absorbed by existing agency staff.

Emergency Medical Services 0485

Initiative: Transfers and reallocates one Business System Administrator position from 100% Federal Expenditures Fund to 100% General Fund within the same program and reduces All Other within the General Fund to partially fund this position.

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
POSITIONS - LEGISLATIVE COUNT	0.000	1.000	1.000
Personal Services	\$0	\$25,870	\$104,388
All Other	\$0	\$0	(\$60,000)
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$25,870</u>	<u>\$44,388</u>

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

	2018-19	2019-20	2020-21
FEDERAL EXPENDITURES FUND			
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)	(1.000)
Personal Services	\$0	(\$25,870)	(\$104,388)
All Other	\$0	(\$1,008)	\$58,271
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$26,878)</u>	<u>(\$46,117)</u>

Justification:

This transfer recognizes the importance of providing a stable funding source for a position that is critical to the emergency medical data systems that are used by ambulance services and hospitals throughout the State. Any remaining federal resources will fund operational costs to support the position and data systems previously paid for by the General Fund as long as the federal funding is available.

This essential position is known within the Bureau as the Data and Preparedness Coordinator. In that role, this position is responsible for providing primary technical support for the data systems used by all emergency medical service providers for patient care reporting (~ 300,000/calls/year) and for personnel and service licensing (annually: 2,000 personnel, 275 services, 500 ambulances). These systems also integrate with others such as the Health Information Exchange and with Maine Center for Disease Control for syndromic surveillance (e.g. opiate overdoses). This position is also the primary Maine Emergency Medical Services staff contact with Maine Center for Disease Control and Maine Emergency Management Agency for preparedness planning and emergency response.

Fire Marshal - Office of 0327

Initiative: Provides funding to include the Assistant State Fire Marshal position in the special retirement plan established in Public Law 2019, chapter 482.

Ref. #: _____ Committee Vote: In 10-0 AFA Vote: _____

	2018-19	2019-20	2020-21
GENERAL FUND			
Personal Services	\$0	\$0	\$4,598
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>	<u>\$4,598</u>

Justification:

Provides funding to include a Public Service Coordinator II position in the special retirement plan established in Public Law 2019, chapter 482. Public Law 2019, chapter 482 was on a parallel track with the 2020-21 biennial budget that included a request for a new position in the Fire Marshal's Office - that of Assistant Fire Marshal - Investigations. The law was not enacted in time for an adjustment to be made to the biennial budget amounts for this special retirement plan for the new position. This request adjusts the allocation to include the additional cost. A separate, statutory language section is included to update the language to reflect the inclusion of this position in the pertinent Title 5 retirement section.

PUBLIC SAFETY, DEPARTMENT OF

	2018-19	2019-20	2020-21
DEPARTMENT TOTALS			
GENERAL FUND	\$0	\$25,870	\$48,986
FEDERAL EXPENDITURES FUND	\$0	(\$26,878)	\$54,709
OTHER SPECIAL REVENUE FUNDS	\$0	\$25,652	\$756,346
CONSOLIDATED EMERGENCY COMMUNICATIONS FUND	\$0	\$0	\$4,792
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$0	<hr/> \$24,644	<hr/> \$864,833

Sec. A-28. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Provides one-time funding for a comparison microscope for the firearms unit of the crime laboratory.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
Capital Expenditures	\$0	\$59,800	\$0
GENERAL FUND TOTAL	\$0	\$59,800	\$0

Justification:

This initiative provides funding for the purchase of a comparison microscope. The comparison microscope is the mainstay of forensic science allowing two objects or samples to be compared side by side. Training for firearms analyses utilizes the most current instruments and so employees trained in firearms analysis require updated, modern equipment.

State Police 0291

Initiative: Provides funding for the approved reclassification of one Planning and Research Associate II position to a Criminal Intelligence Analyst position, effective July 26, 2019, and related All Other costs.

Ref. #: Committee Vote: In 11-0 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$0	\$4,796	\$4,783
GENERAL FUND TOTAL	\$0	\$4,796	\$4,783

Justification:

This reclassification has been approved by the Bureau of Human Resources, effective July 26, 2019.

State Police 0291

Initiative: Establishes 10 State Police Trooper positions and 4 State Police Sergeant-E positions and provides funding for related All Other costs. *In as amended 1-0. Fund 5 troopers and 2 sergeants. No maintenance of spending. The saved funds on corrections.*

Ref. #: Committee Vote: In as amended 11-0. AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	0.000	14.000
Personal Services	\$0	\$0	\$1,262,872
All Other	\$0	\$0	\$662,834
GENERAL FUND TOTAL	\$0	\$0	\$1,925,706

Use savings from this initiative to fund increase in correctional officer and support staff pay under LD 202 + 1941.

Justification:

This initiative provides funding to reflect the results of a staffing capacity study which demonstrates severe staffing shortages in specific areas. These shortages have been created through a combination of increased volume and complexity of investigative casework, decreased staffing capacity due to training demands and emerging need for specialized response to support all Maine law enforcement, and lastly the identified need for 24-hour coverage in certain areas and corridors of Maine.

State Police 0291

Initiative: Provides one-time funding for interface development and ongoing funding for the Maine telecommunications and routing operations system maintenance fees associated with the Judicial Branch's case management system.

Ref. #: One Time Committee Vote: In 12-0 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$260,000	\$19,500
GENERAL FUND TOTAL	\$0	\$260,000	\$19,500

Justification:

This initiative provides funding for METRO system interface development and maintenance fees needed to allow the METRO system to interface with the Judicial Branch's Odyssey project. METRO is the backbone of law enforcement information sharing and is maintained by the State Police. The interface needed for these two systems is integral to law enforcement operations statewide.

State Police 0291

Initiative: Provides one-time funding for the implementation, and ongoing funding for the maintenance, of a database associated with Public Law 2019, chapter 411.

Ref. #: One Time Committee Vote: Out 12-0 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$325,000	\$16,250
GENERAL FUND TOTAL	\$0	\$325,000	\$16,250

Justification:

This initiative provides funding for the creation, implementation and maintenance costs associated with a database to record information related to persons in protective custody who are restricted from access to dangerous weapons as required in Public Law 2019, chapter 411.

State Police 0291

Initiative: Provides one-time funding for the purchase of a gas chromatograph for the examination of fire debris.

Ref. #: One Time Committee Vote: In 11-0 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
Capital Expenditures	\$0	\$48,100	\$0
GENERAL FUND TOTAL	\$0	\$48,100	\$0

Justification:

Provides funding for the purchase of a gas chromatograph. Gas chromatography is a common type of chromatography used in analytical chemistry for separating and analyzing compounds that can be vaporized without decomposition. Typical uses include testing the purity of a particular substance, or separating the different components of a mixture. The Department's current instrument is around 20 years old and has chronic hardware and software problems, including being incompatible with Windows 10. Replacement of this equipment is crucial for the examination of fire debris.

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
GENERAL FUND	\$0	\$697,696	\$1,966,239
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$697,696	\$1,966,239

Sec. B-1. Appropriations and allocations.
 PUBLIC SAFETY, DEPARTMENT OF

The following appropriations and allocations are made.

Fire Marshal - Office of 0327

Initiative: RECLASSIFICATIONS

Ref. #:

Committee Vote: In 10-0 AFA Vote: _____

	2018-19	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS			
Personal Services	\$0	\$6,418	\$11,625
All Other	\$0	\$114	\$206
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,532	\$11,831

PUBLIC SAFETY, DEPARTMENT OF

	2018-19	2019-20	2020-21
DEPARTMENT TOTALS			
OTHER SPECIAL REVENUE FUNDS	\$0	\$6,532	\$11,831
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$6,532	\$11,831

Vote In 10-0 as amended to
match committee amendment
PART E
to LD 1455, copy attached.

Sec. E-1. 25 MRSA §1612 sub-§1, as established by PL 2001, c. 439, Part CCCCC §4 is amended to read:

§1612. Death benefit

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 or 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 or 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, the State shall pay a benefit of ~~\$50,000~~ \$100,000 as follows:

A. If there is no surviving child of the firefighter, law enforcement officer or emergency medical services person, 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 or emergency medical services person, 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 or emergency medical services person, 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 or emergency medical services person in equal shares.

Sec. E-2. 25 MRSA §1612 sub-§6, as established by PL 2001, c. 439, Part CCCCC §4 is amended to read:

6. **Other benefits.** The ~~\$50,000~~ \$100,000 as benefit payable under this section may not be considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and 18605 and may not be used to reduce any accidental death benefit amount payable under those provisions or under any other provision of law.

PART E SUMMARY

This Part increases the amount of the death benefit payable under this statute to \$100,000.

PART HH

Sec. HH-1. Carrying balances; Department of Labor apprenticeship program.

Notwithstanding any provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,300,000 appropriation in the All Other line category contained in Part A for the expansion of Maine's Apprenticeship program remaining in the Department of Labor, Employment Services Activity program, General Fund account.

Sec. HH-2. Carrying balances; Department of Labor career exploration programs.

Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,000,000 appropriation in the All Other line category contained in Part A for career exploration programs remaining in the Department of Labor, Employment Services Activity program, General Fund account.

PART HH
SUMMARY

This Part authorizes the one-time funds appropriated in Part A for Department of Labor, Department of Economic and Community Development and Department of Education programs associated with apprenticeships, career exploration, workforce development and preschool programs, toward the goal of enhancing Maine's current and future workforce, to carry forward into the next fiscal year for the purposes for which they were intended.

Vote
PART JJ

In 12-0

Sec. JJ-1. 5 MRSA §17851-A, sub-§1, ¶N, as enacted by PL 2019, c.537, §3, is amended to read:

N. Emergency communications specialists, emergency communications specialist – leads, emergency communications specialist – supervisors, emergency dispatch system administrators, and emergency dispatch system administrators in the employment of the Department of Public Safety on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

Sec. JJ-2. 5 MRSA §17851-A, sub-§1, ¶K, as amended by PL 2019, c. 482, §1, is further amended to read:

The State Fire Marshal or a state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30, 2020, a state fire marshal investigator, a state fire marshal senior investigator, a state fire marshal investigator sergeant or a state fire marshal investigator lieutenant in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; and

Sec. JJ-3. 5 MRSA §17851-B, sub-§1, as enacted by PL 2019, c. 482, Sec. 2., is amended to read:

Effective July 1, 2020, there is established a special retirement plan for fire marshal investigators, ~~and fire marshal senior investigators~~, fire marshal sergeants, ~~and fire marshal lieutenants~~ referred to in this section as "the special plan." The special plan applies to a state fire marshal investigator, state fire marshal senior investigator, ~~and state fire marshal sergeant~~ and a state fire marshal lieutenant.

PART JJ SUMMARY

This Part clarifies the job classifications in the Department of Public Safety that are eligible to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years or age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service.

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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1455, L.D. 2044, Bill, “An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers and Emergency Medical Services Personnel”

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

'An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency Medical Services Personnel and Corrections Officers'

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

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, firefighters, law enforcement officers, emergency medical services personnel and corrections officers work on a daily basis in situations that serve to advance the public good and to further public purposes but that also put their health and lives at risk; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §1532, sub-§6, as enacted by PL 2005, c. 2, Pt. A, §5 and affected by §14, is 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 or the Director of Maine Emergency Medical Services or the Commissioner of Corrections and after consultation with the State Budget Officer.

Sec. 2. 25 MRSA c. 195-A, headnote is amended to read:

COMMITTEE AMENDMENT

CHAPTER 195-A

DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS AND, EMERGENCY MEDICAL SERVICES PERSONS AND CORRECTIONS OFFICERS WHO DIE WHILE IN THE LINE OF DUTY

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

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1-A. Consumer Price Index. "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, CPI-U, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

Sec. 4. 25 MRSA §1611, sub-§1-B is enacted to read:

1-B. Corrections officer. "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 2803-A.

Sec. 5. 25 MRSA §1611, sub-§3, as enacted by PL 2001, c. 439, Pt. CCCCC, §4, is repealed and the following enacted in its place:

3. Emergency medical services person. "Emergency medical services person" means a person who is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is serving a public or private agency in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation, or who is an employee of an incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119 except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

Sec. 6. 25 MRSA §1612, as amended by PL 2009, c. 421, §3, is further amended to read:

§1612. Death benefit

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 or, 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 or, 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 corrections officer has died while in the line of duty prior to July 1, 2021, the State shall pay a benefit of \$50,000 as follows: \$100,000.

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

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1 Index from July 1st to June 30th of the previous year. A firefighter, law enforcement
2 officer, emergency medical services person or corrections officer who dies while in the
3 line of duty must be paid the benefit amount as indexed immediately prior to that
4 firefighter's, law enforcement officer's, emergency medical services person's or
5 corrections officer's death. The Department of Administrative and Financial Services
6 shall adopt rules to calculate the annual percentage increase in the death benefit.

The State shall pay the benefit as follows:

- 8 A. If there is no surviving child of the firefighter, law enforcement officer or,
9 emergency medical services person or corrections officer, to the surviving spouse of
10 the person;
- 11 B. If there is a surviving child or children and a surviving spouse of the firefighter,
12 law enforcement officer or, emergency medical services person or corrections officer,
13 1/2 to the surviving child or children in equal shares and 1/2 to the surviving spouse;
- 14 C. If there is no surviving spouse of the firefighter, law enforcement officer or,
15 emergency medical services person or corrections officer, to the child or children in
16 equal shares; or
- 17 D. If there is no surviving child or spouse, to the parent or parents of the firefighter,
18 law enforcement officer or, emergency medical services person or corrections officer
19 in equal shares.

20 **2. Interim benefit payment.** Interim benefits may be paid as follows.

- 21 A. When the State Fire Marshal determines upon showing of need and prior to final
22 action that the death of a firefighter is a death for which a benefit will probably be
23 paid, the State Fire Marshal may make an interim benefit payment not exceeding
24 \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1
25 in the manner set out in subsection 1.
- 26 B. When the chief determines upon showing of need and prior to final action that the
27 death of an officer is a death for which a benefit will probably be paid, the chief may
28 make an interim benefit payment not exceeding \$3,000 to the individual or
29 individuals entitled to receive a benefit under subsection 1 in the manner set out in
30 subsection 1.
- 31 C. When the director determines upon showing of need and prior to final action that
32 the death of an emergency medical services person is a death for which a benefit will
33 probably be paid, the director may make an interim benefit payment not exceeding
34 \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1
35 in the manner set out in subsection 1.
- 36 D. When the Commissioner of Corrections determines upon showing of need and
37 prior to final action that the death of a corrections officer is a death for which a
38 benefit will probably be paid, the commissioner may make an interim benefit
39 payment not exceeding \$3,000 to the individual or individuals entitled to receive a
40 benefit under subsection 1 in the manner set out in subsection 1.

41 **3. Deduction of interim payment.** The State Fire Marshal, the chief or, the director
42 or the Commissioner of Corrections, as the case may be, shall deduct the amount of an

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1 interim payment made pursuant to subsection 2 from the amount of any final benefit paid
2 to the individual or individuals entitled to receive a benefit under subsection 1.

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

10 **5. Execution or attachment prohibited.** A benefit paid under this section is not
11 subject to execution or attachment.

12 **6. Other benefits.** The \$50,000 death benefit payable under this section may not be
13 considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and
14 18605 and may not be used to reduce any accidental death benefit amount payable under
15 those provisions or under any other provision of law.

16 **7. Payment from the Maine Budget Stabilization Fund.** Benefits are payable from
17 the Maine Budget Stabilization Fund as provided in Title 5, section 1532, subsection 6. If
18 funds in the Maine Budget Stabilization Fund are insufficient to pay a death benefit when
19 due, the benefit must be paid as soon as a sufficient balance exists.

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

25 **Emergency clause.** In view of the emergency cited in the preamble, this
26 legislation takes effect when approved.'

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

29 **SUMMARY**

30 This amendment replaces the bill. The amendment changes the title to "An Act To
31 Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency
32 Medical Services Personnel and Corrections Officers" and adds an emergency preamble
33 and emergency clause to the bill. The amendment extends the death benefit to
34 corrections officers and to emergency medical services personnel who serve in private
35 emergency medical services agencies. The amendment increases the death benefit from
36 \$50,000 to \$100,000 for a law enforcement officer, firefighter, emergency medical
37 services person or corrections officer who dies while in the line of duty prior to July 1,
38 2021. For deaths occurring on or after July 1, 2021, the Department of Administrative
39 and Financial Services is required to adopt rules to annually calculate an increase in the
40 death benefit based on the previous year's increase in the Consumer Price Index.