



STATE OF MAINE

DEATH BENEFITS

IMPORTANT NOTICE: Both Federal and State death benefits MAY be tax exempt.

The IRS Code of the United States states that:

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



To obtain certified copies of registered personal documents, contact the Department of Human Services, Office of Vital Records, 244 Water ST, SHS#11, Augusta, ME 04333. (207) 287-3181.

STATE BENEFITS

If the Chief (Chief of the State Police) determines that a law enforcement officer died while in the line of duty, the State shall pay a benefit of \$50,000 as follows:

If there is no surviving child of the law enforcement officer, to the surviving spouse.

If there is a surviving child or children and a surviving spouse of the law enforcement officer, ½ to the surviving child or children in equal shares and ½ to the surviving spouse.

If there is no surviving spouse, to the child or children in equal shares.

If there is no surviving child or spouse, to the parent or parents of the law enforcement officer in equal shares.

To file for the benefit:

A person who is potentially eligible to receive these benefits, or a person authorized to request benefits acting as an agency of a potential eligible person, must forward a written request to the Chief for a state of Maine application for line of duty death benefit within 90 days of the law enforcement officer's death. Upon receipt of the written request for state of Maine application for line of duty death benefit, the Chief shall provide an application package and questionnaire that must be completed and returned within 30 days of receipt by the applicant.

Determination of Eligibility:

The Chief shall appoint a review panel consisting of at least three, but not more than five, persons knowledgeable in law enforcement official duties. The review panel shall review the application and investigate the circumstances surrounding the death and make a written recommendation to approve or deny the claim to the Chief within 30 days. The Chief will then review their recommendation and shall determine to approve or deny the claim. The Chief's determination is the final agency decision.

STATE PENSION BENEFITS

For benefit information please contact the Maine Public Employees Retirement System, 46 State House Station, Augusta, ME 04333. (207) 512-3100.



At the time of death, if the officer is a member of MainePERS and in service or are receiving a disability benefit from MainePERS, the beneficiary you designated on your [Pre-Retirement Death Beneficiary form](#) will choose from available death benefit options. Eligibility for each option varies. Depending on their eligibility, your beneficiary(ies) will choose from:

1. A monthly benefit calculated as if you retired on the day you died. This option provides the same benefit to your beneficiary as it would have provided you in retirement, or
 2. A lump sum refund of all your contributions and interest, or
 3. A Survivor Benefit, which is a monthly benefit payment in an amount set by law.
- Eligibility for and the amount of a survivor benefit is based on the relationship between you and your beneficiary. MainePERS will notify your beneficiary(ies) of the options available to them upon receiving notification of your death.

Pension for Dependents of Sheriffs and Deputies

If a sheriff or deputy dies as a result of injury received in the line of duty, the spouse or, if none, the minor child or children, of the sheriff or deputy shall receive a pension equal to ½ of the pay of the sheriff or deputy at the time of death, but in no case may the pension be less than \$1,000 annually. This pension shall be paid to the spouse until the spouse dies or remarries and to a child or children until they die or reach the age of 18 years. The county commissioners of each county shall pay these pensions from county funds.

EDUCATION BENEFITS

Tuition is paid, up to 5 years per child, in any (in-state) University system school. For more information contact the **Finance of Authority of Maine, 5 Community DR, PO Box 949, Augusta, ME 04332. (207) 623-3263.**

HEALTH BENEFITS

Varies. Check with your departments benefits coordinator for more information on health benefits.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Maine; however, waivers are allowed. Benefit is **80%** of worker's after-tax earning for a spouse or a spouse with child(ren) with a **maximum weekly benefit of \$622.20 for a maximum period of 500 weeks**. Benefits are subject to **UI benefit offsets**, excluding lump sum settlements. Children receive benefits **beyond age 18 if physically or mentally disabled**. There is also a maximum burial allowance of **\$4,000**. An **additional \$3,000** will be paid to the employee's estate as incidental compensation.

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



Contact the Workers' Compensation Board, 27 State House Station, Augusta, ME 04333. (207) 287-3751.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - Part of intestate estate not passing to surviving spouse or entire estate if there is no surviving spouse, passes as follows: **(1)** To issue of decedent, to be distributed per capita at each generation; **(2)** if no surviving issue, to decedent's parent or parents equally; **(3)** if no surviving issue or parent, to issue of parents or either of them to be distributed per capita at each generation; **(4)** if no surviving issue, parent or issue of parent, but decedent is survived by one or more grandparents of issue of grandparents, half of estate passes to paternal grandparents if both survive, or surviving paternal grandparent, or to issue of paternal grandparents if both are deceased to be distributed per capita at each generation; other half passes to maternal relatives in same manner; but if there be no surviving grandparent or issue of grandparents on either paternal or maternal side, entire estate passes to relatives on other side in same manner as half; **(5)** if no surviving issue, parent or issue of parent, grandparent or issue of grandparent, but decedent is survived by one or more great-grandparents or issue of great-grandparents, half of estate passes to paternal great-grandparents who survive, or to issue of paternal great-grandparents if all are deceased, to be distributed per capita at each generation; other half passes to maternal relatives in same manner; but if no surviving great-grandparent or issue of great-grandparent on either paternal or maternal side, entire estate passes to relatives on other side in same manner as half.

Surviving spouse takes as follows: **(1)** If no surviving issue or parent of decedent, entire intestate estate; **(2)** if no surviving issue but decedent is survived by parent or parents, first \$50,000 plus 1/2 of balance of intestate estate; **(3)** if there are surviving issue all of whom are issue of surviving spouse also, first \$50,000 plus 1/2 of balance of intestate estate; **(4)** if there are surviving issue one or more of whom are not issue of surviving spouse, 1/2 of intestate estate.

ADDITIONAL BENEFITS

The Maine **Chiefs of Police Association** established in 1990 the Law Enforcement Memorial Committee. A fund has been established for a **one-time payment** to a family struck by the line of duty death of a law enforcement officer. **Contact: Maine Chiefs of Police Association, PO Box 2431, South Portland, ME 04116. (207) 799-9318.**

PEER-SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

FUNERAL AND CREMATION BENEFITS

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ www.dignitymemorial.com and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.