

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 230, L.D. 286, Bill, "AN ACT Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

'39 MRSA §§64-B and 64-C are enacted to read:

§64-B. Cardiovascular injury or disease or pulmonary disease suffered by a fire fighter

If any person has been an active member of a municipal fire department or of a volunteer fire fighters' association for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease, and has participated in fire fighting or training or drill for fire fighting it shall be presumed, unless the employer proves the contrary by a preponderance of the evidence, that the employee received the injury or contracted the disease arising out of and in the course of his employment, that sufficient notice of the injury or disease has been given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.

§64-C. Cardiovascular injury or disease or pulmonary disease resulting in a fire fighter's death

If any person had been an active member of a municipal fire department or of a volunteer fire fighters' association for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease which

resulted in his death, and had participated in fire fighting or training or drill for fire fighting, it shall be presumed, unless his employer proves to the contrary by a preponderance of the evidence, that the person received the injury or disease arising out of and in the course of his employment, that sufficient notice of the injury or disease was given, and that the injury or disease was not occasioned by the willful intention of the employee to injure himself or another.'

Statement of Fact

The purpose of this amendment is to acknowledge and provide for the unusually high risk of cardiovascular injuries and pulmonary disease to fire fighters.

Fire fighters are particularly exposed to cardiovascular disease and injury by reason of the strenuous emergency conditions under which they operate and serve the public.

Fire fighters are particularly subject to pulmonary disease because of the inhalation of smoke and other harmful gaseous substances in the course of their public duties.

Additionally, this amendment creates a presumption of compensability in regard to fire fighters' claims for cardiovascular disease and injury and pulmonary disease, which presumption is based on factors set above. An additional benefit of the presumption will be the reduction of litigation and delay in regard to these claims.

The Maine Legislature has previously, by Public Law, 1955, chapter 391, recognized the peculiar exposure of fire fighters to cardiovascular

and pulmonary problems based on the public duties and specifically provided workmen's compensation and occupational disease benefits therefor. In the general revision of the Occupational Disease Law, Public Law, 1967, chapter 374, the benefit of specific coverage for fire fighters in regard to these conditions was inadvertently lost.

Thus, this amendment will restore to fire fighters in regard to cardiovascular and pulmonary claims special recognition along the lines they enjoyed from 1955 through 1967.

Reported by the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House.

3/18/75

(Filing No. H-85)