

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

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

Amend said Amendment by striking out all of
the Title and inserting in place thereof the
following new Title: 'AN ACT Relating to Pulmonary
Disease under the Workmen's Compensation Act.'

Further amend said Amendment by striking out
everything after the enacting clause and inserting
in place thereof the following:

'§ 64-B. 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 the onset of a pulmonary disease and if said
disease has developed
within 6 months of having participated in fire
fighting or training or drill which actually involves
fire fighting, it shall be presumed, unless the
employer proves the contrary by a preponderance of
the evidence, that the employee
contracted the disease arising out of and in the
course of his employment, that sufficient notice of
the disease has been given, and that the
disease was not occasioned by the willful
intention of the employee to injure himself or
another.

§ 64-C. Pulmonary disease resulting in a fire
fighters' 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
the onset of a pulmonary disease and if that person
had developed the disease which resulted in death

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within 6 months of having participated in fire
fighting or training or drill which actually involves
fire fighting, it shall be presumed, unless his
employer proves to the contrary by a preponderance
of the evidence, that the person received the
disease arising out of and in the course
of his employment, that sufficient notice of the
disease was given, and that the
disease was not occasioned by the willful
intention of the employee to injure himself or
another.

Statement of Fact

This amendment limits the bill to pulmonary disease suffered by a firefighter by deleting references to cardiovascular injury or disease. This amendment also clarifies the language of section 64-C.

(Mrs. Cummings)

NAME:

McCummings

COUNTY: Penobscot

Reproduced and distributed pursuant to Senate
Rule 11-A. April 8, 1975. (Filing No. S-53).