

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

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 Bill by striking out everything after the enacting clause and before the statement of fact, 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 if said disease has developed or the injury has occurred 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 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 fighters'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 and if

that the person had developed the disease or had suffered the injury which resulted in death within 6 months of having a cardiovascular disease or pulmonary disease which resulted in his death, and had 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 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.

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

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

The Maine Legislature has previously, by chapter 391 of the public laws of 1955, recognized the peculiar exposure of firefighters 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 by the public laws of 1967, chapter 374, the benefit of specific coverage for fire-fighters in regard to these conditions was inadvertently lost.

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SENATE AMENDMENT "B " to H.P. 230, L.D. 286

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

(Roberts)

NAME:



COUNTY: York