

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1083

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H. P. 884

House of Representatives, March 16, 1977

On motion of Mr. Curran of South Portland, referred to Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Flanagan of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Concerning Cardiovascular Injury or Disease Suffered by  
State Police Officers.**

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

**Sec. 1.** 39 MRSA § 64-B, as enacted by PL 1975, c. 169, and as amended by PL 1975, c. 480, § 10, is further amended to read:

**§ 64-B. Cardiovascular injury or disease or pulmonary disease  
suffered by a fire fighter or State Police Officer**

If any person has been an active member of a municipal fire department ~~or~~ ~~of~~, a volunteer fire fighters' association, as defined in Title 30, section 3771, or the State Police, as defined in Title 25, section 1501, 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, or in the case of State Police Officers within 6 months of active duty as a State Police Officer, there shall be a rebuttable presumption 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.

**Sec. 2.** 39 MRSA § 64-C, as enacted by PL 1975, c. 169, and as amended by PL 1975, c. 480, § 10, is further amended to read:

**§ 64-C. Cardiovascular injury or disease or pulmonary disease resulting in the death of a fire fighter or State Police Officer**

If any person had been an active member of a municipal fire department ~~or of~~, a volunteer fire fighters' association, as defined in Title 30, section 3771, or the State Police, as defined in Title 25, section 1501, for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and provided that the person had developed the disease or had suffered the injury which resulted in death within 6 months of having participated in fire fighting or training drill which actually involves fire fighting, or in the case of State Police Officers within 6 months of active duty as a State Police Officer, there shall be a rebuttable presumption 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 bill is to give State Police Officers the benefit of the rebuttable presumption now available to fire fighters who suffer work-related heart attacks or disease. No valid reason exists to distinguish between the risks of such disease encountered by fire fighters and by State Police Officers in the course of their employment. This bill seeks to facilitate the receipt by State Police Officers or their families of the benefits to which they are entitled under the Compensation Act.