

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-324)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 583, L.D. 733, Bill,  
"AN ACT Concerning Benefits for Fire Fighters under the State  
Retirement System for Heart or Lung Injuries."

Amend the Bill by striking out everything after the amending  
clause and inserting in its place the following:

'12-A. Cardiovascular injury or disease or pulmonary disease  
suffered by a fire fighter.

A. In participating local districts which have not adopted the  
disability retirement benefits enacted by public law 1975,  
chapter 622, section 54, and subsequent amendments, it shall be  
presumed that a member has incurred a disability in the  
line of duty which occurred while in actual performance of  
duty at some definite time and place and was not caused by  
the willful negligence of the member if:

(1) The disability is the result of a cardiovascular  
injury which occurred or cardiovascular or a pulmonary  
disease which developed within 6 months of having participate  
in fire fighting or training or drill which actually  
involved fire fighting;

(2) The member was an active member of a municipal fire  
department or of a volunteer fire fighters' association,  
as defined in Title 30, section 3771, for at least  
2 years prior to the injury or onset of the disease; and

(3) The member has been granted workers' compensation benefits for the cardiovascular injury or disease or the pulmonary disease.

This presumption is subject to rebuttal in accordance with the Maine Rules of Evidence, Rule 301.

B. For the purposes of this section, a person shall be considered an active member of a municipal fire department or of a volunteer fire department or volunteer fire fighters' association and if that person aids in the extinguishment of fires, regardless of whether or not that person has administrative duties or other duties as a member of the municipal fire department or volunteer fire fighters' association.'

Statement of Fact

This amendment conforms the definition of firefighter in the bill to the definition recently enacted by PL 1979, c. 111.