

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 733

H. P. 583

House of Representatives, February 23, 1979

Referred to the Committee on Aging, Retirement and Veterans. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries.**

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

5 MRSA § 1092, sub-§ 12-A, is enacted to read:

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

**A. The disability is the result of a cardiovascular injury which occurred or cardiovascular or a pulmonary disease which developed within 6 months of having participated in fire fighting or training or drill which actually involves fire fighting;**

**B. 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**

**C. The member has been granted workers' compensation benefits for the cardiovascular injury or disease or the pulmonary disease. This presumption may be negated by a preponderance of the evidence.**

#### STATEMENT OF FACT

Under current law, for purposes of receiving workers' compensation benefits, any person who has been a fire fighter for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if the 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, is presumed to have met the qualifications for workers' compensation benefits, i.e., line of duty determination, sufficient notice and not intentional. Those fire fighters who are also members of the Maine State Retirement System must still prove that the disease or injury occurred in the line of duty and was not intentional before becoming eligible for disability retirement benefits. This bill makes fire fighters who have become eligible for workers' compensation benefits under that presumption automatically eligible for Maine State Retirement System disability retirement benefits, unless that presumption is rebutted by a preponderance of the evidence.