

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 948

6
7 H.P. 665

House of Representatives, March 7, 1985

8 On Motion of Representative Beaulieu of Portland, referred to the
9 Committee on Labor. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Create a Cancer Presumption for
18 Firefighters in the Workers'
19 Compensation Law.
20

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

23 39 MRSA §64-D is enacted to read:

24 §64-D. Cancer suffered by a firefighter

25 If any person had been an active member of a mu-
26 nicipal fire department or of a volunteer firefight-
27 ers' association, as defined in Title 30, section
28 3771, for at least 2 years prior to the onset of can-
29 cer and provided that the person demonstrates that he
30 was exposed, during the term of his service as a
31 firefighter, to a carcinogen, there shall be a rebut-
32 table presumption that the person received the dis-
33 ease arising out of and in the course of his employ-
34 ment, that sufficient notice of the disease was given
35 and that the disease was not occasioned by the

1 willful intention of the employee to injure himself
2 or another.

3 For the purposes of this section, a person shall
4 be considered an active member of a municipal fire
5 department or of a volunteer firefighters' associa-
6 tion, if that person aids in the extinguishment of
7 fires, regardless of whether or not that person has
8 administrative duties or other duties as a member of
9 the municipal fire department or volunteer firefigh-
10 ters' association.

11 Any active firefighter who is unable to perform
12 his duties in the fire department by reason of a dis-
13 abling cancer, which develops or manifests itself
14 during a period while the firefighter is in the ser-
15 vice of the department, shall be entitled to receive
16 an occupational cancer disability benefit during any
17 period of such a disability for which he does not
18 have a right to receive salary. In order to receive
19 the occupational cancer disability benefit, the type
20 of cancer involved must be a type which may be caused
21 by exposure to heat, radiation or a known suspected
22 carcinogen as defined by the International Agency for
23 Research on Cancer.

24 For the purposes of this section "occupational
25 cancer" means cancer arising out of employment as a
26 firefighter, due to exposures to smoke, fumes or a
27 carcinogenic, poisonous, toxic or chemical substance
28 while in the performance of active duty in the fire
29 department.

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STATEMENT OF FACT

2 By reason of their employment, firefighters are
3 required to work in the midst of and are subject to
4 smoke, fumes or carcinogenic, poisonous, toxic or
5 chemical substances. Firefighters are continually
6 exposed to vast and expanding fields of hazardous
7 substances. They are constantly entering uncon-
8 trolled environments to save lives and reduce proper-
9 ty damage and are frequently not aware of the poten-
10 tial toxic and carcinogenic substances that they may
11 be exposed to. Firefighters, unlike other workers,
12 are often exposed simultaneously to multiple
13 carcinogens. The rise in occupational cancer among
14 firefighters can be related to the rapid
15 proliferation of thousands of toxic substances in our
16 everyday environment, and the onset of cancer in
17 firefighters can develop very slowly, usually
18 manifesting itself from 5 to 40 years after exposure
19 to the cancer-causing agent. The aforementioned con-
20 ditions exist and arise out of or in the course of
21 such employment.

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