

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)

DATE: 4-28-03

(Filing No. H-202)

MINORITY
LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 994, L.D. 1352, Bill, "An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers"

Amend the bill by striking out the title and substituting the following:

'An Act To Extend a Workers' Compensation Presumption To Law Enforcement Officers'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 39-A MRSA §328, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

§328. Cardiovascular injury or disease and pulmonary disease suffered by firefighter or law enforcement officer or resulting in death of firefighter or law enforcement officer

Cardiovascular injury or disease and pulmonary disease suffered by a firefighter or law enforcement officer or resulting in ~~a firefighter's death~~ the death of a firefighter or law enforcement officer are governed by this section.

1. Firefighter defined. For the purposes of this section, "firefighter" means an active member of a municipal fire department or of a volunteer firefighters association if that

COMMITTEE AMENDMENT

person is a member of a municipal fire department or volunteer firefighters 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 firefighters association.

1-A. Law enforcement officer defined. For purposes of this section, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

2. Presumption for firefighters. There is a rebuttable presumption that a firefighter received the injury or contracted the disease arising out of and in the course of 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 firefighter to cause self-injury or injury to another if the firefighter has been an active member of a municipal fire department or a volunteer firefighters association, as defined in Title 30-A, section 3151, for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if:

A. The disease has developed or the injury has occurred within 6 months of having participated in fire fighting, or training or drill that actually involves fire fighting; or

B. The firefighter had developed the disease or had suffered the injury that resulted in death within 6 months of having participated in fire fighting, or training or drill that actually involved fire fighting.

3. Presumption for law enforcement officers. There is a rebuttable presumption that a law enforcement officer received the injury or contracted the disease arising out of and in the course of 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 law enforcement officer to cause self-injury or injury to another if the law enforcement officer has been an active duty law enforcement officer for at least 2 years prior to a cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if:

A. The disease has developed or the injury has occurred within 6 months of having participated in active duty law enforcement activities; or

B. The law enforcement officer had developed the disease or had suffered the injury that resulted in death within 6 months of having participated in active duty law enforcement activities.'

2

SUMMARY

4

6 This amendment replaces the bill. Instead of providing a
presumption of work-related death under the Maine State
8 Retirement System laws, this amendment extends to law enforcement
officers an existing presumption under the workers' compensation
10 law relating to firefighters. It provides that a law enforcement
officer who suffers cardiovascular injury or disease or pulmonary
12 disease is presumed to have suffered a compensable injury under
the Maine Workers' Compensation Act of 1992 if the law
14 enforcement officer was an active officer for at least 2 years
and the injury or disease or death from the injury or disease
16 occurs within 6 months after active duty. The presumption is
rebuttable.

FISCAL NOTE REQUIRED
(See attached)



**121st Maine Legislature
Office of Fiscal and Program Review**

LD 1352

**An Act to Amend the Benefit for Accidental Death in the Line of Duty
for Law Enforcement Officers**

LR 0536(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - All Funds

Fiscal Detail and Notes

This legislation includes law enforcement officers as part of an existing rebuttable presumption under the workers' compensation law relating to firefighters. Because the number of fatalities that the State has experienced in this area has been low, this bill is not expected to have a significant fiscal impact on the State as an employer.