

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1352

H.P. 994

House of Representatives, March 13, 2003

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

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative RICHARDSON of Brunswick.
Cosponsored by Senator HATCH of Somerset and
Representatives: BLANCHETTE of Bangor, GROSE of Woolwich, PERRY of Bangor,
RINES of Wiscasset.

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

4 **Sec. 1. 5 MRSA §18001-A** is enacted to read:

6 **§18001-A. Presumption regarding death of law enforcement officer**

8 A member is presumed to have died as a result of an injury arising out of and in the course of employment as an employee if:

10 1. Law enforcement officer. The member at the time of death was a law enforcement officer, as defined in Title 25, section 1611, subsection 5;

14 2. Hypertension or heart disease. The member died as a result of a condition or impairment caused by hypertension or heart disease; and

18 3. Prior physical examination. The member, at the time of becoming a law enforcement officer, or at any time thereafter, had undergone a physical examination that failed to reveal evidence of a condition or impairment caused by hypertension or heart disease.

24 **Sec. 2. 5 MRSA §18601-A** is enacted to read:

26 **§18601-A. Presumption regarding death of law enforcement officer**

28 A member is presumed to have died as a result of an injury arising out of and in the course of employment as an employee if:

30 1. Law enforcement officer. The member at the time of death was a law enforcement officer, as defined in Title 25, section 1611, subsection 5;

34 2. Hypertension or heart disease. The member died as a result of a condition or impairment caused by hypertension or heart disease; and

38 3. Prior physical examination. The member, at the time of becoming a law enforcement officer, or at any time thereafter, had undergone a physical examination that failed to reveal evidence of a condition or impairment caused by hypertension or heart disease.

46 **SUMMARY**

48 This bill provides that, for purposes of determining whether beneficiaries of a law enforcement officer are entitled to the accidental death benefit provided by the Maine State Retirement

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2 System, a law enforcement officer is presumed to have died in the
course of employment if the officer dies as a result of
4 hypertension or heart disease, and a prior physical examination
at the time the member became a law enforcement officer or after
had not shown evidence of hypertension or heart disease.