

# MAINE STATE LEGISLATURE

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Date: 4-29-09

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STATE OF MAINE  
SENATE  
124TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 235,  
L.D. 621, Bill, "An Act Allowing Workers' Compensation Benefits for Firefighters Who  
Contract Cancer"

Amend the amendment in section 1 by striking out all of §328-B and inserting the  
following:

§328-B. Cancer suffered by a firefighter

Cancer suffered by a firefighter is governed by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the  
following terms have the following meanings.

A. "Cancer" means multiple myeloma, non-Hodgkin's lymphoma, prostate cancer or  
testicular cancer.

B. "Employed" means to be employed as an active duty firefighter or to be an active  
member of a volunteer fire association with no compensation other than injury and  
death benefits.

C. "Firefighter" means a municipal firefighter as defined in Title 30-A, section 3151,  
subsection 2 or a volunteer firefighter as defined in Title 30-A, section 3151,  
subsection 4.

D. "Test" means a standard, medically acceptable test designed to reveal either  
evidence of the cancer for which a presumption is sought or evidence of a medical  
condition derived from the cancer itself.

2. Presumption. If a firefighter who is diagnosed with cancer prior to 65 years of  
age has met the requirements of subsections 3, 4 and 5, there is a rebuttable presumption  
that the cancer arose out of and in the course of employment as a firefighter, that  
sufficient notice of the cancer has been given and that the cancer was not occasioned by  
the willful intention of the firefighter to cause the cancer.

3. Required medical tests. To be entitled to the presumption in subsection 2, the  
firefighter, during the time of employment as a firefighter, must have undergone a test  
that failed to indicate the presence of the cancer for which the presumption is sought.

**SENATE AMENDMENT**



SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 235, L.D. 621

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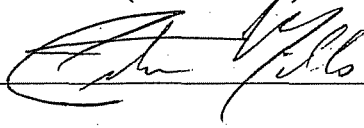
and radiation. The amendment reduces the time limit in which the presumption arises from 20 years from the firefighter's last active employment as a firefighter to 10 years.

**FISCAL NOTE REQUIRED**

(See attached)

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SPONSORED BY: \_\_\_\_\_



(Senator MILLS, P.)

COUNTY: Somerset



Approved: 04/24/09 *mac*

# 124th MAINE LEGISLATURE

LD 621

LR 667(03)

**An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer**

**Fiscal Note for Senate Amendment "A" to Committee Amendment "A"**

**Sponsor: Sen. Mills of Somerset**

**Fiscal Note Required: Yes**

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## Fiscal Note

Reduced risk to local units of government

### Fiscal Detail and Notes

This amendment may reduce the number of firefighters who may qualify for the rebuttable presumption and, in turn, may reduce the impact on premiums and legal costs that local units of government may experience. The impact to individual municipalities can not be determined at this time.