

MAINE STATE LEGISLATURE

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R.O.F.'S

Report A

L.D. 235

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Date: MAY 13, 2013

(Filing No. S- 76)

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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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Reproduced and distributed under the direction of the Secretary of the Senate.

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STATE OF MAINE

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SENATE

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126TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to S.P. 71, L.D. 235, Bill, "An Act To Improve Insurance Coverage for Volunteer First Responders"

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

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'An Act To Improve Insurance Coverage for First Responders'

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Amend the bill in section 1 by striking out all of subsection 7 (page 1, lines 3 to 13 in L.D.) and inserting the following:

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'7. Injury to firefighter or emergency medical services person. There is a rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or volunteer emergency medical services person considered an employee within the meaning of this Act is considered to arise out of and in the course of employment and is compensable under this Act if the personal injury occurs at any time after the firefighter or emergency medical services person receives notice of a fire or emergency and is in the process of responding. An employer providing self-insurance or an insurer providing workers' compensation insurance may not seek to limit benefits under this Act to a firefighter or emergency medical services person to a personal injury that occurs only after the firefighter or emergency medical services person begins traveling on a public way.'

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SUMMARY

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This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, creates a rebuttable presumption in place of the absolute right created by the bill and applies the rebuttable presumption to paid firefighters and emergency medical services persons as well as volunteers. The amendment also applies to both paid and volunteer firefighters and

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "**A**" to S.P. 71, L.D. 235

1 emergency medical services persons the bill's prohibition on an employer's or insurer's
2 seeking to limit workers' compensation under the Maine Workers' Compensation Act of
3 1992 to only those injuries that occur after the firefighter or emergency medical services
4 person begins traveling on a public way.

5 **FISCAL NOTE REQUIRED**

6 **(See attached)**



126th MAINE LEGISLATURE

LD 235

LR 15(02)

An Act To Improve Insurance Coverage for Volunteer First Responders

Fiscal Note for Bill as Amended by Committee Amendment **A'(S-76)**
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Shifting the burden of proof from a firefighter or emergency medical services person to the municipality that an injury sustained by the claimant after receiving notification of a fire or emergency did not arise out of and in the course of employment may represent a modification or expansion of a municipal activity.	Municipality	Significant statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

This legislation will increase costs to local governments in the form of both higher premiums for workers' compensation insurance and increased legal costs. The impact to individual municipalities will depend on actual experience.