

MAINE STATE LEGISLATURE

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ROFS

Date: 5/13/2013 Report B

L.D. 235
(Filing No. S- 77)

3 LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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5 STATE OF MAINE
6 SENATE
7 126TH LEGISLATURE
8 FIRST REGULAR SESSION

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

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

12 '**An Act To Improve Insurance Coverage for First Responders'**

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

15 '7. Injury to firefighter or emergency medical services person. There is a
16 rebuttable presumption that a personal injury to a paid or volunteer firefighter or a paid or
17 volunteer emergency medical services person considered an employee within the
18 meaning of this Act that occurs once the firefighter or emergency medical services person
19 receives notice of a fire or emergency and is on a public way in the process of responding
20 to the fire or emergency is considered to arise out of and in the course of employment and
21 is compensable under this Act.'

22 SUMMARY

23 This amendment, which is the minority report of the Joint Standing Committee on
24 Labor, Commerce, Research and Economic Development, creates a rebuttable
25 presumption, in place of the absolute right created by the bill regarding personal injuries
26 that are compensable under the Maine Workers' Compensation Act of 1992, and applies
27 the rebuttable presumption to paid firefighters and emergency medical services persons as
28 well as volunteers, but limits the application of the rebuttable presumption to an injury
29 that occurs after the firefighter or emergency medical services person is on a public way
30 responding to a call.

31 FISCAL NOTE REQUIRED

32 (See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 235

LR 15(03)

An Act To Improve Insurance Coverage for Volunteer First Responders

Fiscal Note for Bill as Amended by Committee Amendment **B (S-77)**
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 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.