

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1149

H.P. 814

House of Representatives, March 21, 2013

**An Act To Establish a Rebuttable Presumption Regarding a
Corrections Employee That Contracts Hypertension or
Cardiovascular Disease**

Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DeCHANT of Bath.
Cosponsored by Representative: CASAVANT of Biddeford, Senators: GERZOFKY of
Cumberland, PATRICK of Oxford.

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

2 **Sec. 1. 39-A MRSA §328-C** is enacted to read:

3 **§328-C. Hypertension or cardiovascular disease; corrections employee**

4 Hypertension or cardiovascular disease suffered by a corrections employee or
5 resulting in a corrections employee's death is governed by this section.

6 **1. Corrections employee defined.** "Corrections employee" means:

7 A. An employee of the Maine State Prison or the Department of Corrections who is
8 employed in a correctional facility, as defined in Title 34-A, section 1001, or whose
9 duties involve contact with prisoners, probationers, parolees or juvenile offenders and
10 a person employed as the supervisor of such an employee; and

11 B. An employee of a county who is employed in a county jail and whose duties
12 involve contact with prisoners or juvenile detainees and a person employed as the
13 supervisor of such an employee.

14 **2. Presumption.** There is a rebuttable presumption that a corrections employee who
15 contracts hypertension or cardiovascular disease has a disease arising out of and in the
16 course of employment, that sufficient notice of the disease has been given and that the
17 disease was not occasioned by the willful intention of the corrections employee to cause
18 the disease if the corrections employee complies with the requirements of subsection 3.

19 **3. Required medical tests; preemployment physical.** In order to be entitled to the
20 presumption set forth in subsection 2, a corrections employee, at the time of or during
21 employment as a corrections employee and prior to diagnosis, must have undergone
22 standard, medically acceptable tests for evidence of hypertension or cardiovascular
23 disease or evidence of the medical conditions derived from the disease, which tests failed
24 to indicate the presence of the disease.

25 **4. Effect of presumption on disability retirement.** The presumption set forth in
26 subsection 2 is effective for purposes of determining whether a disability is work-related
27 for purposes of determining eligibility for disability retirement in the Maine Public
28 Employees Retirement System. This presumption does not affect any eligibility
29 requirement other than the requirement that the disability be work-related.

30 **SUMMARY**

31 This bill establishes a rebuttable presumption that if a corrections employee contracts
32 hypertension or cardiovascular disease, the disease arises out of and in the course of
33 employment.