

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1288

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H.P. 915

House of Representatives, April 2, 2013

### **An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease**

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Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DeCHANT of Bath.  
Cosponsored by Representatives: GILBERT of Jay, SHORT of Pittsfield.

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

2 **Sec. 1. 5 MRSA §17935** is enacted to read:

3 **§17935. Presumption that injury received in line of duty**

4 Notwithstanding any other provision of law, a condition of impairment of health  
5 caused by an infectious disease resulting in total or partial disability or death of an  
6 employee of a correctional facility must, if that employee successfully passed a physical  
7 examination on entry into employment with the correctional facility or subsequently  
8 successfully passed a physical examination that failed to reveal any evidence of the  
9 condition, be presumed to have been received in the line of duty, unless the contrary is  
10 shown by competent evidence.

11 **Sec. 2. 5 MRSA §18535** is enacted to read:

12 **§18535. Presumption that injury received in line of duty**

13 Notwithstanding any other provision of law, a condition of impairment of health  
14 caused by an infectious disease resulting in total or partial disability or death of an  
15 employee of a correctional facility must, if that employee successfully passed a physical  
16 examination on entry into employment with the correctional facility or subsequently  
17 successfully passed a physical examination that failed to reveal any evidence of the  
18 condition, be presumed to have been received in the line of duty, unless the contrary is  
19 shown by competent evidence.

20 **SUMMARY**

21 This bill provides that, with respect to disability retirement benefits under the Maine  
22 Public Employees Retirement System, a condition of impairment of health caused by an  
23 infectious disease resulting in total or partial disability or death of an employee of a  
24 correctional facility must, if that employee successfully passed a physical examination on  
25 entry into employment with the correctional facility or subsequently successfully passed a  
26 physical examination that failed to reveal any evidence of the condition, be presumed to  
27 have been received in the line of duty, unless the contrary is shown by competent  
28 evidence.