

MAINE STATE LEGISLATURE

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Date: 5/7/15

(Filing No. S-76)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 59, L.D. 125, Bill, "An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer"

Amend the bill by adding after section 2 the following:

'Sec. 3. 39-A MRSA §328-B, sub-§8 is enacted to read:

8. Safety equipment for investigators and sergeants in the Office of the State Fire Marshal. In order to qualify for the presumption under subsection 2, an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with the policies of the Office of the State Fire Marshal in effect during the course of the investigator's or sergeant's employment.'

SUMMARY

This amendment changes the bill by adding a requirement that, in order to qualify for the rebuttable presumption that cancer was contracted in the course of employment, an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with Office of the State Fire Marshal policies in effect during the course of the investigator's or sergeant's employment.

**FISCAL NOTE REQUIRED
(See attached)**

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 125

LR 396(02)

An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer

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 current biennium cost increase - Worker's Compensation Management Fund

Potential future biennium cost increase - General Fund

Potential future biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Adding fire investigators and sergeants employed by the Office of the State Fire Marshall to the definition of a firefighter that may qualify for workers' compensation benefits under a rebuttable presumption contained in Title 39-A, §328-B may increase costs to the Workers' Compensation Management Fund within the Department of Administrative and Financial Services beginning in fiscal year 2015-16. The impact to the Fund will depend on actual experience.

According to the State's data warehouse, there are currently 14 filled and one vacant fire investigator, senior fire investigator and fire investigations sergeant positions within the Office of the State Fire Marshall. Although the exact cost to the State related to lost time and medical costs will depend on actual experience, the Division of Workers' Compensation within the Bureau of Human Resources estimates the annual cost in lost time benefits only to be approximately \$38,602 per claim and a maximum cost for one fatality who has a minor child to be as high as \$694,839 in lost time benefits alone.

This provision may also increase General Fund and Other Special Revenue Funds costs to the Office of the Fire Marshall within the Department of Public Safety from increased workers' compensation premiums. The State, as a self-insured program, charges each state agency a premium rate that is built into the cost associated with each position within an agency. That rate is based on the actual claims experience of each agency and is averaged over a three-year period. The future impact to the premium rate for the Office of the State Fire Marshall will be based on actual experience.