

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 927

H.P. 655

House of Representatives, March 9, 2017

**An Act To Establish a Presumption of Impairment of Health in the
Line of Duty for Corrections Employees under the Workers'
Compensation Laws**

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

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. Impairment of health caused by infectious disease suffered by a corrections**
4 **employee**

5 Impairment of health by infectious disease suffered by a corrections employee is
6 governed by this section.

7 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
8 following terms have the following meanings.

9 A. "Corrections employee" means an employee of the State or of a county whose
10 place of employment is a corrections facility as defined in Title 34-A, section 1001,
11 subsection 6 or a county detention facility under Title 34-A, section 1208 or 1208-A.

12 B. "Infectious disease" means a disease resulting from the presence and activity of a
13 pathogenic microbial agent, including, but not limited to, bacteria, viruses, fungi or
14 parasites.

15 **2. Presumption.** If a corrections employee successfully passed a physical
16 examination upon entry into service as a corrections employee, or subsequently
17 successfully passed a physical examination, and the examination or examinations failed
18 to reveal any evidence of a condition of impairment of health caused by an infectious
19 disease, then a condition of impairment of health caused by an infectious disease resulting
20 in total or partial disability or death of that corrections employee is presumed to have
21 been suffered in the line of duty, unless the contrary is shown by competent evidence.

22 **SUMMARY**

23 This bill amends the workers' compensation laws by adding a presumption that a
24 condition of impairment of health caused by an infectious disease resulting in total or
25 partial disability or death of a corrections employee is presumed to have been suffered in
26 the line of duty, unless the contrary is shown by competent evidence.