

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 298

H.P. 222

House of Representatives, January 22, 2019

**An Act To Establish a Conditional Presumption of Compensability
for Corrections Employees in Cases of Impairment from
Hypertension or Heart Disease**

Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.

Cosponsored by Representatives: DOORE of Augusta, RECKITT of South Portland.

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. Heart disease or hypertension suffered by a corrections officer**

4 There is a rebuttable presumption that an employee of the State or of a county whose
5 regular or incidental duties require the care, supervision or custody of a person confined
6 in a jail, prison or state correctional facility pursuant to an order of a court or as a result of
7 an arrest and who contracts heart disease or hypertension has contracted the heart disease
8 or hypertension in the course of employment and as a result of that employment, that
9 sufficient notice of the heart disease or hypertension has been given and that the heart
10 disease or hypertension was not occasioned by any willful act of that employee to cause
11 the heart disease or hypertension, as long as the employee successfully passed a physical
12 examination upon entry into that employment, or during the time of that employment,
13 that failed to reveal any evidence of that condition.

14 **SUMMARY**

15 This bill amends the workers' compensation laws by adding a presumption that heart
16 disease or hypertension suffered by a state or county corrections employee was caused in
17 the course of that employment, as long as the employee had successfully passed a
18 physical examination upon entry into or during the course of that employment that failed
19 to reveal any evidence of that condition.