

# MAINE STATE LEGISLATURE

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SAC  
ROFS

L.D. 305

Date: 1/29/21

(Filing No. S-69 )

**MAJORITY**  
**LABOR AND HOUSING**

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**STATE OF MAINE**  
**SENATE**  
**130TH LEGISLATURE**  
**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 131, L.D. 305, "An Act To Include Forest Rangers and Forest Fire Prevention Specialists in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters"

Amend the bill by striking out the title and substituting the following:

**'An Act To Include Certain Employees in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters'**

Amend the bill by striking out all of section 2 and inserting the following:

**'Sec. 2. 39-A MRSA §328-B, sub-§1, ¶C**, as amended by PL 2015, c. 373, §1, is further amended to read:

C. "Firefighter" means a member of a municipal fire department or volunteer fire association whose duties include the extinguishment of fires or an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires.

Amend the bill by striking out all of section 3 and inserting the following:

**'Sec. 3. 39-A MRSA §328-B, sub-§6**, as amended by PL 2015, c. 373, §2, is further amended to read:

**6. Length of service.** In order to qualify for the presumption under subsection 2, the firefighter must have been employed as a firefighter for 5 years and, except for an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry, regularly responded to firefighting or emergency calls.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

ROES

COMMITTEE AMENDMENT "A" to S.P. 131, L.D. 305 (5-69)

**SUMMARY**

This amendment clarifies that all employees in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires are added to the list of firefighters under the workers' compensation laws whose cancer is presumed to be caused by their firefighting duties.

**FISCAL NOTE REQUIRED**

(See attached)



# 130th MAINE LEGISLATURE

LD 305

LR 897(02)

## An Act To Include Forest Rangers and Forest Fire Prevention Specialists in the Bureau of Forestry's Forest Protection Unit in the Laws Concerning Cancer Suffered by Firefighters

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-69)  
Committee: Labor and Housing  
Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium cost increase - Worker's Compensation Management Fund  
Potential future biennium cost increase - General Fund

#### Fiscal Detail and Notes

Adding all employees within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry, whose duties include the extinguishment or investigation of fires 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 2021-22. The impact to the Fund will depend on actual experience.

The department has identified 66 positions within the Bureau of Forestry with responsibilities that include the extinguishment or investigation of fires. Currently, 57 of those positions are filled and 9 are vacant. Although the exact cost to the State related to lost time and medical costs will depend on actual experience, the average cost in lost time benefits for this group of employees is estimated to be \$38,467 per claim per year for up to 10 years or more, depending on the level of the employees incapacity. Additionally, the cost for one fatality is estimated to be \$369,873 paid to eligible survivors in lost time benefits alone.

This provision may also increase General Fund costs to the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry from increased workers' compensation premiums. The State, as a self-insured entity, 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 Bureau of Forestry will be based on actual experience.