

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 575

S.P. 228

In Senate, February 24, 2021

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

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Received by the Secretary of the Senate on February 22, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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 certain employees**

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 in  
6 a jail, prison or state correctional facility pursuant to an order of a court or as a result of an  
7 arrest and who contracts heart disease or hypertension has contracted the heart disease or  
8 hypertension in the course of employment and as a result of that employment, that sufficient  
9 notice of the heart disease or hypertension has been given and that the heart disease or  
10 hypertension was not occasioned by any willful act of that employee to cause the heart  
11 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 that  
13 failed to reveal any evidence of heart disease or hypertension.

14 **SUMMARY**

15 This bill provides that there is a rebuttable presumption that an employee of the State  
16 or of a county whose regular or incidental duties require the care, supervision or custody  
17 of a person confined in a jail, prison or state correctional facility pursuant to an order of a  
18 court or as a result of an arrest and who contracts heart disease or hypertension has  
19 contracted the heart disease or hypertension in the course of employment and as a result of  
20 that employment, that sufficient notice of the heart disease or hypertension has been given  
21 and that the heart disease or hypertension was not occasioned by any willful act of that  
22 employee to cause the heart disease or hypertension, as long as the employee successfully  
23 passed a physical examination upon entry into that employment or during the time of that  
24 employment that failed to reveal any evidence of that condition.