



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1288

H.P. 915

House of Representatives, April 2, 2013

An Act Regarding Impairment of Health of a Correctional Employee Caused by Infectious Disease

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DeCHANT of Bath.
Cosponsored by Representatives: GILBERT of Jay, SHORT of Pittsfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §17935** is enacted to read:

3 **§17935. Presumption that injury received in line of duty**

4 Notwithstanding any other provision of law, a condition of impairment of health
5 caused by an infectious disease resulting in total or partial disability or death of an
6 employee of a correctional facility must, if that employee successfully passed a physical
7 examination on entry into employment with the correctional facility or subsequently
8 successfully passed a physical examination that failed to reveal any evidence of the
9 condition, be presumed to have been received in the line of duty, unless the contrary is
10 shown by competent evidence.

11 **Sec. 2. 5 MRSA §18535** is enacted to read:

12 **§18535. Presumption that injury received in line of duty**

13 Notwithstanding any other provision of law, a condition of impairment of health
14 caused by an infectious disease resulting in total or partial disability or death of an
15 employee of a correctional facility must, if that employee successfully passed a physical
16 examination on entry into employment with the correctional facility or subsequently
17 successfully passed a physical examination that failed to reveal any evidence of the
18 condition, be presumed to have been received in the line of duty, unless the contrary is
19 shown by competent evidence.

20 **SUMMARY**

21 This bill provides that, with respect to disability retirement benefits under the Maine
22 Public Employees Retirement System, a condition of impairment of health caused by an
23 infectious disease resulting in total or partial disability or death of an employee of a
24 correctional facility must, if that employee successfully passed a physical examination on
25 entry into employment with the correctional facility or subsequently successfully passed a
26 physical examination that failed to reveal any evidence of the condition, be presumed to
27 have been received in the line of duty, unless the contrary is shown by competent
28 evidence.