
By: **Delegates Conway, Bozman, McClenahan, W. Baker, Guns, Wood,
Edwards, Slade, Malone, Linton, Eckardt, Walkup, O'Donnell,
Dewberry, D. Hughes, V. Mitchell, Rudolph, M. Burns, and Hutchins**

Introduced and read first time: February 4, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Volunteer Firefighters and Rescue Squad Personnel - Death Benefits**

3 FOR the purpose of requiring that the Board of Trustees of the Maryland State
4 Firemen's Association pay a certain amount of death benefits to certain persons
5 if a volunteer firefighter or individual serving on a volunteer rescue squad dies
6 under certain circumstances, regardless of the district in which the decedent
7 died or whether the decedent died while acting alone or at the direction of or
8 with a fire company or rescue squad; authorizing under certain circumstances a
9 designated relative of the decedent or the decedent's estate to collect death
10 benefits; providing for the application of this Act; and generally relating to death
11 benefits and volunteer firefighters and individuals serving on volunteer rescue
12 squads.

13 BY repealing and reenacting, with amendments,
14 Article 38A - Fires and Investigations
15 Section 42A
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1997 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 38A - Fires and Investigations**

21 42A.

22 [(a) If any volunteer firefighter or individual serving on a volunteer rescue
23 squad dies as a direct result of active participation in fighting a fire or while going to
24 or from a fire, or performing any other duties necessary to the operation or
25 maintenance of the fire company or actively participating in the ambulance or rescue
26 work of an incorporated volunteer fire company or volunteer rescue squad in the
27 State, and leaves a surviving spouse, or minor child or children; or if there is no
28 surviving spouse or minor child or children, but leaves a parent or parents, or a sister

1 or brother, who were dependent upon the decedent for support, there shall be paid to
2 the surviving spouse, or to the guardian of the minor child or children, or the
3 surviving parent or parents or sister or brother dependent upon the decedent for
4 support, an amount determined by the board of trustees of at least the sum of \$2,000
5 from the treasury of the Maryland State Firemen's Association.]

6 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF TRUSTEES OF THE
7 MARYLAND STATE FIREMEN'S ASSOCIATION.

8 (B) (1) THE BOARD SHALL PAY DEATH BENEFITS UNDER THIS SECTION IF A
9 VOLUNTEER FIREFIGHTER OR INDIVIDUAL SERVING ON A VOLUNTEER RESCUE
10 SQUAD DIES:

11 (I) AS A DIRECT RESULT OF ACTIVELY PARTICIPATING IN
12 FIGHTING A FIRE OR WHILE GOING TO OR FROM A FIRE;

13 (II) WHILE PERFORMING ANY OTHER DUTIES NECESSARY TO THE
14 OPERATION OR MAINTENANCE OF THE FIRE COMPANY; OR

15 (III) WHILE ACTIVELY PARTICIPATING IN THE AMBULANCE,
16 ADVANCED LIFE SUPPORT, OR RESCUE WORK OF A VOLUNTEER FIRE, AMBULANCE,
17 OR RESCUE COMPANY OR VOLUNTEER ADVANCED LIFE SUPPORT UNIT IN THE
18 STATE.

19 (2) THE BENEFITS SHALL BE PAID FROM THE TREASURY OF THE
20 MARYLAND STATE FIREMEN'S ASSOCIATION IN AN AMOUNT THE BOARD
21 DETERMINES, BUT NOT LESS THAN \$2,000, REGARDLESS OF:

22 (I) THE DISTRICT IN WHICH THE DECEDENT DIED; OR

23 (II) WHETHER THE DECEDENT DIED WHILE ACTING ALONE OR AT
24 THE DIRECTION OF OR WITH A FIRE, AMBULANCE, OR RESCUE COMPANY OR
25 ADVANCED LIFE SUPPORT UNIT IN:

26 1. THIS STATE;

27 2. ONE OF THE FOLLOWING ADJACENT STATES -
28 DELAWARE, PENNSYLVANIA, WEST VIRGINIA, OR VIRGINIA; OR

29 3. THE DISTRICT OF COLUMBIA.

30 (3) THE BENEFITS SHALL BE PAID TO:

31 (I) THE SURVIVING SPOUSE OR A MINOR CHILD OF THE
32 DECEDENT;

33 (II) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OF THIS PARAGRAPH,
34 AN INDIVIDUAL WHO IS A PARENT, SISTER, BROTHER, OR GRANDPARENT OF THE
35 DECEDENT AND WHO WAS DEPENDENT UPON THE DECEDENT FOR SUPPORT; OR

1 (III) IF NO ONE IS ELIGIBLE UNDER ITEM (I) OR (II) OF THIS
2 PARAGRAPH, THE DECEDENT'S ESTATE.

3 [(b)] (C) If there is a surviving spouse or a dependent child or children, the
4 case shall be laid before the [board of trustees of the Maryland State Firemen's
5 Association] BOARD, and if the facts are established as provided in § 42, the surviving
6 spouse, or surviving spouse and child, or children as the case may be, shall be placed
7 on the "Disabled Firemen's and Rescue Squadmen's List", and the surviving spouse,
8 while remaining unmarried, shall be entitled to receive a pension from the Maryland
9 State Firemen's Association in an amount determined by the [board of trustees of the
10 Maryland State Firemen's Association] BOARD, to be paid out of its treasury at
11 whatever times, in whatever installments and in whatever amount as the [board of
12 trustees of the Maryland State Firemen's Association] BOARD may decide, until
13 remarriage.

14 [(c)] (D) Each of the children of the deceased firefighters or individuals
15 serving on a rescue squad shall receive a pension from the Maryland State Firemen's
16 Association in an amount determined by the [board of trustees of the Maryland State
17 Firemen's Association] BOARD and be paid out of its treasury at whatever times, in
18 whatever installments and in whatever amount the [board of trustees of the
19 Maryland State Firemen's Association] BOARD may decide, until the children each
20 attain the age of 18 years.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
22 construed retroactively and shall be applied to and interpreted to affect volunteer
23 firefighters and individuals serving on volunteer rescue squads who have died, on or
24 after January 1, 1996, while fighting a fire or performing any official task under
25 circumstances that would cause the Board of Trustees of the Maryland State
26 Firemen's Association to pay death benefits under this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect July 1, 1998.