Unofficial Copy E4 1998 Regular Session 8lr0189

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

CHAPTER____

1 AN ACT concerning

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
- benefits; providing for the application of this Act; and generally relating to death
- 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:

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(II)

1.

37 ADVANCED LIFE SUPPORT UNIT IN:

1	Article 38A - Fires and Investigations				
2	42A.				
5 6 7 8 9 10 11 12 13	[(a) If any volunteer firefighter or individual serving on a volunteer rescue squad dies as a direct result of active participation in fighting a fire or while going to or from a fire, or performing any other duties necessary to the operation or maintenance of the fire company or actively participating in the ambulance or rescue work of an incorporated volunteer fire company or volunteer rescue squad in the State, and leaves a surviving spouse, or minor child or children; or if there is no surviving spouse or minor child or children, but leaves a parent or parents, or a sister or brother, who were dependent upon the decedent for support, there shall be paid to the surviving spouse, or to the guardian of the minor child or children, or the surviving parent or parents or sister or brother dependent upon the decedent for support, an amount determined by the board of trustees of at least the sum of \$2,000 from the treasury of the Maryland State Firemen's Association.]				
15 16	(A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF TRUSTEES OF THE MARYLAND STATE FIREMEN'S ASSOCIATION.				
	(B) (1) THE BOARD SHALL PAY DEATH BENEFITS UNDER THIS SECTION IF A VOLUNTEER FIREFIGHTER OR INDIVIDUAL SERVING ON A VOLUNTEER RESCUE SQUAD DIES:				
20 21	(I) AS A DIRECT RESULT OF ACTIVELY PARTICIPATING IN FIGHTING A FIRE OR WHILE GOING TO OR FROM A FIRE;				
22 23	(II) WHILE PERFORMING ANY OTHER DUTIES NECESSARY TO THE OPERATION OR MAINTENANCE OF THE FIRE COMPANY; \overline{OR}				
26	(III) WHILE ACTIVELY PARTICIPATING IN THE AMBULANCE, ADVANCED LIFE SUPPORT, OR RESCUE WORK OF A VOLUNTEER FIRE, AMBULANCE, OR RESCUE COMPANY OR VOLUNTEER ADVANCED LIFE SUPPORT UNIT IN THE STATE; OR				
	(IV) WHILE PROVIDING EMERGENCY OR RESCUE ASSISTANCE, WHETHER ACTING ALONE OR AT THE DIRECTION OF OR WITH A FIRE, AMBULANCE, OR RESCUE COMPANY OR ADVANCED LIFE SUPPORT UNIT.				
	(2) THE BENEFITS SHALL BE PAID FROM THE TREASURY OF THE MARYLAND STATE FIREMEN'S ASSOCIATION IN AN AMOUNT THE BOARD DETERMINES, BUT NOT LESS THAN \$2,000, REGARDLESS OF:				
34	(I) THE DISTRICT IN WHICH THE DECEDENT DIED; OR				

36 THE DIRECTION OF OR WITH A FIRE, AMBULANCE, OR RESCUE COMPANY OR

THIS STATE;

WHETHER THE DECEDENT DIED WHILE ACTING ALONE OR AT

HOUSE BILL 433

1 2	DELAWARE, PENN	SYLVA	2. NIA, WE	ONE OF THE FOLLOWING ADJACENT STATES - ST VIRGINIA, OR VIRGINIA; OR		
3			3.	THE DISTRICT OF COLUMBIA.		
4	(3)	THE BE	ENEFITS	S SHALL BE PAID TO:		
5 6	DECEDENT;	(I)	THE SU	JRVIVING SPOUSE <u>; OR A MINOR CHILD OF THE</u>		
			PAREN	ONE IS ELIGIBLE UNDER ITEM (I) OF THIS PARAGRAPH, IT, SISTER, BROTHER, OR GRANDPARENT OF THE NOBEL OF THE SUPPORT; OR		
10 11	PARAGRAPH, THE	(III) DECED		ONE IS ELIGIBLE UNDER ITEM (I) OR (II) OF THIS (STATE:		
12 13	CHILDREN OF THE	(II) E DECEI		RE IS NO SURVIVING SPOUSE, THE SURVIVING CHILD OR EQUAL SHARES;		
14 15	PARAGRAPH, THE	(III) SURVIV		ONE IS ELIGIBLE UNDER ITEM (I) OR (II) OF THIS ARENT OR PARENTS; OR		
	PARAGRAPH, A SU IN EQUAL SHARES			ONE IS ELIGIBLE UNDER ITEM (I), (II), OR (III) OF THIS ER, BROTHER, OR GRANDPARENT OF THE DECEDENT		
21 22 23 24 25 26 27 28	[(b)] (C) If there is a surviving spouse or a dependent child or children, the case shall be laid before the [board of trustees of the Maryland State Firemen's Association] BOARD, and if the facts are established as provided in § 42, the surviving spouse, or surviving spouse and child, or children as the case may be, shall be placed on the "Disabled Firemen's and Rescue Squadmen's List", and the surviving spouse, while remaining unmarried, shall be entitled to receive a pension from the Maryland State Firemen's Association in an amount determined by the [board of trustees of the Maryland State Firemen's Association] BOARD, to be paid out of its treasury at whatever times, in whatever installments and in whatever amount as the [board of trustees of the Maryland State Firemen's Association] BOARD may decide, until remarriage.					
32 33 34 35	Association in an ame Firemen's Association whatever installments	quad shal ount dete n] BOAR s and in v nen's Ass	l receive rmined b D and bo whatever	ren of the deceased firefighters or individuals a pension from the Maryland State Firemen's by the [board of trustees of the Maryland State e paid out of its treasury at whatever times, in amount the [board of trustees of the BOARD may decide, until the children each		
	construed retroactivel	ly and sh	all be ap	ER ENACTED, That this Act shall be plied to and interpreted to affect volunteer volunteer rescue squads who have died, on or		

- 1 after January July 1, 1996, while fighting a fire or performing any official task under
 2 circumstances that would cause the Board of Trustees of the Maryland State
- 3 Firemen's Association to pay death benefits under this Act.
- SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 5 effect July 1, 1998.