
By: **Delegates Schisler, W. Baker, Bozman, McClenahan, Rudolph, Eckardt,
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Introduced and read first time: February 16, 1998

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Department of Natural Resources**

3 FOR the purpose of providing that certain employees engaged for fire fighting by the
4 Department of Natural Resources are covered employees for the purpose of
5 workers' compensation benefits; providing that certain paid law enforcement
6 employees suffering from lyme disease are presumed, under certain
7 circumstances, to have an occupational disease that was suffered in the line of
8 duty and compensable in a certain manner; and generally relating to workers'
9 compensation benefits.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 9-207 and 9-503
13 Annotated Code of Maryland
14 (1991 Volume and 1997 Supplement)

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

17 **Article - Labor and Employment**

18 9-207.

19 (a) A registered crew member, PAID LAW ENFORCEMENT EMPLOYEE, or an
20 individual engaged for fire fighting by the Department of Natural Resources is a
21 covered employee.

22 (b) Notwithstanding § 9-203 of this subtitle, an individual engaged for fire
23 fighting who otherwise would be a covered employee under subsection (a) of this
24 section is a covered employee even if the fire fighting takes place outside of the State.

25 (c) Notwithstanding § 9-205 of this subtitle, an individual who otherwise
26 would be a covered employee under subsection (a) of this section is a covered employee
27 even if engaged temporarily or part time.

1 (d) For the purpose of this title, the Department of Natural Resources is the
2 employer of an individual who is a covered employee under this section.

3 9-503.

4 (a) A paid fire fighter or paid fire fighting instructor employed by an airport
5 authority, a county, a fire control district, a municipality, or the State or a volunteer
6 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
7 volunteer advanced life support unit member who is a covered employee under §
8 9-234 of this title is presumed to have an occupational disease that was suffered in
9 the line of duty and is compensable under this title if:

10 (1) the individual has heart disease, hypertension, or lung disease;

11 (2) the heart disease, hypertension, or lung disease results in partial or
12 total disability or death; and

13 (3) in the case of a volunteer fire fighter, volunteer fire fighting
14 instructor, volunteer rescue squad member, or volunteer advanced life support unit
15 member, the individual has met a suitable standard of physical examination before
16 becoming a fire fighter, fire fighting instructor, rescue squad member, or advanced
17 life support unit member.

18 (b) (1) A paid police officer employed by an airport authority, a county, the
19 Maryland-National Capital Park and Planning Commission, a municipality, or the
20 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
21 subsection, a Prince George's County deputy sheriff is presumed to be suffering from
22 an occupational disease that was suffered in the line of duty and is compensable
23 under this title if:

24 (i) the police officer or deputy sheriff is suffering from heart
25 disease or hypertension; and

26 (ii) the heart disease or hypertension results in partial or total
27 disability or death.

28 (2) (i) A Prince George's County deputy sheriff is entitled to the
29 presumption under this subsection only to the extent that the individual suffers from
30 heart disease or hypertension that is more severe than the individual's heart disease
31 or hypertension condition existing prior to the individual's employment as a Prince
32 George's County deputy sheriff.

33 (ii) To be eligible for the presumption under this subsection, a
34 Prince George's County deputy sheriff, as a condition of employment, shall submit to
35 a medical examination to determine any heart disease or hypertension condition
36 existing prior to the individual's employment as a Prince George's County deputy
37 sheriff.

38 (c) A paid fire fighter or paid fire fighting instructor employed by an airport
39 authority, a county, a fire control district, a municipality, or the State or a volunteer

1 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
2 volunteer advanced life support unit member who is a covered employee under §
3 9-234 of this title is presumed to be suffering from an occupational disease that was
4 suffered in the line of duty and is compensable under this title if the individual:

5 (1) has leukemia or pancreatic, prostate, rectal, or throat cancer that is
6 caused by contact with a toxic substance that the individual has encountered in the
7 line of duty;

8 (2) has completed at least 5 years of service as a fire fighter, fire fighting
9 instructor, rescue squad member, or advanced life support unit member or in a
10 combination of those jobs in the department where the individual currently is
11 employed or serves;

12 (3) is unable to perform the normal duties of a fire fighter, fire fighting
13 instructor, rescue squad member, or advanced life support unit member in the
14 department where the individual currently is employed or serves because of the
15 cancer or leukemia disability; and

16 (4) in the case of a volunteer fire fighter, volunteer fire fighting
17 instructor, volunteer rescue squad member, or volunteer advanced life support unit
18 member, has met a suitable standard of physical examination before becoming a fire
19 fighter, fire fighting instructor, rescue squad member, or advanced life support unit
20 member.

21 (D) A PAID LAW ENFORCEMENT EMPLOYEE OF THE DEPARTMENT OF
22 NATURAL RESOURCES WHO IS A COVERED EMPLOYEE UNDER § 9-207 OF THIS TITLE
23 IS PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE
24 LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:

25 (1) IS SUFFERING FROM LYME DISEASE; AND

26 (2) WAS NOT SUFFERING FROM LYME DISEASE BEFORE ASSIGNMENT TO
27 A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED
28 ENVIRONMENT.

29 [(d)] (E) (1) Except as provided in paragraph (2) of this subsection, any paid
30 fire fighter, paid fire fighting instructor, paid police officer, PAID LAW ENFORCEMENT
31 EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES, or any deputy sheriff of
32 Montgomery County or Prince George's County who is eligible for benefits under
33 subsection (a), (b), [or] (c), OR (D) of this section shall receive the benefits in addition
34 to any benefits that the individual is entitled to receive under the retirement system
35 in which the individual was a participant at the time of the claim.

36 (2) The benefits received under this title shall be adjusted so that the
37 weekly total of those benefits and retirement benefits does not exceed the weekly
38 salary that was paid to the fire fighter, fire fighting instructor, police officer, or
39 deputy sheriff.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1998.