

HOUSE BILL 311

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HB 1287/98 - ECM

1999 Regular Session  
9r1137  
CF 9r2048

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By: **Delegates McClenahan, W. Baker, Walkup, Conway, Rudolph, Eckardt,  
Cane, Bozman, Schisler, Guns, Edwards, Shank, K. Kelly, McKee,  
Hutchins, and Wood**

Introduced and read first time: February 4, 1999  
Assigned to: Economic Matters

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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 is 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 1998 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, A 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.

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

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

6 9-503.

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

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

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

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

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

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

30 (ii) the heart disease or hypertension results in partial or total  
31 disability or death.

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

37 (ii) To be eligible for the presumption under this subsection, a  
38 Prince George's County deputy sheriff, as a condition of employment, shall submit to  
39 a medical examination to determine any heart disease or hypertension condition

1 existing prior to the individual's employment as a Prince George's County deputy  
2 sheriff.

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

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

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

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

21 (4) in the case of a volunteer fire fighter, volunteer fire fighting  
22 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
23 member, has met a suitable standard of physical examination before becoming a fire  
24 fighter, fire fighting instructor, rescue squad member, or advanced life support unit  
25 member.

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

30 (1) IS SUFFERING FROM LYME DISEASE; AND

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

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

1                   (2)       The benefits received under this title shall be adjusted so that the  
2 weekly total of those benefits and retirement benefits does not exceed the weekly  
3 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the  
4 Office of the State Fire Marshal, police officer, or deputy sheriff.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 1999.