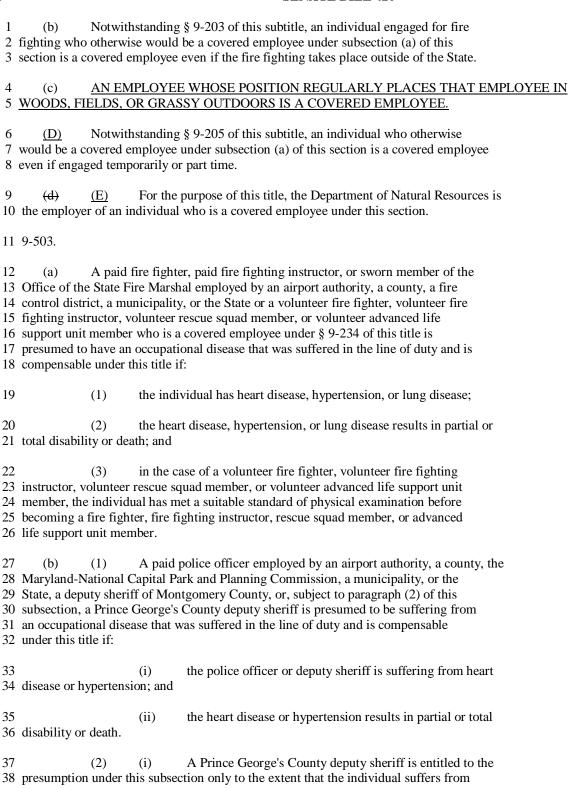
SENATE BILL 420

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By: Senators Hafer and Ferguson Introduced and read first time: February 5, 1999 Assigned to: Finance	
Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 9, 1999	
	CHAPTER
1 A	N ACT concerning
2	Workers' Compensation - Department of Natural Resources
3 F0 4 5 6 7 8 9	OR the purpose of providing that certain employees engaged for fire fighting by of the Department of Natural Resources are covered employees for the purpose of workers' compensation benefits; providing that certain paid law enforcement employees suffering from Lyme disease are presumed, under certain circumstances, to have an occupational disease that was suffered in the line of duty and is compensable in a certain manner; and generally relating to workers' compensation benefits.
10 B 11 12 13 14	Article - Labor and Employment Section 9-207 and 9-503 Annotated Code of Maryland (1991 Volume and 1998 Supplement)
15 16 M	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
17	Article - Labor and Employment
18 9	-207.
	(a) A registered crew member, A PAID LAW ENFORCEMENT EMPLOYEE, or an adividual engaged for fire fighting by the Department of Natural Resources is a overed employee.



- 3 **SENATE BILL 420** 1 heart disease or hypertension that is more severe than the individual's heart disease 2 or hypertension condition existing prior to the individual's employment as a Prince 3 George's County deputy sheriff. 4 To be eligible for the presumption under this subsection, a (ii) 5 Prince George's County deputy sheriff, as a condition of employment, shall submit to 6 a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a Prince George's County deputy 8 sheriff. 9 A paid fire fighter, paid fire fighting instructor, or a sworn member of the 10 Office of the State Fire Marshal employed by an airport authority, a county, a fire 11 control district, a municipality, or the State or a volunteer fire fighter, volunteer fire 12 fighting instructor, volunteer rescue squad member, or volunteer advanced life 13 support unit member who is a covered employee under § 9-234 of this title is 14 presumed to be suffering from an occupational disease that was suffered in the line of 15 duty and is compensable under this title if the individual: 16 has leukemia or pancreatic, prostate, rectal, or throat cancer that is (1) 17 caused by contact with a toxic substance that the individual has encountered in the 18 line of duty; 19 (2) has completed at least 5 years of service as a fire fighter, fire fighting 20 instructor, rescue squad member, or advanced life support unit member or in a 21 combination of those jobs in the department where the individual currently is 22 employed or serves; 23 is unable to perform the normal duties of a fire fighter, fire fighting 24 instructor, rescue squad member, or advanced life support unit member in the 25 department where the individual currently is employed or serves because of the 26 cancer or leukemia disability; and 27 in the case of a volunteer fire fighter, volunteer fire fighting 28 instructor, volunteer rescue squad member, or volunteer advanced life support unit 29 member, has met a suitable standard of physical examination before becoming a fire 30 fighter, fire fighting instructor, rescue squad member, or advanced life support unit 31 member.
- A PAID LAW ENFORCEMENT AN EMPLOYEE OF THE DEPARTMENT OF 33 NATURAL RESOURCES WHO IS A COVERED EMPLOYEE UNDER § 9-207(C) OF THIS
- 34 TITLE IS PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN
- 35 THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE EMPLOYEE:
- 36 (1) IS SUFFERING FROM LYME DISEASE: AND

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(D)

- 37 WAS NOT SUFFERING FROM LYME DISEASE BEFORE ASSIGNMENT TO
- 38 A POSITION THAT REGULARLY PLACES THE EMPLOYEE IN AN OUTDOOR WOODED
- 39 ENVIRONMENT WOODS, FIELDS, OR GRASSY OUTDOORS; AND

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- 1 (3) DEMONSTRATES THAT THE EMPLOYEE HAD ANY LYME DISEASE
 2 VACCINATION REQUIRED OR MADE AVAILABLE TO THE EMPLOYEE BY THE
 3 DEPARTMENT OF NATURAL RESOURCES.
- 4 [(d)] (E) (1) Except as provided in paragraph (2) of this subsection, any paid
- $5\,$ fire fighter, paid fire fighting instructor, sworn member of the Office of the State Fire
- 6 Marshal, paid police officer, PAID LAW ENFORCEMENT EMPLOYEE OF THE
- 7 DEPARTMENT OF NATURAL RESOURCES, or [any] deputy sheriff of Montgomery
- 8 County or Prince George's County who is eligible for benefits under subsection (a), (b),
- 9 [or] (c), OR (D) of this section shall receive the benefits in addition to any benefits that
- 10 the individual is entitled to receive under the retirement system in which the
- 11 individual was a participant at the time of the claim.
- 12 (2) The benefits received under this title shall be adjusted so that the
- 13 weekly total of those benefits and retirement benefits does not exceed the weekly
- 14 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the
- 15 Office of the State Fire Marshal, police officer, or deputy sheriff.
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 17 October 1, 1999.