CHAPTER 98

(House Bill 933)

AN ACT concerning

Maryland–National Capital Park and Planning Commission Park Police – Workers' Compensation – Lyme Disease Presumption

PG/MC 101–08

FOR the purpose of applying the occupational disease presumption under the workers' compensation law to park police officers employed by the Maryland–National Capital Park and Planning Commission (MNCPPC) who contract Lyme disease under certain circumstances; providing that a certain presumption only applies for a certain period of time under certain circumstances; providing that park police officers who are eligible for benefits under this Act shall receive the benefits in addition to certain retirement benefits, subject to a certain adjustment; providing for the termination of this Act; and generally relating to the occupational disease presumption for Lyme disease under the workers' compensation law.

BY repealing and reenacting, with amendments,
     Article – Labor and Employment
     Section 9–503(d) and (e)
     Annotated Code of Maryland
     (1999 Replacement Volume and 2007 Supplement)

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

Article – Labor and Employment

9–503.

     (d)   **(1)**   A paid law enforcement employee of the Department of Natural Resources who is a covered employee under § 9–207 of this title **AND A PARK POLICE OFFICER OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION** is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if the employee:

          [(1)] **(I)**   is suffering from Lyme disease; and

          [(2)] **(II)**   was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment.

(2) **THE PRESUMPTION UNDER THIS SUBSECTION FOR A PARK POLICE OFFICER OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION SHALL ONLY APPLY:**

(I) **DURING THE TIME THAT THE PARK POLICE OFFICER IS ASSIGNED TO A POSITION THAT REGULARLY PLACES THE PARK POLICE OFFICER IN AN OUTDOOR WOODED ENVIRONMENT; AND**

(II) **FOR 3 YEARS AFTER THE LAST DATE THAT THE PARK POLICE OFFICER WAS ASSIGNED BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION TO A POSITION THAT REGULARLY PLACED THE OFFICER IN AN OUTDOOR WOODED ENVIRONMENT.**

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, **A PARK POLICE OFFICER OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION,** deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George's County, or Prince George's County correctional officer who is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual is entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, **A PARK POLICE OFFICER OF THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION,** firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George's County or Montgomery County correctional officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. It shall remain effective for a period of 7 years and, at the end of September 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, April 8, 2008.