



# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1123

S.P. 457

In Senate, March 9, 2023

**An Act to Create a Presumption That a Cardiovascular Injury or  
Disease or Pulmonary Disease Suffered by Certain Law  
Enforcement Officers Is in the Course of Employment**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LAWRENCE of York.  
Cosponsored by Representative MEYER of Eliot and  
Senator: HARRINGTON of York, Representatives: MALON of Biddeford, MASTRACCIO of  
Sanford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §18511-A** is enacted to read:

3 **§18511-A. Presumption of disability for active law enforcement officers**

4 **1. Active member of law enforcement agency.** For purposes of this section, a person  
5 is considered to be an active member of a law enforcement agency, as defined in section  
6 4651, if the person is vested by law with the power to make arrests for crimes or serve  
7 criminal process, whether that power extends to all crimes or is limited to specific crimes  
8 and if the person holds a current and valid certificate issued by the Board of Trustees of the  
9 Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

10 **2. Presumption.** It is presumed that a member incurred a disability in the line of duty  
11 that occurred while in actual performance of duty at some definite time and place and that  
12 was not caused by the willful negligence of the member if:

13 **A.** The disability is the result of a cardiovascular injury that occurred, or a  
14 cardiovascular or pulmonary disease that developed, within 6 months of having  
15 participated in law enforcement activities or in a training or drill that involved law  
16 enforcement activities; and

17 **B.** The member was an active member of a law enforcement agency, as defined in  
18 section 4651, for at least 2 years before the injury or the onset of the disease described  
19 in paragraph A.

20 **3. Rebuttal.** This presumption is subject to rebuttal in accordance with the Maine  
21 Rules of Evidence, Rule 301.

22 **Sec. 2. 39-A MRSA §328-D** is enacted to read:

23 **§328-D. Cardiovascular injury or disease and pulmonary disease suffered by a law**  
24 **enforcement officer or resulting in a law enforcement officer's death**

25 Cardiovascular injury or disease and pulmonary disease suffered by a law enforcement  
26 officer or resulting in a law enforcement officer's death are governed by this section.

27 **1. Law enforcement officer defined.** For the purposes of this section, "law  
28 enforcement officer" means an active member of a law enforcement agency, as defined in  
29 Title 5, section 4651, if the person is vested by law with the power to make arrests for  
30 crimes or serve criminal process, whether that power extends to all crimes or is limited to  
31 specific crimes and if the person holds a current and valid certificate issued by the Board  
32 of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

33 **2. Presumption.** There is a rebuttable presumption that a law enforcement officer  
34 received the injury or contracted the disease arising out of and in the course of employment,  
35 that sufficient notice of the injury or disease has been given and that the injury or disease  
36 was not occasioned by the willful intention of the law enforcement officer to cause self-  
37 injury or injury to another if the law enforcement officer has been an active member of a  
38 law enforcement agency, as defined in Title 5, section 4651, for at least 2 years prior to a  
39 cardiovascular injury or the onset of a cardiovascular disease or pulmonary disease and if:

40 **A.** The disease has developed or the injury has occurred within 6 months of having  
41 participated in law enforcement activities or in a training or drill that involved law  
42 enforcement activities; or

1 B. The law enforcement officer had developed the disease or had suffered the injury  
2 that resulted in death within 6 months of having participated in law enforcement  
3 activities or in a training or drill that involved law enforcement activities.

4 **SUMMARY**

5 This bill establishes a rebuttable presumption:

6 1. Of disability under the Maine Public Employees Retirement System for a law  
7 enforcement officer who suffers a disability as a result of a cardiovascular injury or a  
8 cardiovascular or pulmonary disease; and

9 2. That a law enforcement officer's cardiovascular injury or disease or pulmonary  
10 disease arose out of and in the course of employment under the Maine Workers'  
11 Compensation Act of 1992.