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## **An Act To Establish a Rebuttable Presumption Regarding a Corrections Employee That Contracts Hypertension or Cardiovascular Disease**

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

**Sec. 1. 39-A MRSA §328-C** is enacted to read:

### **§ 328-C. Hypertension or cardiovascular disease; corrections employee**

Hypertension or cardiovascular disease suffered by a corrections employee or resulting in a corrections employee's death is governed by this section.

**1. Corrections employee defined.** "Corrections employee" means:

A. An employee of the Maine State Prison or the Department of Corrections who is employed in a correctional facility, as defined in Title 34-A, section 1001, or whose duties involve contact with prisoners, probationers, parolees or juvenile offenders and a person employed as the supervisor of such an employee; and

B. An employee of a county who is employed in a county jail and whose duties involve contact with prisoners or juvenile detainees and a person employed as the supervisor of such an employee.

**2. Presumption.** There is a rebuttable presumption that a corrections employee who contracts hypertension or cardiovascular disease has a disease arising out of and in the course of employment, that sufficient notice of the disease has been given and that the disease was not occasioned by the willful intention of the corrections employee to cause the disease if the corrections employee complies with the requirements of subsection 3.

**3. Required medical tests; preemployment physical.** In order to be entitled to the presumption set forth in subsection 2, a corrections employee, at the time of or during employment as a corrections employee and prior to diagnosis, must have undergone standard, medically acceptable tests for evidence of hypertension or cardiovascular disease or evidence of the medical conditions derived from the disease, which tests failed to indicate the presence of the disease.

**4. Effect of presumption on disability retirement.** The presumption set forth in subsection 2 is effective for purposes of determining whether a disability is work-related for purposes of determining eligibility for disability retirement in the Maine Public Employees Retirement System. This presumption does not affect any eligibility requirement other than the requirement that the disability be work-related.

## **SUMMARY**

HP0814, LD 1149, item 1, 126th Maine State Legislature  
An Act To Establish a Rebuttable Presumption Regarding a Corrections  
Employee That Contracts Hypertension or Cardiovascular Disease

This bill establishes a rebuttable presumption that if a corrections employee contracts hypertension or cardiovascular disease, the disease arises out of and in the course of employment.