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**An Act To Amend the Laws Governing Corrections Officers  
Who Suffer Certain Injuries, Impairments or Medical Conditions**

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

**Sec. 1. 25 MRSA Pt. 14** is enacted to read:

**PART 14**

**BENEFITS FOR CORRECTIONS OFFICERS**

**CHAPTER 651**

**SUPPLEMENTAL BENEFIT**

**§ 5501. Supplemental benefit for corrections officer**

**1. Corrections officer; definition.** "Corrections officer," as used in this chapter, has the same meaning as in section 2801-A, subsection 2.

**2. Supplemental benefit.** A corrections officer who while in the performance of duty suffers bodily injury resulting from acts of a patient or prisoner in the custody of the jail, prison or state correctional facility where the corrections officer works and as a result of the injury is entitled to benefits under Title 39-A is entitled to a supplemental benefit in the amount of the difference between the weekly cash benefits to which the corrections officer is entitled under Title 39-A and the corrections officer's regular salary.

**3. Not chargeable against sick leave.** Any absence from work resulting from the injury described in subsection 2 may not be charged against available sick leave credits.

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

**§ 328-C. Impairment of health caused by infectious disease suffered by a corrections officer**

Impairment of health by infectious disease suffered by a corrections officer is governed by this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Corrections officer" means an employee of the State or of a county whose place of employment is a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a county or regional jail under Title 30-A, chapter 13 and who is responsible for the care, custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest.

B. "Infectious disease" means a disease resulting from the presence and activity of a pathogenic microbial agent, including, but not limited to, bacteria, viruses, fungi or parasites.

**2. Presumption.** If a corrections officer successfully passed a physical examination upon entry into service as a corrections officer, or subsequently successfully passed a physical examination, and the examination or examinations failed to reveal any evidence of a condition of impairment of health caused by an infectious disease, then a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of that corrections officer is presumed to have been suffered in the line of duty, unless the contrary is shown by competent evidence.

**Sec. 3. 39-A MRSA §328-D** is enacted to read:

**§ 328-D. Heart disease or hypertension suffered by a corrections officer**

Heart disease or hypertension suffered by a corrections officer is governed by this section.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Corrections officer" means an employee of the State or of a county whose place of employment is a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a county or regional jail under Title 30-A, chapter 13 and who is responsible for the care, custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest.

B. "Heart disease" means a structural or functional abnormality of the heart, or of the blood vessels supplying the heart, that impairs the heart's normal functioning.

C. "Hypertension" means a chronic medical condition in which the blood pressure in the arteries is elevated.

**2. Presumption.** If a corrections officer who contracts heart disease or hypertension has met the requirements of subsections 3, 6 and 7, there is a rebuttable presumption that the corrections officer contracted the heart disease or hypertension in the course of employment as a corrections officer and as a result of that employment, that sufficient notice of the heart disease or hypertension has been given and that the heart disease or hypertension was not occasioned by any willful act of the corrections officer to cause the heart disease or hypertension.

**3. Medical tests.** In order to be entitled to the presumption in subsection 2, during the time of employment as a corrections officer, the corrections officer must have undergone a standard, medically acceptable test for evidence of the heart disease or hypertension for which the presumption is sought or evidence of the medical conditions derived from the heart disease or hypertension, and that test did not indicate the presence or condition of heart disease or hypertension.

**4. Liability if services performed for more than one employer.** If a corrections officer who contracts heart disease or hypertension was employed as a corrections officer by more than one employer and qualifies for the presumption under subsection 2, and that presumption has not been rebutted, the employer and insurer at the time of the last substantial exposure to the risk of the heart disease or hypertension are liable under this Part.

**5. Retired corrections officer.** This section applies to a corrections officer who is diagnosed with heart disease or hypertension within 10 years of the corrections officer's last active employment as a corrections officer or prior to attaining 70 years of age, whichever occurs first.

**6. Length of service.** In order to qualify for the presumption under subsection 2, a corrections officer must have been employed as a corrections officer for at least 5 years.

**7. Written verification.** In order to qualify for the presumption under subsection 2, a corrections officer must sign a written affidavit declaring, to the best of the corrections officer's knowledge and belief, that the corrections officer's diagnosed heart disease or hypertension is not prevalent among the corrections officer's blood-related parents, grandparents or siblings and that the corrections officer has no substantial lifetime habits or personal activities that are associated with the corrections officer's diagnosed heart disease or hypertension.

## SUMMARY

This bill makes the following changes to the laws governing corrections officers.

1. It provides a supplemental benefit paid to a corrections officer who is injured by the acts of a patient or prisoner of the jail, prison or state correctional facility where the corrections officer works if the injury qualifies the corrections officer for workers' compensation benefits.

2. It amends the workers' compensation laws by including a rebuttable presumption that a condition of impairment of health caused by an infectious disease resulting in total or partial disability or death of a corrections officer is presumed to have been suffered in the line of duty, unless it is shown otherwise.

3. It amends the workers' compensation laws by including a rebuttable presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, like the provisions of current law that establish a rebuttable presumption that cancer contracted by a firefighter was caused by exposure to carcinogens in the course of the firefighter's firefighting duties.