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An Act Regarding Accidental Death Benefits for Beneficiaries of Deceased Firefighters

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

Sec. 1. 5 MRSA §18601, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

§ 18601. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Professional firefighter. "Professional firefighter" means an employee of a municipal fire department who is a member of the Participating Local District Retirement Program or who is a participating member under chapter 425 and who aids in the extinguishment of fires, whether or not the employee has other administrative duties.

2. Qualifying member. "Qualifying member" means:

A. A member who dies as a result of an injury arising out of and in the course of employment as an employee;

B. After October 31, 2004, an active member who is a professional firefighter who dies as a result of an injury or disease as described in Title 39A, section 328 if the injury or disease that causes the death is the result of a condition that develops within 30 days of the active member's participating in firefighting or training or a drill that involves firefighting. If the professional firefighter dies after 30 days but within 6 months of participating in firefighting or training or a drill that involves firefighting, there is a rebuttable presumption that the death is the result of an injury arising out of and in the course of employment as a professional firefighter; or

C. A former member receiving a disability retirement benefit who dies as a result of an injury arising out of and in the course of employment as an employee.

Sec. 2. Rules. The Board of Trustees of the Maine Public Employees Retirement System shall adopt rules to implement this Act. These rules must be submitted to the joint standing committee of the Legislature having jurisdiction over labor matters at least 30 days prior to final adoption. Rules adopted pursuant to this section are routine technical as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A.

Sec. 3. Retroactivity. This Act applies retroactively to November 1, 2004.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.