§328-B. Cancer suffered by a firefighter

Cancer suffered by a firefighter is governed by this section. [PL 2009, c. 408, §1 (NEW).]

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

A. "Cancer" means kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer, breast cancer or gynecologic cancer. [PL 2021, c. 325, §1 (AMD).]

B. "Employed" means to be employed as an active duty firefighter or by the Office of the State Fire Marshal or by the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry or to be an active member of a volunteer fire association with no compensation other than injury and death benefits. [PL 2021, c. 678, §1 (AMD).]

C. "Firefighter" means a member of a municipal fire department or volunteer fire association whose duties include the extinguishment of fires, an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose duties include the extinguishment or investigation of fires. [PL 2021, c. 678, §2 (AMD).]

[PL 2021, c. 678, §§1, 2 (AMD).]

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

[PL 2009, c. 408, §1 (NEW).]

3. Medical tests. In order to be entitled to the presumption in subsection 2, during the time of employment as a firefighter, the firefighter must have undergone a standard, medically acceptable test for evidence of the cancer for which the presumption is sought or evidence of the medical conditions derived from the disease, which test failed to indicate the presence or condition of cancer.

[PL 2009, c. 408, §1 (NEW).]

4. Liability if services performed for more than one employer. If a firefighter who contracts cancer was employed as a firefighter 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 cancer are liable under this Part.

[PL 2009, c. 408, §1 (NEW).]

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

[PL 2009, c. 408, §1 (NEW).]

6. Length of service. In order to qualify for the presumption under subsection 2, the firefighter must have been employed as a firefighter for 5 years and, except for an investigator or sergeant in the Office of the State Fire Marshal or an employee in the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry, regularly responded to firefighting or emergency calls.

[PL 2021, c. 678, §3 (AMD).]

7. Written verification. In order to qualify for the presumption under subsection 2, a firefighter must sign a written affidavit declaring, to the best of the firefighter's knowledge and belief, that the firefighter's diagnosed cancer is not prevalent among the firefighter's blood-related parents,

grandparents or siblings and that the firefighter has no substantial lifetime exposures to carcinogens that are associated with the firefighter's diagnosed cancer other than exposure through firefighting.
[PL 2009, c. 408, §1 (NEW).]

8. Safety equipment for investigators and sergeants in the Office of the State Fire Marshal. In order to qualify for the presumption under subsection 2, an investigator or sergeant in the Office of the State Fire Marshal must represent that the investigator or sergeant used protective equipment in compliance with the policies of the Office of the State Fire Marshal in effect during the course of the investigator's or sergeant's employment.
[PL 2015, c. 373, §3 (NEW).]

SECTION HISTORY

PL 2009, c. 408, §1 (NEW). PL 2015, c. 373, §§1-3 (AMD). PL 2021, c. 325, §1 (AMD). PL 2021, c. 678, §§1-3 (AMD).

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