

(3) IS UNABLE TO PERFORM THE NORMAL DUTIES OF A FIRE FIGHTER, FIRE FIGHTING INSTRUCTOR, OR RESCUE SQUAD MEMBER IN THE DEPARTMENT WHERE THE INDIVIDUAL CURRENTLY IS EMPLOYED OR SERVES BECAUSE OF THE CANCER OR LEUKEMIA DISABILITY; AND

(4) IN THE CASE OF A VOLUNTEER FIRE FIGHTER, VOLUNTEER FIRE FIGHTING INSTRUCTOR, OR VOLUNTEER RESCUE SQUAD MEMBER, HAS MET A SUITABLE STANDARD OF PHYSICAL EXAMINATION BEFORE BECOMING A FIRE FIGHTER, FIRE FIGHTING INSTRUCTOR, OR RESCUE SQUAD MEMBER.

(D) BENEFITS IN ADDITION TO RETIREMENT BENEFITS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBTITLE, ANY PAID FIRE FIGHTER, PAID FIRE FIGHTING INSTRUCTOR, OR PAID POLICE OFFICER WHO IS ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A), (B), OR (C) OF THIS SECTION SHALL RECEIVE THE BENEFITS IN ADDITION TO ANY BENEFITS THAT THE INDIVIDUAL IS ENTITLED TO RECEIVE UNDER THE RETIREMENT SYSTEM IN WHICH THE INDIVIDUAL WAS A PARTICIPANT AT THE TIME OF THE CLAIM.

(2) THE BENEFITS RECEIVED UNDER THIS TITLE SHALL BE ADJUSTED SO THAT THE WEEKLY TOTAL OF THOSE BENEFITS AND RETIREMENT BENEFITS DOES NOT EXCEED THE WEEKLY SALARY THAT WAS PAID TO THE FIRE FIGHTER, FIRE FIGHTING INSTRUCTOR, OR POLICE OFFICER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 64A.

In the introductory language of subsections (a) and (c) of this section, the reference to a volunteer fire fighter, volunteer fire fighting instructor, or volunteer rescue squad member "who is a covered employee under § 9-234 of this title" is substituted for the former reference to a volunteer fire fighter, volunteer fire fighting instructor, or volunteer rescue squad member "referred to under § 21(b)(4) of this article", for clarity. A volunteer fire fighter, volunteer fire fighting instructor, or volunteer rescue squad member who was referred to under former Art. 101, § 21(b)(4) was a covered employee.

In the introductory language of subsections (a) through (c) of this section, the defined term "occupational disease" is substituted for the former references to any "condition or impairment of health ... suffered ... as a result of his employment" or "as a result of employment", for brevity and to clarify that this section deals with occupational diseases. See Colgan v. Board of County Commissioners for Prince George's County, Maryland, 21 Md. App. 331 (1974), aff'd, 274 Md. 193 (1975).