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L.D. 848 (Filing No. H-44

Reproduced and distributed under the direction of the Clerk of the House. STATE OF MAINE HOUSE OF REPRESENTATIVES

128TH LEGISLATURE

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

FIRST REGULAR SESSION

- 9 COMMITTEE AMENDMENT "A" to H.P. 597, L.D. 848, Bill, "An Act To 10 Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic 11 Stress Disorder"
- 12 Amend the bill by inserting after the title and before the enacting clause the 13 following:

'Mandate preamble. This measure requires one or more local units of government
to expand or modify activities so as to necessitate additional expenditures from local
revenues but does not provide funding for at least 90% of those expenditures. Pursuant to
the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to
each House have determined it necessary to enact this measure.'

Amend the bill in section 2 in subsection 3-A by striking out all of paragraph B and inserting the following:

21 'B. The employee is a law enforcement officer, firefighter or emergency medical 22 services person and is diagnosed by an allopathic physician or an osteopathic 23 physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a 24 specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as 25 having post-traumatic stress disorder that resulted from work stress, that the work 26 stress was extraordinary and unusual compared with that experienced by the average 27 employee and the work stress and not some other source of stress was the 28 predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of 29 30 the worker's employment. This presumption may be rebutted by clear and convincing 31 evidence to the contrary. For purposes of this paragraph, "law enforcement officer," 32 "firefighter" and "emergency medical services person" have the same meaning as in 33 section 328-A, subsection 1.

By January 1, 2022, the board shall submit a report to the joint standing committee of
the Legislature having jurisdiction over labor matters that includes an analysis of the
number of claims brought under this paragraph, the portion of those claims that
resulted in a settlement or award of benefits and the effect of the provisions of this

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "T v to H.P. 597, L.D. 848

paragraph on costs to the State and its subdivisions, The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.

7 This paragraph is repealed October 1, 2022.

SUMMARY

9 This amendment changes the rebuttable presumption in the workers' compensation 10 laws created by the bill by requiring that a psychiatrist or psychologist must diagnose the employee as having post-traumatic stress disorder resulting from work stress that was 11 12 extraordinary and unusual and that the work stress and not some other source of stress 13 was the predominant cause of the post-traumatic stress disorder. The amendment also 14 eliminates corrections officers from the classes of employees that are eligible for the 15 presumption. This amendment directs the Workers' Compensation Board to submit a report to the joint standing committee of the Legislature having jurisdiction over labor 16 17 matters by January 1, 2022 analyzing the number of claims brought as a result of the 18 provisions of the bill, the portion of those claims that resulted in a settlement or award of 19 benefits and the effect of the provisions of the bill on costs to the State and its 20 subdivisions. The Department of Administrative and Financial Services, Bureau of 21 Human Resources and the Department of Public Safety are directed to assist the board in developing the report, and the board is required to seek the input of an association, the 22 23 membership of which consists exclusively of counties, municipalities and other political 24 or administrative subdivisions, in the development of the report. This amendment also 25 repeals the new rebuttable presumption October 1, 2022 and adds a mandate preamble.

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FISCAL NOTE REQUIRED

(See attached)

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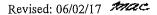
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COMMITTEE AMENDMENT





128th MAINE LEGISLATURE

LD 848

LR 1943(02)

An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-448' Committee: Labor, Commerce, Research and Economic Development Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted Potential current biennium cost increase - All Funds

State Mandates

Required ActivityUnit AffectedLocal CostShifting the burden of proof that a law enforcement officer, firefighter or emergencyMunicipalitySignificantmedical services worker diagnosed as having post-traumatic stress disorder by aCountyStatewidepsychiatrist or psychologist developed that condition as a result of work stress fromCountyStatewidethe claimant to the employer and/or the employer's insurer may represent aMunicipalityStatewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional costs.

Fiscal Detail and Notes

This legislation will result in additional costs to the State as a direct reimbursement employer and to the Department of Public Safety associated with increased payments of workers' compensation benefits and legal and administrative expenses. The impact will depend on actual experience.

This legislation will also increase costs to local governments in the form of both higher premiums for workers' compensation insurance and increased legal and administrative costs. The impact to individual units of government will depend on actual experience.

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