

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SMY  
ROFS

L.D. 848

Date: 6/7/17

(Filing No. H-448)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 597, L.D. 848, Bill, "An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder"

Amend the bill by inserting after the title and before the enacting clause the 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:

'B. The employee is a law enforcement officer, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the 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 the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "firefighter" and "emergency medical services person" have the same meaning as in 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

**COMMITTEE AMENDMENT**

R O F S

COMMITTEE AMENDMENT <sup>A</sup> to H.P. 597, L.D. 848

1 paragraph on costs to the State and its subdivisions. The Department of  
2 Administrative and Financial Services, Bureau of Human Resources and the  
3 Department of Public Safety shall assist the board in developing the report, and the  
4 board shall seek the input of an association, the membership of which consists  
5 exclusively of counties, municipalities and other political or administrative  
6 subdivisions, in the development of the report.  
7 This paragraph is repealed October 1, 2022.'

8 **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  
11 employee as having post-traumatic stress disorder resulting from work stress that was  
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  
16 report to the joint standing committee of the Legislature having jurisdiction over labor  
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  
22 developing the report, and the board is required to seek the input of an association, the  
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.

26 **FISCAL NOTE REQUIRED**

27 (See attached)



# 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 Activity

Shifting the burden of proof that a law enforcement officer, firefighter or emergency medical services worker diagnosed as having post-traumatic stress disorder by a psychiatrist or psychologist developed that condition as a result of work stress from the claimant to the employer and/or the employer's insurer may represent a modification or expansion of a municipal and/or county activity.

##### Unit Affected

Municipality  
 County

##### Local Cost

Significant  
 statewide

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.