

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 848

H.P. 597

House of Representatives, March 7, 2017

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

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GOLDEN of Lewiston.  
Cosponsored by Senator VOLK of Cumberland and  
Representatives: SYLVESTER of Portland, WARREN of Hallowell, Senators: BELLOWS of  
Kennebec, LIBBY of Androscoggin.

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

2 **Sec. 1. 39-A MRSA §201, sub-§3**, as enacted by PL 1991, c. 885, Pt. A, §8 and  
3 affected by §§9 to 11, is repealed.

4 **Sec. 2. 39-A MRSA §201, sub-§3-A** is enacted to read:

5 **3-A. Mental injury caused by mental stress.** Mental injury resulting from work-  
6 related stress does not arise out of and in the course of employment unless:

7 A. It is demonstrated by clear and convincing evidence that:

8 (1) The work stress was extraordinary and unusual in comparison to pressures  
9 and tensions experienced by the average employee; and

10 (2) The work stress, and not some other source of stress, was the predominant  
11 cause of the mental injury.

12 The amount of work stress must be measured by objective standards and actual  
13 events rather than any misperceptions by the employee; or

14 B. The employee is a law enforcement officer, firefighter, corrections officer or  
15 emergency medical services worker and is diagnosed by an allopathic physician or an  
16 osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively,  
17 with a specialization in psychiatry or a psychologist licensed under Title 32, chapter  
18 56 as having post-traumatic stress disorder, in which case the post-traumatic stress  
19 disorder is presumed to have arisen out of and in the course of the worker's  
20 employment. This presumption may be rebutted by clear and convincing evidence to  
21 the contrary. For purposes of this paragraph, "law enforcement officer," "firefighter,"  
22 "corrections officer" and "emergency medical services worker" have the same  
23 meaning as in section 328-A, subsection 1.

24 A mental injury is not considered to arise out of and in the course of employment if it  
25 results from any disciplinary action, work evaluation, job transfer, layoff, demotion,  
26 termination or any similar action, taken in good faith by the employer.

27 **SUMMARY**

28 This bill establishes a rebuttable presumption under the laws governing workers'  
29 compensation that when a law enforcement officer, firefighter, corrections officer or  
30 emergency medical services worker is diagnosed by a licensed physician specializing in  
31 psychiatry or a licensed psychologist as having post-traumatic stress disorder, the post-  
32 traumatic stress disorder is presumed to have arisen out of and in the course of the  
33 worker's employment.