MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

An Act To Achieve Mental Health Parity in Workers' Compensation

Reference to the Committee on Labor and Housing suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative SYLVESTER of Portland and
Senators: CARPENTER of Aroostook, President JACKSON of Aroostook, MOORE of Washington, Representatives: BAILEY of Saco, GRAMLICH of Old Orchard Beach, RECKITT of South Portland.

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

2   **Sec. 1. 39-A MRSA §201, sub-§3-A, ¶A,** as enacted by PL 2017, c. 294, §2, is
3   amended to read:

4   A. It is demonstrated by ~~clear and convincing~~ <u>a preponderance of the</u> evidence that:

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

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

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

11   **Sec. 2. 39-A MRSA §201, sub-§4,** as enacted by PL 1991, c. 885, Pt. A, §8 and
12   affected by §§9 to 11, is amended to read:

13   **4. Preexisting condition.** If a work-related injury aggravates, accelerates or
14   combines with a preexisting physical <u>or mental</u> condition, any resulting disability is
15   compensable only if contributed to by the employment in a significant manner.

16   **SUMMARY**

17   This bill changes the standard of proof required to demonstrate entitlement to
18   compensation for a mental injury caused by stress so that it is the same standard as is
19   required with respect to physical injuries. In addition, this bill specifies that a work-
20   related injury that aggravates a preexisting mental condition may result in a compensable
21   disability, just as aggravating a preexisting physical condition may.