

MAINE STATE LEGISLATURE

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Date: 6-9-2021

(Filing No. H-505)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to H.P. 148, L.D. 213, "An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer"

Amend the bill by inserting after section 1 the following:

Sec. 2. Reimbursement. The Department of Administrative and Financial Services shall develop a process to provide reimbursement to local units of government for 90% of the increase in workers' compensation costs due to the presumption under the Maine Revised Statutes, Title 39-A, section 328-B that a municipal firefighter or volunteer firefighter contracted gynecological cancer as a result of employment as a firefighter.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
State Mandate Reimbursement - Gynecologic cancer N400

Initiative: Provides ongoing funds to reimburse local units of government for 90% of the increase in workers' compensation costs due to the presumption that a municipal firefighter or volunteer firefighter contracted gynecologic cancer as a result of employment as a firefighter.

GENERAL FUND	2021-22	2022-23
All Other	\$540,000	\$540,000
GENERAL FUND TOTAL	<u>\$540,000</u>	<u>\$540,000</u>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY


This amendment requires the Department of Administrative and Financial Services to develop a process to reimburse local units of government for 90% of the increase in workers' compensation costs resulting from the presumption that a municipal firefighter or

HOUSE AMENDMENT

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HOUSE AMENDMENT "A" to H.P. 148, L.D. 213

1 volunteer firefighter contracted gynecological cancer as a result of employment as a
2 firefighter and adds an appropriations and allocations section to the bill.

3 SPONSORED BY: 

4 (Representative SYLVESTER, M.)

5 TOWN: Portland

FISCAL NOTE REQUIRED
(See Attached)

HOUSE AMENDMENT



130th MAINE LEGISLATURE

LD 213

LR 148(04)

An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer

Fiscal Note for House Amendment "A" to Original Bill (H-505)
 Sponsor: Rep. Sylvester of Portland
 Fiscal Note Required: Yes

Fiscal Note

State Mandate - Funded

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$540,000	\$540,000	\$540,000	\$540,000
Appropriations/Allocations				
General Fund	\$540,000	\$540,000	\$540,000	\$540,000

State Mandates

Required Activity

Shifting the burden of proof that a municipal firefighter or volunteer firefighter contracted gynecologic cancer as a result of employment as a firefighter from the claimant to the employer and/or the employer's insurer may necessitate a more vigorous and costly legal defense by municipalities and increase the number of cases lost.

Unit Affected

Municipality

Local Cost

\$600,000
annually

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

This amendment includes ongoing General Fund appropriations of \$540,000 per year beginning in fiscal year 2021-22 to a newly created State Mandate Reimbursement - Gynecologic cancer program within the Department of Administrative and Financial Services to reimburse local units of government for 90% of the increase in workers' compensation costs due to the presumption that a municipal firefighter or volunteer firefighter contracted gynecologic cancer as a result of employment as a firefighter. Any unexpended funds at the end each fiscal year will lapse to the unappropriated surplus of the General Fund.

This estimate is based on information provided from Maine Municipal Association (MMA) that states that since the enactment of Public Law 2009, chapter 408, *An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer*, the communities in MMA's workers' compensation insurance pool (approximately 422 municipalities) have incurred approximately \$5.0 million in related costs. On average, MMA pays 2 presumption claims per year that range between \$130,000 and \$500,000 each. It is important to note that these amounts do not reflect the costs incurred by some of the State's largest municipalities such as Portland, Bangor, Lewiston and Auburn as they are self-insured. This fiscal note assumes 3 presumption claims are paid by municipalities each year at an average cost of \$200,000 each.