

MAINE STATE LEGISLATURE

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LD 1123

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Date 6/7/23

(Filing No S-205)

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LABOR AND HOUSING

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STATE OF MAINE

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SENATE

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131ST LEGISLATURE

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FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to S P 457, L D 1123, "An Act to Create a Presumption That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment"

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Amend the bill by striking out the title and substituting the following

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'An Act to Create a Presumption Under the Maine Workers' Compensation Act of 1992 That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment'

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Amend the bill by striking out all of section 1

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

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SUMMARY

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This amendment removes from the bill the rebuttable presumption of disability under the Maine Public Employees Retirement System for a law enforcement officer who suffers a disability as a result of a cardiovascular injury or a cardiovascular or pulmonary disease

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FISCAL NOTE REQUIRED

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(See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1123

LR 1076(02)

An Act to Create a Presumption That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-205)
Committee: Labor and Housing
Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded
Potential current biennium cost increase - Worker's Compensation Management Fund
Potential future biennium cost increase - All Funds

State Mandates

Required Activity	Unit Affected	Local Cost
Shifting the burden of proof that a cardiovascular injury or disease and pulmonary disease suffered by certain law enforcement officers employed in a sheriff's department or a municipal police department that resulted in the officer's death arose out of and in the course of that employment from the claimant to the employer and/or the employer's insurer may necessitate a more vigorous and costly legal defense by counties and municipalities and increase the number of cases lost	County Municipality	Significant statewide

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

Shifting the burden of proof to the State for officers employed by the State may increase costs to the Workers' Compensation Management Fund (fund) within the Department of Administrative and Financial Services beginning in fiscal year 2023-24. Higher or more frequent settlements in such cases may eventually require higher premium rates charged to state agencies by the fund, increasing costs to all funds.