

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1302

H.P. 827

House of Representatives, March 23, 2023

**An Act to Create a Rebuttable Presumption Under the Workers'
Compensation Law for Line Workers Diagnosed with Post-
traumatic Stress Disorder**

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

A handwritten signature in cursive script, reading "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative O'CONNELL of Brewer.
Cosponsored by Senator FARRIN of Somerset and
Representatives: BELL of Yarmouth, HOBBS of Wells, MONTELL of Gardiner, MORIARTY
of Cumberland, MURPHY of Scarborough.

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

Sec. 1. 39-A MRSA §201, sub-§3-A, ¶B, as amended by PL 2021, c. 629, §2, is further amended to read:

B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher, firefighter or emergency medical services person or line worker for a consumer-owned transmission and distribution utility or an investor-owned transmission and distribution utility 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," "corrections officer," "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1. For the purposes of this paragraph, "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system and dispatches emergency services. "E-9-1-1 dispatcher" includes an emergency medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1, paragraph D. For the purposes of this paragraph, "consumer-owned transmission and distribution utility" has the same meaning as in Title 35-A, section 3201, subsection 6 and "investor-owned transmission and distribution utility" has the same meaning as in Title 35-A, section 3104, subsection 1, paragraph A.

Each time the Legislature amends this paragraph to provide for a rebuttable presumption for a new category of employees, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than the January 1st after the 5th year of the addition of the category of employees and no later than the January 1st after the 10th year of the addition of the category of employees. The reports must include 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 paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association the membership whose consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This paragraph is repealed October 1, 2025.

SUMMARY

This bill adds line workers of a consumer-owned transmission and distribution utility or an investor-owned transmission and distribution utility to the list of employees for whom there is a rebuttable presumption under the laws governing workers' compensation that when the employee is diagnosed by a licensed psychiatrist or psychologist as having post-

1 traumatic stress disorder resulting from work stress that was extraordinary and unusual, the
2 post-traumatic stress disorder is presumed to have arisen out of and in the course of the
3 worker's employment.