

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

July 2022

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LD 1874 An Act To Clarify COVID-19 Paid Leave for School Employee

ENACTED LAW SUMMARY

Public Law 2021, chapter 614 provides that a public school employee who has 60 days or more of accrued paid leave on or after the effective date of this legislation is not eligible for paid leave for reasons related to COVID-19 as specified in the Maine Revised Statutes, Title 20-A, section 13605, subsection 1. It requires a school administrative unit to restore sick leave time used by a public school employee pursuant to Title 20-A, section 13605 prior to the effective date of this legislation and to compensate a public school employee who was absent from work for a reason described in Title 20-A, section 13605 prior to the effective date of this legislation and who was not eligible to be paid for that absence. It also permits school administrative units to fund the paid leave provided in this legislation using federal funds, if federal funds are available to be used for that purpose.

Public Law 2021, chapter 614 was enacted as an emergency measure effective April 15, 2022.

LD 1879 An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder

ENACTED LAW SUMMARY

Current law in the Maine Revised Statutes, Title 39-A, section 201, subsection 3-A, paragraph B creates for certain employees with post-traumatic stress disorder claims under the Workers' Compensation Act a rebuttable presumption that the condition is a work-related injury. Current law also requires the Workers' Compensation Board to report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2022 with an analysis of the claims brought under that law. Current law provides that these provisions are repealed on October 1, 2022. Public Law 2021, chapter 629 amends these provisions in the following ways.

1. The law repeals the reporting requirement and replaces it with a new prospective requirement for the Workers' Compensation Board to report to the joint standing committee of the Legislature having jurisdiction over labor matters with an analysis of claims brought under the Maine Revised Statutes, Title 39-A, section 201, subsection 3-A, paragraph B five years and 10 years after the Legislature amends the provision to add a new category of employees eligible for the rebuttable presumption.
2. The law extends the repeal date by three years until October 1, 2025. This repeal date means that the rebuttable presumption for certain employees will no longer be available after October 1, 2025. To avoid a conflict, the reporting requirements will also be repealed on October 1, 2025.

The law also establishes additional reporting requirements for the Workers' Compensation Board relating to claims brought under the rebuttable presumption provision in Title 39-A, section 201,

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subsection 3-A, paragraph B. It requires the board to report to the joint standing committee of the Legislature having jurisdiction over labor matters in the following ways.

1. The law requires the board, no later than April 1, 2025, to report on rebuttable presumption claims made by corrections officers and E-9-1-1 dispatchers.
2. The law requires the board, no later than January 1, 2027, to report on rebuttable presumption claims made by law enforcement officers, firefighters or emergency medical services persons. This report must consist of claims data for claims brought by these employees under Title 39-A, section 201, subsection 3-A, paragraph B prior to its repeal date of October 1, 2025.
3. The law requires the board, no later than January 1, 2032, to report on rebuttable presumption claims by corrections officers and E-9-1-1 dispatchers. This report must consist of claims data for claims brought by these employees under Title 39-A, section 201, subsection 3-A, paragraph B prior to its repeal date of October 1, 2025.

The law specifies the information that must be included in the three reports and authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation relating to each report during the session in which the report is received.

LD 1889 An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces

ENACTED LAW SUMMARY

Public Law 2021, chapter 589 changes the Whistleblowers' Protection Act in order to clarify its scope. The law repeals a section of the Whistleblowers' Protection Act that was interpreted by the Maine Supreme Judicial Court in *Nadeau v. Twin Rivers Paper Company, LLC*, 2021 ME 16, 247 A.3d 717 as a bar to enforcement of the Act in many cases in which a collective bargaining agreement is in place.

LD 1891 An Act To Continue Supporting Safe Drinking Water for Maine Families

ENACTED LAW SUMMARY

Public Law 2021, chapter 726 provides one-time funding of \$400,000 in fiscal year 2022-23 for the treatment of contaminated private drinking water wells.