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Date: (Filing No. H-)

LABOR AND HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1389, L.D. 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”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 39-A MRSA §153, sub-§11 is enacted to read:

11. Reports on use of rebuttable presumption. The board shall submit reports containing claims data from claims brought under section 201, subsection 3-A, paragraph B to the joint standing committee of the Legislature having jurisdiction over labor matters in accordance with this subsection.

A. No later than April 1, 2025, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the First Regular Session of the 132nd Legislature.

B. No later than January 1, 2027, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by law enforcement officers, firefighters and emergency medical services persons, as defined in section 328-A, subsection 1. The committee may report out legislation related to the content of the report to the First Regular Session of the 133rd Legislature.

C. No later than January 1, 2032, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the Second Regular Session of the 135th Legislature.

COMMITTEE AMENDMENT

1 The reports must include, to the extent the information is available, an analysis of claims
2 brought under section 201, subsection 3-A, paragraph B for the particular category of
3 employees, as provided in this subsection. The reports must include the portion of those
4 claims that resulted in a settlement or award of benefits and the effect of the claims on costs
5 to the State and its subdivisions. The Department of Administrative and Financial Services,
6 Bureau of Human Resources and the Department of Public Safety shall assist the board in
7 developing the reports, and the board shall seek the input of an association whose
8 membership consists exclusively of counties, municipalities and other political or
9 administrative subdivisions in the development of the report.

10 This subsection is repealed October 1, 2025.

11 **Sec. 2. 39-A MRSA §201, sub-§3-A, ¶B**, as amended by PL 2021, c. 419, §1, is
12 further amended to read:

13 B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher,
14 firefighter or emergency medical services person and is diagnosed by an allopathic
15 physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36,
16 respectively, with a specialization in psychiatry or a psychologist licensed under Title
17 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress,
18 that the work stress was extraordinary and unusual compared with that experienced by
19 the average employee and the work stress and not some other source of stress was the
20 predominant cause of the post-traumatic stress disorder, in which case the post-
21 traumatic stress disorder is presumed to have arisen out of and in the course of the
22 worker's employment. This presumption may be rebutted by clear and convincing
23 evidence to the contrary. For purposes of this paragraph, "law enforcement officer,"
24 "corrections officer," "firefighter" and "emergency medical services person" have the
25 same meaning as in section 328-A, subsection 1. For the purposes of this paragraph,
26 "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system
27 and dispatches emergency services. "E-9-1-1 dispatcher" includes an emergency
28 medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1,
29 paragraph D.

30 ~~By January 1, 2022, the board shall submit a report to the joint standing committee of~~
31 ~~the Legislature having jurisdiction over labor matters that includes an analysis of the~~
32 ~~number of claims brought under this paragraph, the portion of those claims that resulted~~
33 ~~in a settlement or award of benefits and the effect of the provisions of this paragraph~~
34 ~~on costs to the State and its subdivisions. The Department of Administrative and~~
35 ~~Financial Services, Bureau of Human Resources and the Department of Public Safety~~
36 ~~shall assist the board in developing the report, and the board shall seek the input of an~~
37 ~~association, the membership of which consists exclusively of counties, municipalities~~
38 ~~and other political or administrative subdivisions, in the development of the report.~~

39 Each time the Legislature amends this paragraph to provide for a rebuttable
40 presumption for a new category of employees, the board shall submit a report to the
41 joint standing committee of the Legislature having jurisdiction over labor matters no
42 later than the January 1st after the 5th year of the addition of the category of employees
43 and no later than the January 1st after the 10th year of the addition of the category of
44 employees. The reports must include an analysis of the number of claims brought under
45 this paragraph, the portion of those claims that resulted in a settlement or award of

1 benefits and the effect of the provisions of this paragraph on costs to the State and its
2 subdivisions. The Department of Administrative and Financial Services, Bureau of
3 Human Resources and the Department of Public Safety shall assist the board in
4 developing the reports, and the board shall seek the input of an association the
5 membership whose consists exclusively of counties, municipalities and other political
6 or administrative subdivisions in the development of the report.

7 This paragraph is repealed October 1, ~~2022~~ 2025.'

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

10 SUMMARY

11 This amendment replaces the bill.

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

20 1. It repeals the reporting requirement and replaces it with a new prospective
21 requirement for the Workers' Compensation Board to report to the joint standing committee
22 of the Legislature having jurisdiction over labor matters with an analysis of claims brought
23 under the Maine Revised Statutes, Title 39-A, section 201, subsection 3-A, paragraph B 5
24 years and 10 years after the Legislature amends the provision to add a new category of
25 employees eligible for the rebuttable presumption.

26 2. It extends the repeal date by 3 years until October 1, 2025. This repeal date means
27 that the rebuttable presumption for certain employees will no longer be available after
28 October 1, 2025. To avoid a conflict, the reporting requirements will also be repealed on
29 October 1, 2025.

30 The amendment also establishes additional reporting requirements for the Workers'
31 Compensation Board relating to claims brought under the rebuttable presumption provision
32 in Title 39-A, section 201, subsection 3-A, paragraph B. It requires the board to report to
33 the joint standing committee of the Legislature having jurisdiction over labor matters in the
34 following ways.

35 1. It requires the board, no later than April 1, 2025, to report on rebuttable presumption
36 claims made by corrections officers and E-9-1-1 dispatchers.

37 2. It requires the board, no later than January 1, 2027, to report on rebuttable
38 presumption claims made by law enforcement officers, firefighters or emergency medical
39 services persons. This report will consist of claims data for claims brought by these
40 employees under Title 39-A, section 201, subsection 3-A, paragraph B prior to its repeal
41 date of October 1, 2025.

42 3. It requires the board, no later than January 1, 2032, to report on rebuttable
43 presumption claims by corrections officers and E-9-1-1 dispatchers. This report will

1 consist of claims data for claims brought by these employees under Title 39-A, section 201,
2 subsection 3-A, paragraph B prior to its repeal date of October 1, 2025.

3 The amendment specifies the information that must be included in the 3 reports and
4 authorizes the joint standing committee of the Legislature having jurisdiction over labor
5 matters to report out legislation relating to each report during the session in which the report
6 is received.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**