



# 128th MAINE LEGISLATURE

LD 777

LR 1575(01)

## An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease

### Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Tucker of Brunswick

Committee: Labor, Commerce, Research and Economic Development

Fiscal Note Required: Yes

### Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded

Current biennium cost increase - General Fund

#### State Mandates

##### Required Activity

Shifting the burden of proof from a county corrections employee that performs certain duties to the county that heart disease or hypertension suffered by the employee did not arise out of and in the course of employment if that employee passed a physical examination upon entry or during the course of that employment and that physical examination failed to reveal any evidence of heart disease or hypertension may represent a modification or expansion of a county activity.

##### Unit Affected

County

##### Local Cost

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 from a State corrections employee that performs certain duties to the State that heart disease or hypertension suffered by the employee did not arise out of and in the course of employment if that employee passed a physical examination upon entry or during the course of that employment and that physical examination failed to reveal any evidence of heart disease or hypertension will result in additional costs to the State as a direct reimbursement employer and to the Department of Corrections associated with increased payments of workers' compensation benefits and legal and administrative expenses. The impact will depend on actual experience.

This legislation will also increase costs to county governments in the form of both higher premiums for workers' compensation insurance and increased legal and administrative expenses. The impact to individual counties will depend on actual experience.