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## **An Act To Achieve Mental Health Parity in Workers' Compensation**

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

**Sec. 1. 39-A MRSA §201, sub-§3-A, ¶A,** as enacted by PL 2017, c. 294, §2, is amended to read:

A. It is demonstrated by ~~clear and convincing~~ a preponderance of the evidence that:

(1) The work stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee; and

(2) The work stress, and not some other source of stress, was the predominant cause of the mental injury.

The amount of work stress must be measured by objective standards and actual events rather than any misperceptions by the employee; or

**Sec. 2. 39-A MRSA §201, sub-§4,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**4. Preexisting condition.** If a work-related injury aggravates, accelerates or combines with a preexisting physical or mental condition, any resulting disability is compensable only if contributed to by the employment in a significant manner.

### **SUMMARY**

This bill changes the standard of proof required to demonstrate entitlement to compensation for a mental injury caused by stress so that it is the same standard as is required with respect to physical injuries. In addition, this bill specifies that a work-related injury that aggravates a preexisting mental condition may result in a compensable disability, just as aggravating a preexisting physical condition may.