



130th MAINE LEGISLATURE

LD 467

LR 1000(01)

An Act To Support E-9-1-1 Dispatchers and Corrections Officers Diagnosed with Post-traumatic Stress Disorder

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Dillingham of Oxford

Committee: Labor and Housing

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded
Potential current biennium cost increase - All Funds

State Mandates

Required Activity

Shifting the burden of proof that a corrections officer or E9-1-1 dispatcher diagnosed as having post-traumatic stress disorder by a psychiatrist or psychologist developed that condition as a result of work stress from the claimant to the employer and/or the employer's insurer may necessitate a more vigorous and costly legal defense by municipalities and counties and increase the number of cases lost.

Unit Affected

Municipality
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

This legislation will result in additional costs to the State as a direct reimbursement employer and to the Department of Public Safety and the Department of Corrections associated with increased payments of workers' compensation benefits and legal and administrative expenses. The impact will depend on actual experience. Information provided by the Department of Administrative and Financial Services indicates that 138 mental injury claims were filed by employees in the Department of Corrections from January 1, 2017 through December 31, 2020. Of the 138 claims filed over the 4-year period, 18 were found to be compensable. The average benefit paid for those claims was approximately \$15,000 per employee, bringing the total cost to the State to \$270,000, or an average of \$67,500 in each year of the 4-year period of 2017 through 2020. It is not known how many additional cases would have been lost by the State had this bill been in effect over that same period nor how many additional claims might have been filed if the burden of proof had been on the State.