



131st MAINE LEGISLATURE

LD 1123

LR 1076(03)

An Act to Create a Presumption Under the Maine Workers' Compensation Act of 1992 That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment

Fiscal Note for Bill as Engrossed with:

C "A" (S-205)

Committee: Labor and Housing

Fiscal Note

Potential State Mandate - Unfunded

Potential current biennium cost increase - Worker's Compensation Management Fund

Potential future biennium cost increase - All Funds

State Mandates

Required Activity

Shifting the burden of proof that a cardiovascular injury or disease and pulmonary disease suffered by certain law enforcement officers employed in a sheriff's department or a municipal police department that resulted in the officer's death arose out of and in the course of that employment from the claimant to the employer and/or the employer's insurer may necessitate a more vigorous and costly legal defense by counties and municipalities and increase the number of cases lost.

Unit Affected

County
Municipality

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 to the State for officers employed by the State may increase costs to the Workers' Compensation Management Fund (fund) within the Department of Administrative and Financial Services beginning in fiscal year 2023-24. Higher or more frequent settlements in such cases may eventually require higher premium rates charged to state agencies by the fund, increasing costs to all funds.