



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 600

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S.P. 187

In Senate, February 5, 2019

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

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.  
Cosponsored by Representative SYLVESTER of Portland and  
Senators: CARPENTER of Aroostook, President JACKSON of Aroostook, MOORE of  
Washington, Representatives: BAILEY of Saco, GRAMLICH of Old Orchard Beach,  
RECKITT of South Portland.

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

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

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

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

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

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

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

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

16 **SUMMARY**

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