

Testimony of
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On behalf of the
Maine State Chamber of Commerce
Before the Joint Standing Committee on Labor and Housing
in opposition to
L.D. 1302 An Act to Create a Rebuttable Presumption Under the Workers' Compensation Law for Line Workers
Diagnosed with Post-traumatic Stress Disorder

April 13, 2023

Sen. Tipping, Rep. Roeder and members of the Joint Standing Committee on Labor and Housing, my name is Peter Gore, and I am a Government Affairs Consultant with Maine Street Solutions, and I am here on behalf of my client, the Maine State Chamber of Commerce, a statewide business association representing both large and small businesses speaking to you today in opposition to **L.D. 1302 An Act to Create a Rebuttable Presumption Under the Workers' Compensation Law for Line Workers Diagnosed with Post-traumatic Stress Disorder**.

As drafted, LD 1302 would provide the same type of presumption to line workers and PTSD, as had been provided to various public sector employees, including firemen, EMT's and police officers. The difference is that this presumption will be for the first time provided to a private sector worker, and thus impacting the entire workers compensation premium base. We are opposed.

The fact is, PTSD claims *are already* compensable under the act. The caveat to this is that it must be proven that they arose out of or in the course of work. Any Injury should be presumed to have arisen at work and because of work. The factual circumstances surrounding any viable workers comp claim should be so compelling that the only rational inference can be that the injury is work-related. Presumptions, whether on the public or private sector should be rare because they are essentially a thumb on the scales, favoring one party over another. In the case of LD 1302, it would force the employer to *disprove* the presumed facts.

Up until this bill, in the private sector where there is no presumption on any injury, claims by line workers, as well as claims by all other workers, for all types of injuries, are decided based on the individual merits of the case with a level playing field. The Workers' Compensation Act should ideally provide a fair system for all of Maine's workers and employers, not one with different standards, depending on the type of work performed, with some groups of employees favored and not others.

Finally, if line workers are to be given special treatment for their PTSD cases, who will be next. Workers in different sectors of our economy sometimes are exposed to disturbing visages. It might be an accident or injury that involves themselves, a fellow worker, a member of the public, anyone. Who is to say they are any less deserving of a similar presumption going forward. Where do you draw the line? Are all PTSD claims to be given a presumption unilaterally? If so, what does that mean for costs and comp insurance rates?

The Chamber is not unsympathetic to any worker exposed to an event that results in a PTSD claim. However, we know that those cases are already compensable under the act. Like any other comp claim, they simply must be proven that they arose out of work. Inserting a rebuttable presumption into private sector workers comp claims is the thumb on the scale, and begins the process of socializing all such claims across the

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premium base. Not unlike the experience with public sector employees, the call for an ever-expanding number of presumptions for an expanding universe of different workers is sure to follow. We are opposed to this as a public policy change to our workers comp law and urge this committee to give LD 1302 an ought not to pass recommendation. Thank you for your time.