



Maine County Commissioners Association

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LD 82, An Act to Amend the Workers' Compensation Laws by Extending Indefinitely the Presumption Applying to Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder

February 10, 2025

Chair Tipping, Chair Roeder, and Members of the Joint Standing Committee on Labor, my name is Stephen Gorden and, in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in opposition of LD 82.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 82 do? Currently, under the Maine Workers' Compensation Act, there is a rebuttable presumption that a condition of post-traumatic stress disorder arose out of employment for certain workers. The presumption applies for law enforcement officers, corrections officers, E-9-1-1 dispatchers, firefighters and emergency medical services personnel when diagnosed as having post-traumatic stress disorder that resulted from work stress, as long as certain conditions are met. This rebuttable presumption is set to expire or "sunset" on October 1, 2025. LD 82 would repeal the sunset provision and make the rebuttable presumption applicable indefinitely.

Discussion. The MCCA recognizes the risk of harm facing front-line emergency workers, and we have previously supported legislation that created the rebuttable presumption for PTSD and legislation that expanded the presumption to include corrections officers and E-911 dispatchers. The legislation we supported included a sunset provision to allow interested parties to better understand the potential cost to taxpayers of this policy. However, we are concerned about the potential financial impact caused by permanently enacting this presumption rather than extending the presumption for a period of time to allow for further information gathering on the cost it creates for the State and its political subdivisions.

Under 39-A M.R.S. § 153(11), the Workers Compensation Board is required to submit certain reports to the Legislature containing claims data brought under the rebuttable presumption provision. However, those reports are not due until April 2025 (for claims brought by corrections officers and E-911 dispatchers) and January 2027 (for law enforcement officers, firefighters, and emergency medical services personnel). Recognizing the potentially competing interests of (1) the health and safety of public safety employees, and (2) the cost to taxpayers of implementing the rebuttable presumption policy, we think it is preferable to extend the rebuttable presumption period rather than to make it permanent. We encourage the Legislature to extend the sunset date until 2027 when the Workers Compensation Board reports back to the Legislature on claims data and the State's political subdivisions have a better understanding of how their insurance premiums will change based on the rebuttable presumption.

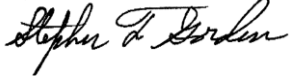
Comments of MCCA re LD 82

February 11, 2025

Page 2

Conclusion. We appreciate the opportunity to provide testimony on this bill and express our opposition to LD 82, as drafted. We would support an extension of the sunset provision to allow for further cost information gathering. Thank you, and please let us know if you have questions or need additional information.

Respectfully submitted,



Stephen Gorden
Chair, Legislative Policy Committee

cc: Commissioner Richard Dutremble, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel