

# M.C.C.A.

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## **LD 575, An Act To Establish a Conditional Presumption of Compensability for Certain Employees in Cases of Impairment from Hypertension or Heart Disease**

March 19, 2021

Chair Rafferty, Chair Sylvester, and members of the Joint Standing Committee on Labor and Housing, my name is Stephen Gorden and in addition to serving as chair of the board of commissioners for Cumberland County, I am writing today in my role as board president of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in opposition to LD 575.

**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 and currently represents 15 of Maine's 16 counties and is governed by a board with representation from each participating county.

**Our position on LD 575.** Counties provide important regional services to Mainers ranging from law enforcement, to correctional facilities for short-term detention, to emergency communications and administration, to registries of deeds, to registries and courts of probate, to maintaining facilities for Maine's superior and district courts and district attorneys offices. Counties are governed by elected county commissioners, and funded by a mix of property taxes, user fees, and state revenue contributions.

Counties are also employers, and as such, counties are required to participate in Maine's workers compensation system. The system provides benefits to workers and employers by providing a more predictable system for ensuring that injured workers are protected, and in the case of public employers like counties, this predictability helps moderate the costs to taxpayers who must pay for the employer costs of government employees within the workers compensation system.

Under the system, when a worker claims an injury that is related to their work, a key threshold is whether the injury is "work-related." If it is, the worker is able to seek compensation and assistance through the workers compensation system at the cost and expense of the employer, and if the injury is not work-related, redress must be sought through other means. For public employers, a determination that a particular injury is work-related carries with it benefits for the injured worker, and costs for the public employer and taxpayers.

LD 575 is focused on this question of what type of injury is "work-related" in the context of hypertension and heart disease for state and county employees involved in corrections and law enforcement. These are obviously very valued and important employees who work on the front-lines of Maine's justice system. They have difficult jobs, and they help keep us safe. From time to time, such employees may experience heart disease or hypertension, which are significant health issues that are costly to address from a personal and financial standpoint. The question this bill seeks to address is whether hypertension and heart disease

**Testimony of MCCA in opposition to LD 575**

**March 19, 2021**

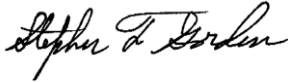
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contracted by a front-line public safety employee of a county or state government is considered a “work-related” injury, or whether such injury arose from other causes. Under current law, this is something that needs to be demonstrated by evidence from medical and other experts. LD 575 would create a legal presumption that the injury was work-related unless it could be proven otherwise, provided the employee was not found to have hypertension or heart disease based on a physical examination at the commencement of employment. This “presumption” would make it much more likely that county and state government would be on the financial hook for these diseases since disproving the presumption will be difficult.

Again, we recognize that this is a difficult issue, and we appreciate the importance of protecting workers who are injured on the job. However, on behalf of county taxpayers who are financially responsible for any work-related injuries, we think the law should not include any presumptions about legal responsibility for diseases like heart disease or hypertension that could have many causes unrelated to work. To determine otherwise will greatly increase the cost of workers compensation for Maine counties and their taxpayers.

**Conclusion.** We hope this information is helpful to the Committee as it considers LD 575, and we hope the Committee will see fit to give this bill an “ought not to pass” report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen T. Gorden".

Stephen Gorden  
President

cc: Commissioner Brian Hobart, Chair, MCCA Legislative Committee  
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel