

1302

Senator Tipping
Representative Rhoeder
Members of the Labor & Housing Committee

Re: LD 1302, An Act to Create a Rebuttable Presumption Under the Workers' Compensation Law for Line Workers diagnosed with Post-traumatic Stress Disorder

My name is Debra Hart and I am a resident of Manchester, Maine. I am providing these comments in opposition to LD 1302 on behalf of Maine's consumer-owned utilities known as the Dirigo Electric Cooperative. Those companies are Van Buren Light & Electric, Houlton Water Company, Eastern Maine Electric Cooperative, Fox Island Electric Cooperative, Madison Electric Works, Kennebunk Power & Light, Isle Au Haut, and the electric facility at Brunswick Landing.

The consumer-owned utilities' position is that a rebuttal presumption that post-traumatic stress disorder (PTSD) arises out of the course of employment is not appropriate for utility line workers because their work typically does not involve the level of stress and human suffering necessary to presume such a disorder.

Mayo Clinic defines PTSD as a "mental health condition that's triggered by a terrifying event – either experiencing it or witnessing it. Symptoms may include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event.: the personnel identified in the existing language of 39-A MRSA sec. 201, sub-3-A – law enforcement officers, correction officers, E911 dispatchers, firefighters, and emergency medical services persons ~ ~ witness terrifying events quite frequently that often involve a great deal of human suffering along with situations involving abuse, injury, violence and death appropriately acknowledges the impact of such work conditions on employees.

Utility line workers perform the vital work of building, maintaining and repairing the electric grid, a role that becomes more difficult and potentially dangerous in extreme weather conditions. Consumer-owned utilities value their employees, implement safety protocols, provide safety gear, and regularly assess how much time can be spent working in extraordinary situations when a number of factors need to be taken into account for the protection of the individual line workers, coworkers and the public. Line workers can take breaks during difficult tasks, wait for extreme weather to subside, and perform line repairs after traffic accidents are cleared by emergency medical personnel. The nature of line work does not necessitate emergency action in life-or-death situations that create flashbacks, nightmares, and uncontrollable thoughts. The work performed by utility line workers – much like construction workers – is simply not comparable to emergency personnel concerning the events that necessitate a rebuttable presumption for work-related PTSD.

While it is possible for a line worker to be diagnosed with PTSD resulting from work-related stress, such an event would be highly unusual for the profession and too extraordinary to create a statutory presumption. Furthermore, the increased cost of insurance coverage to provide for the increased risk exposure of possibly having to rebut the statutory presumption is cost prohibitive to utilities and their consumers.

Respectfully, the COUs oppose LD 1302.