

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

—
H.P. 1389 - L.D. 1879

**An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1
Dispatchers, Firefighters and Emergency Medical Services Persons
Diagnosed with Post-traumatic Stress Disorder**

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

Sec. 1. 39-A MRSA §153, sub-§11 is enacted to read:

11. Reports on use of rebuttable presumption. The board shall submit reports containing claims data from claims brought under section 201, subsection 3-A, paragraph B to the joint standing committee of the Legislature having jurisdiction over labor matters in accordance with this subsection.

A. No later than April 1, 2025, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the First Regular Session of the 132nd Legislature.

B. No later than January 1, 2027, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by law enforcement officers, firefighters and emergency medical services persons, as defined in section 328-A, subsection 1. The committee may report out legislation related to the content of the report to the First Regular Session of the 133rd Legislature.

C. No later than January 1, 2032, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the Second Regular Session of the 135th Legislature.

The reports must include, to the extent the information is available, an analysis of claims brought under section 201, subsection 3-A, paragraph B for the particular category of

employees, as provided in this subsection. The reports must include the portion of those claims that resulted in a settlement or award of benefits and the effect of the claims on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association whose membership consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This subsection is repealed October 1, 2025.

Sec. 2. 39-A MRSA §201, sub-§3-A, ¶B, as amended by PL 2021, c. 419, §1, is further amended to read:

B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "corrections officer," "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1. For the purposes of this paragraph, "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system and dispatches emergency services. "E-9-1-1 dispatcher" includes an emergency medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1, paragraph D.

~~By January 1, 2022, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters that includes an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.~~

Each time the Legislature amends this paragraph to provide for a rebuttable presumption for a new category of employees, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than the January 1st after the 5th year of the addition of the category of employees and no later than the January 1st after the 10th year of the addition of the category of employees. The reports must include an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of

Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association the membership whose consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This paragraph is repealed October 1, ~~2022~~ 2025.