



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1736

S.P. 578

In Senate, May 14, 2019

**An Act To Compensate Corrections and Mental Health Workers for
Injuries and Illness Suffered While Working**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.

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

2 **Sec. 1. 39-A MRSA §204-A** is enacted to read:

3 **§204-A. Compensation payable from date of incapacity**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Correctional facility" has the same definition as in Title 34-A, section 1001,
7 subsection 6.

8 B. "Corrections officer" means an employee of the State or county whose place of
9 employment is a correctional facility or a county detention facility.

10 C. "Infectious disease" means a disease resulting from the presence and activity of a
11 pathogenic microbial agent, including but not limited to bacteria, viruses, fungi and
12 parasites.

13 D. "State mental health institute" has the same meaning as described in Title 22-A,
14 section 208.

15 **2. Compensation payable from date of incapacity.** Notwithstanding section 204,
16 compensation for incapacity to work is payable from the date of incapacity when
17 incapacity results in the course of employment from an assault by a person under the
18 employee's care or from an infectious disease transmitted to the employee by a person
19 under the employee's care, and that employee is:

20 A. A corrections officer;

21 B. An employee of a state mental health institute; or

22 C. An employee of the Department of Health and Human Services who provides
23 direct care to individuals through:

24 (1) Mental health and behavioral health services; or

25 (2) Developmental disability services.

26 **SUMMARY**

27 Under current law, compensation for incapacity to work is not payable for the first 7
28 days of incapacity, except that firefighters receive compensation from the date of
29 incapacity. This bill provides that, when incapacity results in the course of employment
30 from an assault by a person under the employee's care or from an infectious disease
31 transmitted to the employee by a person under the employee's care, compensation is
32 payable from the date of incapacity for corrections officers, employees of state mental
33 health institutes and employees of the Department of Health and Human Services who
34 provide direct care to individuals through mental health and behavioral health services or
35 developmental disability services.