



129th MAINE LEGISLATURE

LD 298

LR 761(01)

An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Handy of Lewiston

Committee: Labor and Housing

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Potential State Mandate - Unfunded

Potential current biennium cost increase - All Funds

State Mandates

Required Activity

Shifting the burden of proof that a county corrections employee contracted heart disease or hypertension as a result of employment as a corrections employee from the claimant to the employer and/or the employer's insurer may increase the number of cases counties must defend, require a more rigorous and costly defense in some cases and result in more cases being resolved adversely against the counties.

Unit Affected

County

Local Cost

Significant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.

Fiscal Detail and Notes

Adding a presumption that heart disease or hypertension suffered by a corrections employee employed by the State was caused in the course of that employment will result in additional costs to the State as a direct reimbursement employer and to the Department of Corrections associated with increased payments of workers' compensation benefits and legal and administrative expenses. The impact will depend on actual experience.