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Legislative Document

No. 1600

H.P. 1159

House of Representatives, April 18, 2019

**An Act To Support E-9-1-1 Dispatchers and Corrections Officers
Diagnosed with Post-traumatic Stress Disorder**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.

Cosponsored by Senator HAMPER of Oxford and

Representatives: ARATA of New Gloucester, GATTINE of Westbrook, KESCHL of Belgrade, MILLETT of Waterford, MOONEN of Portland, Senator: DESCHAMBAULT of York.

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

2 **Sec. 1. 39-A MRSA §201, sub-§3-A, ¶B,** as enacted by PL 2017, c. 294, §2, is
3 amended to read:

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

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

31 This paragraph is repealed October 1, 2022.

32 **SUMMARY**

33 This bill adds corrections officers and E-9-1-1 dispatchers to the list of employees for
34 whom there is a rebuttable presumption under the laws governing workers' compensation
35 that when the employee is diagnosed by a licensed psychiatrist or psychologist as having
36 post-traumatic stress disorder resulting from work stress that was extraordinary and
37 unusual, the post-traumatic stress disorder is presumed to have arisen out of and in the
38 course of the worker's employment.