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H.P. 735

House of Representatives, March 10, 2021

An Act To Support Maine's Corrections Officers and E-9-1-1 Dispatchers

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 PEBWORTH of Blue Hill.
Cosponsored by Representative: RECKITT of South Portland.

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

2 **Sec. 1. 25 MRSA Pt. 14** is enacted to read:

3 **PART 14**

4 **BENEFITS FOR CORRECTIONS OFFICERS**

5 **CHAPTER 651**

6 **SUPPLEMENTAL BENEFIT**

7 **§5501. Supplemental benefit for corrections officer**

8 **1. Corrections officer; definition.** "Corrections officer," as used in this chapter, has
9 the same meaning as in section 2801-A, subsection 2.

10 **2. Supplemental benefit.** A corrections officer who while in the performance of duty
11 suffers bodily injury resulting from acts of a person in the custody of the jail, prison or state
12 correctional facility where the corrections officer works and as a result of the injury is
13 entitled to benefits under Title 39-A is entitled to a supplemental benefit in the amount of
14 the difference between the weekly cash benefits to which the corrections officer is entitled
15 under Title 39-A and the corrections officer's regular salary.

16 **3. Not chargeable against sick leave.** Any absence from work resulting from an
17 injury described in subsection 2 may not be charged against available sick leave.

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

20 B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher,
21 firefighter or emergency medical services person and is diagnosed by an allopathic
22 physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36,
23 respectively, with a specialization in psychiatry or a psychologist licensed under Title
24 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress,
25 that the work stress was extraordinary and unusual compared with that experienced by
26 the average employee and the work stress and not some other source of stress was the
27 predominant cause of the post-traumatic stress disorder, in which case the post-
28 traumatic stress disorder is presumed to have arisen out of and in the course of the
29 worker's employment. This presumption may be rebutted by clear and convincing
30 evidence to the contrary. For purposes of this paragraph, "law enforcement officer,"
31 "corrections officer," "firefighter" and "emergency medical services person" have the
32 same meaning as in section 328-A, subsection 1. For the purposes of this paragraph,
33 "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system
34 and dispatches emergency services. "E-9-1-1 dispatcher" includes an emergency
35 medical dispatcher as defined in Title 32, section 85-A, subsection 1, paragraph D.

36 By January 1, 2022, the board shall submit a report to the joint standing committee of
37 the Legislature having jurisdiction over labor matters that includes an analysis of the
38 number of claims brought under this paragraph, the portion of those claims that resulted

1 in a settlement or award of benefits and the effect of the provisions of this paragraph
2 on costs to the State and its subdivisions. The Department of Administrative and
3 Financial Services, Bureau of Human Resources and the Department of Public Safety
4 shall assist the board in developing the report, and the board shall seek the input of an
5 association, the membership of which consists exclusively of counties, municipalities
6 and other political or administrative subdivisions, in the development of the report.

7 This paragraph is repealed October 1, 2022.

8 **Sec. 3. 39-A MRSA §328-C** is enacted to read:

9 **§328-C. Impairment of health caused by infectious disease suffered by a corrections**
10 **officer**

11 Impairment of health by infectious disease suffered by a corrections officer is governed
12 by this section.

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

15 A. "Corrections officer" means an employee of the State or of a county whose place
16 of employment is a correctional facility as defined in Title 34-A, section 1001,
17 subsection 6 or a county or regional jail under Title 30-A, chapter 13 and who is
18 responsible for the care, custody or direct supervision of a person confined in a jail,
19 prison or state correctional facility pursuant to an order of a court or as a result of an
20 arrest.

21 B. "Infectious disease" means a disease resulting from the presence and activity of a
22 pathogenic microbial agent, including, but not limited to, bacteria, viruses, fungi and
23 parasites.

24 **2. Presumption.** If a corrections officer successfully passed a physical examination
25 upon entry into service as a corrections officer, or subsequently successfully passed a
26 physical examination, and the examination failed to reveal any evidence of a condition of
27 impairment of health caused by an infectious disease, then a condition of impairment of
28 health caused by an infectious disease resulting in total or partial disability or death of that
29 corrections officer is presumed to have been suffered in the line of duty, unless the contrary
30 is shown by competent evidence.

31 **Sec. 4. 39-A MRSA §328-D** is enacted to read:

32 **§328-D. Heart disease or hypertension suffered by a corrections officer**

33 Heart disease or hypertension suffered by a corrections officer is governed by this
34 section.

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

37 A. "Corrections officer" means an employee of the State or of a county whose place
38 of employment is a correctional facility as defined in Title 34-A, section 1001,
39 subsection 6 or a county or regional jail under Title 30-A, chapter 13 and who is
40 responsible for the care, custody or direct supervision of a person confined in a jail,
41 prison or state correctional facility pursuant to an order of a court or as a result of an
42 arrest.

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

7 3. It amends the workers' compensation laws by including a rebuttable presumption
8 that a condition of impairment of health caused by an infectious disease resulting in total
9 or partial disability or death of a corrections officer has been suffered in the line of duty,
10 unless it is shown otherwise.

11 4. It amends the workers' compensation laws by including a rebuttable presumption
12 that heart disease or hypertension suffered by a corrections officer was caused in the course
13 of employment as a corrections officer, like the provisions of current law that establish a
14 rebuttable presumption that cancer contracted by a firefighter was caused by exposure to
15 carcinogens in the course of the firefighter's firefighting duties.