

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1999

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Staff:

Deborah C. Friedman, Principal Analyst

David C. Elliott, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get vote required for enactment or final passage</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J BERRY R	OTP-AM MAJ ONTP MIN	S-275 LAFOUNTAIN

LD 1054 proposed to require physicians and surgeons selected by employers to give opinions in workers' compensation cases to be certified in the field of practice that treats the type of injury complained of by the employee. The physician or surgeon would also be required to have an active practice of treating patients, which could be demonstrated by having treating privileges at a hospital.

Committee Amendment "A" (S-218) proposed to allow a physician or surgeon to continue to perform examinations for up to 2 years after discontinuing an active practice.

Senate Amendment "A" (S-275) proposed to allow chiropractors licensed by the Board of Chiropractic Licensure to give 2nd opinions in cases where the initial opinion was given by a chiropractor, when they meet the "active practice" requirement applicable to other health care providers giving 2nd opinions. It also proposed to allow a physician, surgeon or chiropractor to continue to be qualified to give 2nd opinions for 2 years after discontinuing an active practice.

Enacted law summary

Public Law 1999, chapter 365 requires physicians, surgeons and chiropractors selected by employers to give 2nd opinions in workers' compensation cases to have an active practice of treating patients or have discontinued active practice within 2 years of performing the examination. "Active practice" may be demonstrated by having hospital privileges. It also requires a physician or surgeon to be certified in the field of practice that treats the type of injury complained of by the employee and allows chiropractors who are licensed by the Board of Chiropractic Licensure to give 2nd opinions when the initial opinion was rendered by a chiropractor.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J CAMERON	OTP-AM	S-156

LD 1055 proposed to establish new cutoff levels for screening and confirmation tests for marijuana. The bill proposed cutoff levels of 50 nanograms and 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine for screening and confirmation tests respectively.

Committee Amendment "A" (S-156) proposed to remove the screening test cutoff level for drug testing for marijuana set in the bill. The cutoff level for screening tests would continue to be set by rule adopted by the Department of Human Services. The amendment proposed to retain the reduction in the cutoff level for confirmation tests set in the bill.

Enacted law summary

Public Law 1999, chapter 199 establishes new cutoff levels for confirmation tests for marijuana use in employee substance abuse testing programs. The cutoff level for confirmation tests is 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter of urine. The cutoff level for screening tests for marijuana use will be continue to be set by DHS rule.