

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2343

8 S.P. 934

In Senate, April 4, 1986

9 Tabled by Senator Perkins of Hancock to recede from Passage to Be
10 Engrossed, without reference to a Committee and concur with reference to the
Committee on Labor. Sponsored by President Pray of Penobscot.
11 Cosponsored by Speaker Martin of Eagle Lake and Representative Beaulieu
of Portland.

JOY J. O'BRIEN, Secretary of the Senate

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 Resolve, to Establish a Maine Commission to
19 Examine Chemical Testing of
20 Employees.
21

22 Emergency preamble. Whereas, Acts and resolves
23 of the Legislature do not become effective until 90
24 days after adjournment unless enacted as emergencies;
25 and

26 Whereas, there is considerable evidence of sub-
27 stance abuse in the society-at-large and in the
28 workplace; and

29 Whereas, substance abuse may increase the risk of
30 serious injury on the job for the employee and
31 coworkers; and

32 Whereas, various employers have initiated or in-
33 tend to initiate programs to test employees for the
34 presence of alcohol or drugs in their bodies; and

1 Whereas, the testing raises serious issues of
2 concern for the privacy rights of individuals; and

3 Whereas, questions exist regarding the accuracy
4 of that testing; and

5 Whereas, in the judgment of the Legislature,
6 these facts create an emergency within the meaning of
7 the Constitution of Maine and require the following
8 legislation as immediately necessary for the preser-
9 vation of the public peace, health and safety; now,
10 therefore, be it

11 Commission established. Resolved: That the Com-
12 mission to Examine Chemical Testing of Employees is
13 established, consisting of 10 members, 5 members to
14 be appointed by the President of the Senate and 5
15 members to be appointed by the Speaker of the House
16 of Representatives; and be it further

17 Resolved: That the commission will examine the
18 issues involved in testing of employees for the use
19 of alcohol and controlled substances, including the
20 intrusion upon the privacy interests of employees;
21 the safety of the employee and coworkers; the impact
22 of the use of alcohol and controlled substances upon
23 the physical and emotional health of the employee;
24 the accuracy and effectiveness of urinalysis, blood
25 analysis and other methods of testing; and the stan-
26 dards appropriate for determining the existence of
27 impairment; and be it further

28 Resolved: That the commission meet as necessary
29 to study the issues through examination of data from
30 Maine and other states, to consult with recognized
31 experts, to conduct public hearings and to prepare a
32 report which shall be submitted, together with any
33 accompanying legislation, no later than December 31,
34 1986, to the First Regular Session of the 113th Leg-
35 islature; and be it further

36 Resolved: That the Office of Policy and Legal
37 Analysis, the Department of Human Services, the De-
38 partment of Labor and the Department of the Attorney
39 General shall provide the commission with sufficient
40 staff assistance and pertinent existing information
41 to carry out these duties; and be it further

1 **Resolved:** That the legislative members of the
2 commission shall receive a per diem compensation and
3 all members shall receive compensation for travel and
4 other necessary expenses incurred in the performance
5 of their duties; and be it further

6 **Resolved:** That the sum of \$5,000 be appropriated
7 to the legislative account to carry out the purpose
8 of this resolve.

9 **Emergency clause.** In view of the emergency cited
10 in the preamble, this resolve shall take effect when
11 approved.

12

STATEMENT OF FACT

13 The purpose of this resolve is contained in the
14 emergency preamble.

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