

MAINE STATE LEGISLATURE

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Report A

L.D. 1669

Date: 3/20/14

(Filing No. S- 440)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 664, L.D. 1669, Bill, "An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace"

Amend the bill in Part A in section 4 in subsection 2 in the 2nd line (page 1, line 28 in L.D.) by inserting after the following: "establish" the following: 'by rule pursuant to subsection 11'

Amend the bill in Part A by inserting after section 7 the following:

'Sec. A-8. 26 MRSA §683, sub-§11, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11. Rules. The Department of Health and Human Services shall adopt any rules under section 687 regulating substance abuse testing procedures that it finds necessary or desirable to ensure accurate and reliable substance abuse testing and to protect the privacy rights of employees and applicants. The Commissioner of Labor shall establish the model policy pursuant to subsection 2 by major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A. Subsequent rules governing the model policy may be adopted jointly by the Department of Labor and the Department of Health and Human Services; those subsequent rules are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

Amend the bill in Part B by striking out all of section 1 and inserting the following:

'Sec. B-1. Model policy established; major substantive rule. The Commissioner of Labor shall establish a statewide drug-free workplace model policy, as required by the Maine Revised Statutes, Title 26, section 683, subsection 2 and as developed by the task force pursuant to section 2 of this Part, by major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A by July 1, 2015.

Sec. B-2. Task force established. The Drug-free Workplace Model Policy Task Force is established to develop a statewide drug-free workplace model policy to be established in rule by the Commissioner of Labor pursuant to section 1 of this Part. This policy must be developed through consensus-based rulemaking pursuant to the Maine

COMMITTEE AMENDMENT

1 **Sec. B-2. Task force established.** The Drug-free Workplace Model Policy Task
 2 Force is established to develop a statewide drug-free workplace model policy to be
 3 established in rule by the Commissioner of Labor pursuant to section 1 of this Part. This
 4 policy must be developed through consensus-based rulemaking pursuant to the Maine
 5 Revised Statutes, Title 5, section 8051-B. The task force is composed of the
 6 Commissioner of Health and Human Services or the commissioner's designee, a
 7 representative from the Department of Labor, a representative from the Department of
 8 Health and Human Services and the following members, appointed by the Commissioner
 9 of Labor:

- 10 1. One representative from a statewide business organization, such as the
 - 11 Manufacturers Association of Maine or the Maine State Chamber of Commerce;
 - 12 2. One representative from organized labor;
 - 13 3. One representative from a business with a drug-testing policy;
 - 14 4. One representative from a workers' compensation insurance provider;
 - 15 5. One representative from the Maine Hospital Association;
 - 16 6. One human resources professional or one representative from a human resources
 - 17 organization in the State; and
 - 18 7. One representative from a drug-testing laboratory in the State.'
- 19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 20 section number to read consecutively.

21

SUMMARY

22 This amendment changes the bill by creating a task force to develop a statewide drug-
 23 free workplace model policy. The model policy developed by the task force must be
 24 established by the Commissioner of Labor by major substantive rule by July 1, 2015, with
 25 the Department of Labor and the Department of Health and Human Services subsequently
 26 permitted to jointly adopt further routine technical rules.

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1669

LR 2558(02)

An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace

Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-140)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the Department of Labor and the Department of Health and Human Services are expected to be minor and can be absorbed utilizing existing budgeted resources.