

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B,** as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

B. A schedule W drug that is:

- (1) Heroin (diacetylmorphine);
- (2) Cocaine in the form of cocaine base and at the time of the offense the person has been convicted of any offense under this chapter or under any law of the United States, another state or a foreign country relating to scheduled drugs, as defined in this chapter. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court; ~~or~~
- (3) Methamphetamine;
- (4) Oxycodone;
- (5) Hydrocodone; or
- (6) Hydromorphone.

Violation of this paragraph is a Class C crime;

See title page for effective date.

## CHAPTER 443

H.P. 944 - L.D. 1361

### An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

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

**Sec. 1. 26 MRSA §683, sub-§5-A, ¶C** is enacted to read:

C. A person who performs a point of collection screening test or a confirmation test may release the results of that test only as follows.

- (1) For a point of collection screening test that results in a preliminary positive or negative test result, the person performing the test shall release the test result to the employee who is the subject of the test immediately.
- (2) For a point of collection screening test that results in a preliminary positive test result, the person performing the test may not release the test result to the employer until

after the result of the confirmation test has been determined.

(3) For a point of collection screening test that results in a preliminary negative test result, the person performing the test may not release the test result to the employer until after the result of a confirmation test would have been determined if one had been performed.

(4) For a confirmation test, the person performing the test shall release the result immediately to the employee who is the subject of the test and to the employer.

**Sec. 2. Department of Labor to establish task force.** The Department of Labor shall establish a task force on substance abuse testing and treatment. The task force shall review the following issues relating to substance abuse testing and treatment in the workplace:

1. Substance abuse testing and treatment after workplace accidents or other incidents;
2. Point of collection screening testing; and
3. Substance abuse treatment as it relates to small businesses.

**Sec. 3. Membership; report.** The Department of Labor shall include on its task force on substance abuse testing and treatment the following members: one representative of large businesses; one representative of small businesses; one representative of organized labor; one representative of a civil liberties advocacy organization; one representative of the Department of Health and Human Services, Office of Substance Abuse; and the legislative sponsor of Legislative Document 1361 of the 122nd Legislature. The task force shall submit a report detailing its findings to the Joint Standing Committee on Labor by December 7, 2005.

See title page for effective date.

## CHAPTER 444

H.P. 163 - L.D. 212

### An Act To Amend the Laws Governing Patronizing Prostitution of a Minor

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