

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
LABOR  
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD  
1399

AN ACT TO PROHIBIT SUBSTANCE ABUSE TESTING IN  
THE WORKPLACE (REPORTED PURSUANT TO RESOLVES,  
CHAPTER 86 OF 1985)

NOT ACCEPTED

Sponsor:  
Committee Report: New Draft of LD 105

SUMMARY: LD 1399 was one of 3 new drafts of LD 105 and was supported by a minority of the Labor Committee. LD 1398 completely rewrote the original bill and substituted the same provisions found in LD 156 (i.e. a complete ban on substance abuse testing) with the addition of a provision encouraging employers to implement employee assistance programs.

LD  
1400

AN ACT TO ENSURE CONFIDENTIAL AND RELIABLE  
SUBSTANCE ABUSE TESTING OF EMPLOYEES AND APPLI-  
CANTS AND THE REHABILITATION OF SUBSTANCE  
ABUSING EMPLOYEES (REPORTED PURSUANT TO RESOLVES,  
CHAPTER 86 OF 1985)

VETO  
SUSTAINED

Sponsor:  
Committee Report: New Draft of LD 105  
Amendments Adopted:  
S-50 DUTREMBLE

SUMMARY: LD 1400 was one of 3 new drafts of LD 105 and was supported by a majority of the Labor Committee. LD 1400 completely redrafted the original bill and substituted a compromise approach between the 2 minority approaches.

LD 1400 was an emergency bill that permitted substance abuse testing only where an employer had probable cause to believe that an employee was under the influence of drugs. "Probable cause" was defined to include behavior characteristic of persons suffering from a substance abuse problem. The initial determination of probable cause would be made by the employee's supervisor but is subject to review by a board composed of 1 to 3 members. Job applicants could be tested without probable cause, but only after they had been offered the position contingent upon passing the test.

The testing process itself was strictly regulated. The employer was required to prepare, in consultation with his employees, a comprehensive written testing policy before testing. Strict confidentiality of information obtained through testing was required. Blood testing was prohibited except upon request of the employee. The new draft restricted the use of certain tests, requiring immunoassay tests for screening purposes and gas chromatography-mass spectrometry for confirmation. Tests were required to be