

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
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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 APPLICANTS 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

performed in a qualified testing laboratory and the Department of Human Services was authorized to supplement the statute with additional rules.

Disciplinary action was similarly regulated. The new draft required an employer to maintain an employee assistance program to which employees who tested positive would be referred at the employer's expense. The employees were guaranteed an opportunity to return to work if they successfully completed a rehabilitation program.

Senate Amendment "A" (S-50) stripped the emergency clause and preamble from the bill and amended the transition clause to take the later effective date into account.

LD AN ACT RELATING TO DETERMINATION OF BENEFIT ND LD 1730
1454 CLAIMS UNDER THE UNEMPLOYMENT COMPENSATION
LAW

Sponsor: ZIRNKILTON, Tammaro, Hepburn
Committee Report: OTP-ND LD 1730

SUMMARY: See New Draft, LD 1730.

LD AN ACT RELATING TO REFUSAL TO APPEAR AND TAXABLE LVWD
1489 WAGES UNDER THE WORKERS' COMPENSATION ACT

Sponsor: WILLEY, Tammaro, Begley, Collins
Committee Report: LVWD

SUMMARY: LD 1489 was the same bill as LD 1587 except that the title mistakenly referred to the "Workers' Compensation Act" instead of the "Employment Security Law."

LD AN ACT RELATING TO REFUSAL TO APPEAR AND TAXABLE PL 1987
1587 WAGES UNDER THE EMPLOYMENT SECURITY LAW c. 338

Sponsor: WILLEY, Tammaro, Begley, Collins
Committee Report: OTP-A
Amendments Adopted:
H-227 COMMITTEE

SUMMARY: LD 1587 proposed to enable the Department of Labor to tax employers on any wages paid that are taxable under the Federal Unemployment Tax Act. The bill also corrected a technical error regarding the authority of the Commissioner of Labor to issue a subpoena for the production of necessary documents and information.

The Committee Amendment (H-227) made technical drafting changes to clarify the legislative intent that all wages subject to the federal tax would be taxed by the Department of Labor.