

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

PREPARED BY:

Gilbert Brewer, Legislative Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670

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WILLIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

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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
1788

AN ACT TO ENSURE CONFIDENTIAL AND RELIABLE
SUBSTANCE ABUSE TESTING OF EMPLOYEES AND
APPLICANTS

VETO
SUSTAINED

Sponsor: MCHENRY, Dutremble, Joseph, Ruhlin
Committee Report: OTP (Majority)
ONTP (Minority)

SUMMARY: LD 1788 was introduced after the Governor's veto of LD 1400. LD 1788 contained the basic provisions of LD 1400 but also included several changes intended to meet the objections to LD 1400 included in the veto message. These changes included:

1. An express acknowledgement that any federal regulation governing substance abuse testing at any nuclear power plant would take precedence over the state law;
2. Redrafting the definition of "probable cause" in more general terms while retaining the limitations on the use of anonymous tips, information on off-duty drug use or a single work-related accident;
3. Allowing the use of tests employing other than immunoassay technology for screening purposes, provided that those tests were at least similarly reliable and approved by the Department of Human Services;
4. Eliminating the requirement that company employee assistance programs meet ALMACA standards and replacing it with certification by the Department of Human Services;
5. Eliminating the probable cause review panel;
6. Reduced the qualifications required for testing laboratories; and
7. Reduced the financial obligations of employers to pay for an employee's rehabilitation. Employers with 20 or fewer employees would not have to pay for rehabilitation at all. Employers with between 21 and 50 employees and who did not provide health insurance would have to pay 1/2 of the expense of rehabilitation.

LD 1788 continued to allow testing only after a finding of probable cause. It did not allow random or arbitrary testing of employees in any capacity, whether "safety-sensitive" or not, except when the employee received a positive test result but chose not to undergo rehabilitation.