

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

Sponsor: MANNING, Simpson, Curran, Rydell
Committee Report: New Draft of LD 1329

SUMMARY: The original bill, LD 1329, proposed to clarify that the employees of a subcontractor hired by a prime contractor are not to be considered employees of the prime contractor for the purposes of workers' compensation coverage. The bill also prohibited an insurance company from charging any premium to a prime contractor for coverage of employees of a subcontractor.

The New Draft, LD 1844, retained the provisions of the original bill and added a definition of "independent contractor" by paraphrasing the current common law definition derived from case law.

LD AN ACT TO ENSURE CONFIDENTIAL AND RELIABLE
1870 SUBSTANCE ABUSE TESTING OF EMPLOYEES AND
APPLICANTS

INDEF. PP

Sponsor: DUTREMBLE, Pray, McHenry
Committee Report:

SUMMARY: LD 1870 was introduced after the Governor's veto of LD 1788, the 2nd drug-testing bill. LD 1870 contained the same restrictions on the testing process included in LD 1788 except that it eliminated any reference to when employees could be tested. LD 1870 regulated only how the testing would be done and what disciplinary steps could be taken; it did not attempt to regulate when those tests could be imposed by an employer. It did retain the restrictions on the testing of job applicants so that an applicant could be tested only after he or she had received a job offer.

Two Senate amendments were prepared but Senate amendment "A" was defeated and Senate amendment "B" was not offered. They are described here for perspective on alternative compromises being considered at the time.

Senate amendment "A" (S-225) to LD 1870 completely redrafted the bill as another compromise approach regulating testing. Senate Amendment "A" proposed a redraft of LD 1398, the original Committee minority report allowing random testing in limited circumstances. The new amendment included several changes from LD 1398, including:

1. Allowing the Department of Labor to adopt rules identifying "safety-sensitive" positions;

2. Requiring gas chromatography-mass spectrometry for confirmation tests;
3. The right of an employee who tests positive and who does not work in a safety-sensitive position to participate in an employee assistance program;
4. Requiring the use of qualified testing laboratories for testing; and
5. The addition of a provision prohibiting employer abuse of substance abuse testing.

Senate amendment "B" (S-226) proposed a rewrite of the original majority version in LD 1788 that also allowed random testing for safety-sensitive positions. It created a special commission composed of 6 members, 2 members appointed by the Governor, the Speaker of the House and the President, respectively. This commission would recommend job classifications to the Department of Labor to be classified as safety-sensitive as well as developing guidelines in how to identify such positions.

LD 1871	AN ACT TO PROHIBIT RANDOM OR ARBITRARY SUBSTANCE ABUSE TESTING OF EMPLOYEES	VETO SUSTAINED
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Sponsor: DUTREMBLE, Pray, McHenry, Joseph
Committee Report:

SUMMARY: LD 1871 was introduced after the Governor's veto of LD 1788 and was the final drug testing bill of the session. It simply prohibited the use of random or arbitrary substance abuse testing of employees while permitting testing based on probable cause. No further regulations on the testing process were included. The bill was however contingent upon a referendum to be held in November of 1987.

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