

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

HELEN T. GINDER, DIRECTOR  
HAVEN WHITESIDE, DEP. DIRECTOR  
GILBERT W. BREWER  
DAVID C. ELLIOTT  
GRO FLATEBO  
MARTHA E. FREEMAN, SR. ATTY.  
JERI B. GAUTSCHI  
CHRISTOS GIANOPOULOS  
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

JULIE S. JONES  
JOHN B. KNOX  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
CAROLYN J. CHICK, PARALEGAL  
ROBERT W. DUNN, RES. ASST.  
HARTLEY PALLESCHI, JR., RES. ASST.  
KATHRYN VAN NOTE, RES. ASST.

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                |

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.

|             |                                                  |           |
|-------------|--------------------------------------------------|-----------|
| <b>LD</b>   | AN ACT TO PROHIBIT RANDOM OR ARBITRARY SUBSTANCE | VETO      |
| <b>1871</b> | ABUSE TESTING OF EMPLOYEES                       | SUSTAINED |

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.

9436M