

# 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  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
LABOR

MAY 1988

MEMBERS

Sen. Dennis L. Dutremble \*  
Sen. Thomas H. Andrews  
Sen. Donald F. Collins

Rep. Edward A. McHenry \*  
Rep. Tony J. Tammaro  
Rep. Ruth Joseph  
Rep. Mona Walker Hale  
Rep. Richard P. Ruhlin  
Rep. Anne M. Rand  
Rep. Ralph M. Willey  
Rep. Jeanne F. Begley  
Rep. Michael F. Hepburn  
Rep. Stephen M. Zirnkilton

\* Denotes Chair

Staff: Gro Flatebo, Legislative Analyst

Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

EN T. GINDER, DIRECTOR  
EN WHITESIDE, DEP. DIRECTOR  
ERT W. BREWER  
D C. ELLIOTT  
) FLATEBO  
THA E. FREEMAN, SR. ATTY.  
B. GAUTSCHI  
LIAM T. GLIDDEN, JR.



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

ROOM 101/107/135  
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.

**ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST & SECOND SPECIAL SESSIONS  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1988**

*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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::*

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

*Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Lorette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.*

*Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.*

regulated. Strict confidentiality of any information acquired through the testing process is required. Blood testing is prohibited except upon request of the employee. A test sample must be collected in a medical facility and be supervised by medical personnel. The test subject may remain clothed and free from observation by any other individual when a urine sample is collected. The test subject may request a portion of the sample for his own testing as a check on the accuracy of the testing laboratory used by the employer. All positive screening test results must be confirmed by gas chromatography-mass spectrometry. No employer may perform a substance abuse test for any of his employees or applicants; all tests must be performed by a qualified testing laboratory. Finally, employers are prohibited from using substance abuse tests to discover any information that does not relate to an individual's use of a substance of abuse that is likely to cause impairment of the user. Further, testing laboratories are prohibited from reporting such information to the employer.

The bill also regulates discipline taken upon receipt of a positive test result and includes a transition clause intended to define the permissible scope of substance abuse testing in the workplace during the interim period after passage of this bill. A fiscal note of approximately \$40,000 was included on the new draft.

The bill was amended in the Senate to remove agency rule-making and record-keeping requirements to avoid any fiscal impact.

The bill was vetoed, by the Governor and the veto was sustained.

**LD 2614** An Act to Amend the Rehabilitation System under the Workers' Compensation Act **PUBLIC 779 EMERGENCY**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
Submitted pursuant to Public Law 1987, c. 559 Part B Section 53		H-614 BROWN S-416 DUTREMBLE S-533 PEARSON

**SUMMARY**

In the Second Special Session, the Legislature enacted a bill to reform the workers' compensation system. That Act also required a comprehensive overview of vocational rehabilitation under the workers' compensation system. This bill was a product of that review.

LD 2614 amends the purpose statement for vocational rehabilitation from getting an employee back to 'suitable' employment rather than gainful employment.

Consistent with this change, the job priorities section was amended to clarify that retraining may be used to reach each of the priorities. This bill also formally requires rehabilitation providers to inform injured workers of their rights and options under the law. Several reporting requirements are included in this bill to allow the Workers' Compensation Commission to better monitor the vending of services for injured workers.

Finally, the bill continued the provision for a comprehensive overview of the vocational rehabilitation system.

H-614 makes technical corrections, S-416 clarifies the difference between two job priorities and S-533 reduced the subcommittee's expenses by \$2100.