

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1989

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for 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 abbreviated as follows:

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

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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

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MARTIN J
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MCHENRY
PRAY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-599
S-419 PEARSON

SUMMARY

LD 833 proposed to regulate an employer's use of substance abuse tests upon his employees. The LD required all employers to provide an employee assistance program before starting to test; regulated test procedures to ensure accuracy and confidentiality; required the use of qualified testing laboratories; restricted the imposition of tests to circumstances where an employer has probable cause to test an employee -- unless the employee worked in a position in which he would pose a direct and immediate threat to the safety of other persons; required an opportunity for rehabilitation of an employee who tested positive -- to be paid for by the employer with exceptions for small businesses; and provided civil penalties for employer violations and criminal penalties if the employer repeatedly violated the LD's requirements.

Committee Amendment "A" (H-599) made several relatively minor changes to the bill, including:

1. Exempting nuclear power facilities and intrastate truckers;
2. Exempting employers with 20 or fewer employees from the requirement that they provide an employee assistance program;
3. Reducing the cut-off level for marijuana confirmation tests from 50 to 20 nanograms;
4. Providing new procedures governing an employee's right to have a test performed upon a segregated portion of the employee's urine sample;
5. Loosening the testing restriction upon applicants;
6. Allowing random testing of any employee who would create an unreasonable threat to others if he was under the influence of a substance of abuse. These positions would not be designated by rule but would be approved as part of the employer's written policy submitted to the Department of Labor;
7. Requiring all employers to have their testing policies approved by the Department of Labor before starting testing;
8. Restricting an employee's right to rehabilitation after receiving a positive test result; and
9. Replacing the criminal penalties for repeat violations with enhanced civil penalties.

Senate Amendment "B" (S-419) reduced the appropriation for the LD.