

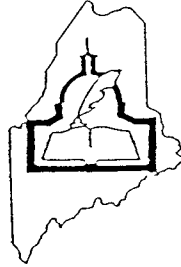
MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
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ON
LABOR
JUNE 1990

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**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

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. Committee Reports and Floor Action are abbreviated as follows:

OTP
OTP-ND
OTP-ND-NT
OTP-A
ONTP
LVWD
INDEF PP

Ought to Pass
Ought to Pass in New Draft
Ought to Pass in New Draft, New Title
Ought to Pass as Amended
Ought Not to Pass
Leave to Withdraw
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, 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.

SPONSOR(S)
DUTREMBLE D
MARTIN J

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1027 RUHLIN
S-600

SUMMARY

LD 2049 proposed several reforms to the employee substance abuse testing law.

Committee Amendment "A" (S-600) completely replaced the LD and included most of the changes proposed in the original LD. These changes include the following:

1. Amended the law's statement of purpose to clarify that the law was intended to eliminate workplace drug use;
2. Clarified that Maine's law was intended to "fill the gaps" in any federal law related to employee drug testing and repealed the previous exemption provided for in-state motor carriers;
3. Prohibited any professional or employment licensing board from requiring substance abuse tests from applicants or license holders;
4. Made several changes intended to streamline testing and testing laboratory requirements;
5. Permitted an employer to require a substance abuse test from an employee who receives a positive test result and later returns to work with the same employer. This test must be conducted within 90 days to one year after the employee returns to work;
6. Permits an employer to discipline or discharge an employee upon receipt of a second positive test result; and
7. Requires a treatment provider to promptly notify an employer if an employee fails to comply with the prescribed rehabilitation program. Upon notification, the employer may discipline or discharge the employee.

House Amendment "B" to Committee Amendment "A" (H-1027) clarified that employers who are required or permitted by federal law to test their employees may conduct their testing program as provided by federal law. Those employers are not subject to the state substance abuse testing law except that any employee who tests positive is entitled to rehabilitation and reinstatement to his prior job after any period of disqualification under federal law has expired. Intrastate motor carriers subject to substance abuse testing rules adopted by the Department of Public Safety are subject to these same provisions. The Amendment also clarifies that the restriction on tests performed by a state licensing board only applies to the Board of Licensure of Railroad Personnel. It further defines those restrictions by permitting the Board to require a test as a condition of continued licensure or reinstatement only when the license holder admits that he has a substance abuse problem.