

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries. The publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, the committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**Resolve, Instructing the Commissioner of Labor to Identify Available Data Sources on the Use of Per Diem, Part-time and Temporary Employment**

**SPONSOR(S)**

TUTTLE

**COMMITTEE REPORT**

OTP-AM

MAJ

ONTP

MIN

**AMENDMENTS ADOPTED**

H-425

**SUMMARY**

This original bill was a resolve establishing the Commission to Study the Use of Per Diem, Part-time and Temporary Employment.

COMMITTEE AMENDMENT "A" (H-425) replaces the original resolve with a resolve instructing the Commissioner of Labor to use the existing labor advisory council as a resource to identify the availability of data on the part-time work force in the State. The amendment also adds a fiscal note to the resolve.

**LD 1191 An Act to Amend the Substance Abuse Testing Laws**

**SPONSOR(S)**

CHASE

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-415

S-259 BUSTIN

**SUMMARY**

The bill makes a number of changes to the State's Substance Abuse Testing law. It allows a labor organization with a collective bargaining agreement effective in the State to create a voluntary substance abuse testing program for its members providing the testing procedures comply with the law. The bill also makes it clear that the definition of "employee" includes workers who are separated from the workplace but are receiving mandated benefits and creates a minimum 30-day period following separation from the employer or termination of mandated benefits during which the person is still an employee by definition. Further it defines a full-time employee as one that works more than 30 hours a week. The bill repeals the standard for confirmation of the use of marijuana which will allow the Department of Human Services to set the standard by rule. The bill also clarifies that the appeal of a positive result must be at no cost to the applicant or employee. The bill allows the Department of Labor to waive the 60-day notice limitation on amendments that affect employees if the amendment advances the purpose of the law and does not lessen protection of the individual employee. The bill changes the start of the period when an applicant or employee has to give notice of a demand for a 2nd test from the day of the sample collection to the day of the notice of the test result and makes it clear that payment for the test is due no sooner than when notice of the laboratory of choice is given. The bill also adds refusal to place an applicant on a roster of eligibility to the allowable actions to be taken on a positive result. The bill clarifies that a person tested as an applicant but employed prior to the receipt of the test results must be treated as an employee if the employer takes action on the result. The bill also removes the requirement that an employer notify employees of the submission of a policy or amendment to the Department of Labor if the policy or amendment does not affect employees.

COMMITTEE AMENDMENT "A" (H-415) removes the section of the bill dealing with the standard for confirmation of marijuana use so that it can be dealt with as separate legislation next session. The amendment also clarifies that the employer's substance abuse testing policy must provide some sort of appeal mechanism that can be used at no cost to the employee.

SENATE AMENDMENT "A" (S-259) clarifies that the limited exception to the substance abuse testing laws for employees subject to drug testing under federal law does not preclude negotiation of collective bargaining agreements that provide greater protection to employees.