

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*May 2002*

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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<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 IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
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## Joint Standing Committee on Labor

LD 2066

An Act to Expedite Employment in Maine Industry

PUBLIC 556

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-459
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LD 2066 proposed to amend the law relating to substance abuse testing of job applicants to allow employers to perform a screening test using a rapid response test method in order to quickly determine whether to have an applicant undergo a confirmation test.

**Committee Amendment "A" (S-459)** proposed to replace the bill. It proposed to allow the use of rapid response tests and to clarify the procedures that must be followed by employers using such a test.

### *Enacted law summary*

Public Law 2001, chapter 556 permits employers to perform a screening test on job applicants using a so-called "rapid response" test. Such tests are read at the point of collection rather than being sent to a laboratory for analysis. If the screening test is positive, it must be sent to a qualified laboratory for analysis. Positive results may be used to reject an applicant only if the laboratory confirms the positive result. If the "rapid-response" test is used, the employer's written policy must include procedures for ensuring confidentiality of test results and for training.

**LD 2077**

An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage

PUBLIC 622

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-907
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LD 2077 proposed to require any person engaged in harvesting wood products and not exempt from carrying workers' compensation coverage for that person's employees to notify landowners and employees within 3 business days of canceling a workers' compensation insurance policy. The bill also proposed to require the Workers' Compensation Board to (1) study its enforcement policies and practices concerning persons engaged in harvesting wood products who fail to maintain required workers' compensation coverage for their employees; (2) refocus its attention on safety in the forest products harvesting industry; and (3) work with the industry to develop incentive-based systems to reduce the number of accidents in the industry.

**Committee Amendment "A" (H-907)** proposed to change the section of the bill requiring the Workers' Compensation Board to study the forest products harvesting industry. Instead of requiring the board to perform these tasks, the amendment proposed to require the Department of Labor to convene an interagency working group to review enforcement efforts, develop accident-reduction systems and report to the Joint Standing Committee of the Legislature having jurisdiction over labor matters by January 15, 2003.

### *Enacted law summary*

Public Law 2001, chapter 622 requires any person who is engaged in harvesting wood products and who is not exempt from carrying workers' compensation coverage for his or her employees to notify landowners and employees within 3 business days of cancellation of a workers' compensation insurance policy. Failure to comply with this

## Joint Standing Committee on Labor

law subjects the person to a civil forfeiture of between \$50 and \$100 for each day of noncompliance. The law also requires the Department of Labor to convene an interagency working group, including the Workers' Compensation Board, to review efforts to enforce the workers' compensation coverage requirement in the forest products harvesting industry, to develop accident-reduction systems in that industry, to consider ways to enhance data collection to assist in reducing accidents and to consider how enforcement and accident prevention can be of benefit in other industries and work places. The law requires the Department to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2003. The committees are authorized to report out legislation in response to the report.

**LD 2098**                      **An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing**                      **PUBLIC 706**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	OTP-AM    MAJ ONTP        MIN	H-887 S-537    EDMONDS

LD 2098 proposed to eliminate the provision in current law that allows random drug testing without cause to be a part of a labor agreement.

**Committee Amendment "A" (H-887)** proposed to replace the bill. It proposed to allow for random or arbitrary drug testing to be imposed through the collective bargaining process. However, it proposed to clarify that such a program can not be imposed by unilateral imposition of the employer's last best offer, for example, when bargaining reaches an impasse.

**Senate Amendment "A" to Committee Amendment "A" (S-537)** proposed to strike the emergency preamble and clause.

### *Enacted law summary*

Public Law 2001, chapter 706 amends the law governing random substance abuse testing in the workplace. Chapter 706 provides that an employer that chooses to implement a random testing program through collective bargaining may not implement such a program through implementation of the employer's last best offer when bargaining reaches an impasse.

**LD 2108**                      **An Act to Amend the Maine Overtime Pay Provisions Regarding Certain Drivers and Drivers' Helpers**                      **PUBLIC 628  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER TURNER	OTP-AM	H-999

LD 2108 proposed to amend Maine overtime law, retroactive to January 1, 1995, to exempt interstate truck drivers and other employees of interstate trucking companies who are regulated by the federal Motor Carrier Act from the requirement to pay time-and-a-half for overtime hours.