

MAINE STATE LEGISLATURE

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STATE OF MAINE
132ND LEGISLATURE
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON
LABOR**

May 2026

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LD 2110 An Act to Update Employer Substance Use Testing Policy Requirements

Public Law 2025, chapter 666 amends the sections of law governing employer substance use testing programs by doing the following.

1. It clarifies that authorization from the Department of Labor is required for any substance use testing program.
2. It clarifies that an employer who is subject to federal substance use testing requirements must test any nonfederally mandated employees in the same manner as its federally mandated employees.
3. It replaces the term “arbitrary” with “criteria-based testing.”
4. It clarifies the definitions of “legitimate medical explanation” and “observable behavior.”
5. It provides a definition of “random testing.”
6. It clarifies that an employer may not perform a substance use test on its employees unless its facilities comply with the requirements for a qualified testing laboratory.
7. It makes a number of technical changes to the existing areas of law governing employer substance use testing programs.

LD 2169 An Act to Improve the Public Employees Disability Retirement Program by Modifying Provisions Controlling the Reduction of Benefits and Clarifying Terminology

Public Law 2025, chapter 598 makes changes to the provisions of the Maine Revised Statutes governing disability retirement benefits for state employees and teachers and for participating local districts.

The law increases the amount of income that is considered substantially gainful activity and increases the limit on income a person may earn from employment or gainful activity before the person’s disability retirement benefit is reduced. It also removes the distinction between the effect on the reduction of benefits of compensation earned from an employer covered under the disability retirement program and from an employer that is not covered, instead establishing one formula and set of requirements applying to earnings from any employer.

The law changes the consequence for exceeding earning limitations to a waivable, prorated reduction of benefits for one year. The new provisions do not include a requirement that a person reimburse the retirement system for any excess payments not deducted by the retirement system, as in current law. The law provides definitions for “final annual compensation” and “substantially gainful activity.”

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The law removes language that requires, in some cases, that disability retirement benefit payments be reduced by any amount received under the United States Social Security Act. It also changes the formula under the Participating Local District Retirement Program for calculating reductions for disability payments under other laws by basing the calculation on average final compensation, not average annual earnings.

The law requires the chief executive officer of the Maine Public Employees Retirement System to waive the reduction in the amount that a person's disability retirement benefits must be reduced when the person receives compensation in any year from engaging in any gainful activity or from employment if the person demonstrates that the excess compensation has ceased and that continuing the reduction would cause a hardship.

The law also provides that any person required to reimburse the Maine Public Employees Retirement System for any excess payments due to the receipt of excess compensation from employment under current law as of the effective date of the law does not have to pay that reimbursement.

LD 2218 An Act to Increase the Per Diem Rate for Members of the Maine Labor Relations Board

Public Law 2025, chapter 619 increases the per diem rate for members of the Maine Labor Relations Board from \$75 per day to \$150 per day. The law also increases the per diem rate for the Chair of the Maine Labor Relations Board from \$100 per day to \$200 per day.