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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 664, L.D. 1669, Bill, “An Act To Standardize and Simplify the Process for Employers To Provide a Drug-free Workplace”

Amend the amendment by striking out everything after the title and before the summary and inserting the following:

'Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish a Task Force To Review Employee Drug Testing'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Task force to study employee substance abuse testing laws and procedures. Resolved: That the Commissioner of Labor shall convene a task force, referred to in this resolve as "the task force," to examine the current laws and procedures governing substance abuse testing of employees; and be it further

Sec. 2. Membership. Resolved: That the membership of the task force consists of the following members:

- 1. The President of the Senate shall appoint:
 - A. One representative from a statewide business organization, such as the Maine State Chamber of Commerce or the Manufacturers Association of Maine;
 - B. One representative of organized labor;
 - C. One representative from a business that conducts drug testing pursuant to an employee drug testing policy; and
 - D. One medical professional working in the field of substance abuse prevention and treatment;
- 2. The Speaker of the House of Representatives shall appoint:
 - A. One representative from the Maine Hospital Association;
 - B. One representative from an organization concerned with employee privacy rights and civil liberties;

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1 C. One human resources professional or a representative of a human resources
2 organization in this State; and

3 D. One representative from a medical marijuana organization;

4 3. The Commissioner of Labor or the commissioner's designee; and

5 4. The Commissioner of Health and Human Services or the commissioner's designee;
6 and be it further

7 **Sec. 3. Chairs. Resolved:** That the Commissioner of Labor and the
8 Commissioner of Health and Human Services, or the commissioners' designees, shall
9 serve as the chairs of the task force; and be it further

10 **Sec. 4. Appointments; convening of task force. Resolved:** That all
11 appointments must be made no later than 30 days following the effective date of this
12 resolve. The appointing authorities shall notify the Executive Director of the Legislative
13 Council once all appointments have been completed. After appointment of all members,
14 the chairs shall call and convene the first meeting of the task force. If 30 days or more
15 after the effective date of this resolve a majority of but not all appointments have been
16 made, the chairs may request authority and the Legislative Council may grant authority
17 for the task force to meet and conduct its business; and be it further

18 **Sec. 5. Duties. Resolved:** That the task force shall examine the current laws and
19 procedures governing the methods of testing conducted by employers designed to take
20 and analyze body fluids or materials from employees for the purpose of detecting the
21 presence of substances of abuse including, but not limited to, drugs, as defined in the
22 Maine Revised Statutes, Title 32, section 13702-A, subsection 11, and alcohol. Based on
23 its examination of drug testing laws, the task force shall recommend methods of
24 improving the methods of testing to detect the presence of substances of abuse in
25 employees; and be it further

26 **Sec. 6. Report. Resolved:** That, no later than February 1, 2015, the
27 Commissioner of Labor shall submit a report that includes the findings and
28 recommendations of the task force, including suggested legislation, to the joint standing
29 committee of the Legislature having jurisdiction over labor matters. The joint standing
30 committee may report out a bill to the First Regular Session of the 127th Legislature
31 based on the findings of the task force; and be it further

32 **Sec. 7. Outside funding. Resolved:** That the Commissioner of Labor and the
33 Commissioner of Health and Human Services may seek funding contributions to fully
34 fund the costs of the study. All funding is subject to approval by the Legislative Council
35 in accordance with its policies. If sufficient contributions to fund the study have not been
36 received within 30 days after the effective date of this resolve, no meetings are authorized
37 and no expenses of any kind may be incurred or reimbursed.''

38 **SUMMARY**

39 This amendment strikes the bill and the committee amendment and replaces them
40 with a resolve creating a task force to study employee drug testing laws and procedures.
41 The Commissioner of Labor must report the findings and recommendations of the task

1 force to the joint standing committee of the Legislature having jurisdiction over labor
2 matters, which may submit a bill to the First Regular Session of the 127th Legislature.

3 **SPONSORED BY:** _____

4 **(Senator HASKELL)**

5 **COUNTY: Cumberland**