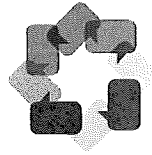


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January 21, 2026

Senator Mike Tipping, Chair
Representative Amy Roeder, Chair
Members of the Labor Committee

Testimony in OPPOSITION to LD 2110, An Act to Update Employer Substance Use Testing Policy Requirements

Dear Senator Tipping, Representative Roeder, and Members of the Labor Committee:

My name is Curtis Picard. On behalf of the Retail Association of Maine and the Maine Grocers and Food Producers Association, which jointly represent employers across the state, including retailers, grocers and food production businesses operating safety-sensitive, customer-facing, and regulated workplaces. We respectfully oppose LD 2110.

At the outset, it is important to note that Maine already has one of the most restrictive and highly regulated workplace drug-testing frameworks in the country. Employers are not required or encouraged to test, but those that do must navigate significant statutory requirements, pre-approval by the Department of Labor, and ongoing compliance obligations. LD 2110 does not simplify this system. Instead, it adds new layers of complexity, cost, and uncertainty, most notably through the creation of a mandatory Medical Review Officer, or MRO.

The establishment of an independent MRO as a required gatekeeper fundamentally alters the employer-employee relationship and undermines an employer's ability to manage workplace safety. Under LD 2110, only the MRO may report a confirmed positive test result to an employer. The MRO is empowered to reclassify a non-negative or even a confirmed positive test as "negative" if, in the MRO's professional judgment, there is a "legitimate medical explanation." In that case, the employer is never informed of the positive result, and all records must be destroyed.

This creates several serious concerns.

First, it places critical employment and safety decisions in the hands of a third party who has no knowledge of the workplace, the job duties involved, or the safety risks associated with impairment. Employers are legally responsible for maintaining a safe workplace, yet LD 2110 denies them access to accurate, confirmed information needed to make those decisions.

Second, the bill introduces a subjective and opaque decision-making process. What constitutes a “legitimate medical explanation” extends well beyond prescriptions and federally regulated testing standards and includes lawful cannabis use or other explanations deemed acceptable by the MRO. Employers have no ability to question, review, or appeal those determinations, even when workplace safety or liability is at stake.

Third, this structure significantly increases cost and administrative burden, particularly for small and mid-sized employers. Employers must retain independent physicians with specialized credentials, coordinate additional review steps, and manage delays in receiving results without any evidence that this improves accuracy, fairness, or safety outcomes.

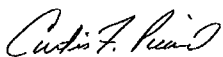
The bill also tightens information restrictions so that employers cannot receive or infer screening results, even indirectly, and may only act after confirmation and MRO review. While due process is important, this framework goes well beyond other state’s standards and creates real-world challenges for managing incidents, scheduling, staffing, and customer safety especially in safety-sensitive retail environments.

It is also worth noting that other states have taken a far more balanced approach. For example, Connecticut relies on a clear, behavior-based “reasonable suspicion” standard and confirmation testing, without requiring a medical review officer to act as a reporting gatekeeper. That model protects employee rights while preserving employer authority and workplace accountability. Maine’s approach particularly as expanded by LD 2110 regulates process rather than behavior and does so in a way that is increasingly challenging.

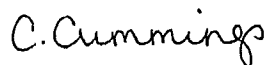
In short, LD 2110 does not strike an appropriate balance. It limits employer access to critical information, shifts decision-making authority away from those responsible for workplace safety, and adds cost and complexity to a system that is already among the most burdensome in the nation.

For these reasons, the Retail Association of Maine respectfully urges the Committee to vote Ought Not to Pass on LD 2110.

Thank you for your time and consideration.



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