

**Testimony of Amanda Johnson for the Maine State Chamber of Commerce
Before the Joint Standing Committee on Labor
“An Act to Update Employer Substance Use Testing Policy Requirements”
LD 2110
January 21, 2026**

Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor, my name is Amanda Johnson. I am here on behalf of the Maine State Chamber of Commerce, representing more than 5,000 employers across the state. We are testifying in opposition to LD 2110 in its current form.

The Maine State Chamber of Commerce appreciates the intent behind LD 2110 to modernize and clarify Maine’s employer substance use testing statutes. It should be noted up front that an effective employer testing statute is critical to creating a safe and healthy work environment for all employees. All workplaces should be drug and alcohol free, and it can mean the difference between life and death in many workplaces.

We do appreciate some of the proposed changes. For example, the change from a “probable cause” standard to a “reasonable suspicion” standard better aligns with widely recognized workplace safety practices. Additionally, shifting full financial responsibility for rehabilitation programs to employees helps employers achieve greater predictability.

While LD 2110 includes these improvements, the Chamber believes there are areas where additional clarity is needed to ensure consistent compliance and enforcement, thereby enabling the Chamber to support the legislation. Addressing these points will help maximize the bill’s benefits for both employers and employees.

One area where additional clarification is needed is Section 9, § 3-B of Title 26, which addresses what constitutes a ‘legitimate medical explanation’ for a confirmed positive test. While the statute lists acceptable categories, it does not specify how objective medical documentation—such as prescriptions or medical records—should be considered. Clear guidance on how a reviewing physician evaluates whether medication was used appropriately and safely at the time of testing would provide consistency for both employers and testing providers. For instance, an employee in a safety-sensitive position may test positive for a lawful prescription issued months earlier. Explicit standards for assessing current use, dosage, and potential impairment would reduce the likelihood of disputes and ensure that workplace safety and fair evaluation are consistently maintained.

Another important area for clarification is Section 10, § 3-C, which addresses the role and availability of a Medical Review Officer (MRO). While the bill defines an MRO as a licensed physician responsible for reviewing test results and evaluating medical explanations, it does not specify whether all testing facilities provide MRO services or what steps an employer should take if a provider does not. Clear guidance on these requirements would help employers relying on third-party vendors ensure consistent compliance, reduce uncertainty, and maintain fair and effective testing processes.

The Chamber has been working collaboratively with the Maine Bureau of Labor Standards and the Department of Labor on LD 2110 to address these key concerns. These discussions have been productive, and we remain committed to working with the Department to identify solutions that balance the interests of employers, employees, and workplace safety. We are confident we can reach a resolution on this and would welcome the opportunity to propose recommended language changes at the work session to address these concerns.

In closing, while LD 2110 reflects a sincere effort to update Maine's substance use testing laws, the unresolved ambiguities regarding medical explanations and access to MROs create substantial compliance concerns for employers. For these reasons, the Maine State Chamber of Commerce opposes LD 2110 as currently drafted.

Thank you for your time and consideration. I would be happy to answer any questions.