

MAINE STATE LEGISLATURE

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3 LABOR

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5 STATE OF MAINE

6 SENATE

7 123RD LEGISLATURE

8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to S.P. 306, L.D. 955, Bill, "An Act To
10 Amend the Employment Practices Law Regarding Substance Abuse Testing of
11 Temporary Workers"

12 Amend the bill by striking out everything after the enacting clause and before the
13 summary and inserting the following:

14 'Sec. 1. 26 MRSA §683, sub-§4, as enacted by PL 1989, c. 536, §§1 and 2 and
15 affected by c. 604, §§2 and 3, is amended to read:

16 4. Consent forms prohibited. No An employer may not require, request or suggest
17 that any employee or applicant sign or agree to any form or agreement that attempts to:

18 A. Absolve the employer from any potential liability arising out of the imposition
19 of the substance abuse test; or

20 B. Waive an employee's or applicant's rights or eliminate or diminish an employer's
21 obligations under this subchapter except as provided in subsection 4-A.

22 Any form or agreement prohibited by this subsection is void.

23 Sec. 2. 26 MRSA §683, sub-§4-A is enacted to read:

24 4-A. Waivers for temporary employment. An employment agency, as defined in
25 section 611, may request a written waiver for a temporary placement from an individual
26 already in its employ or on a roster of eligibility as long as the client company has an
27 approved substance abuse testing policy and the individual has not been assigned work at
28 the client company in the 30 days previous to the request. The waiver is only to allow a
29 test that might not otherwise be allowed under this subchapter. The test must otherwise
30 comply with the standards of this subchapter and the employment agency's approved
31 policy regarding applicant testing. The agency may not take adverse action against the
32 individual for refusal to sign a waiver.'

COMMITTEE AMENDMENT

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SUMMARY

2 This amendment replaces the bill with a provision that, rather than amending the
3 definitions of "applicant" and "employee," allows an employment agency to request a
4 written waiver from an individual already in its employ or on a roster of eligibility to
5 allow a drug test for a temporary placement, under certain conditions.