

MAINE STATE LEGISLATURE

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Annual Report

Substance Abuse Testing in Maine

**Submitted to the Maine Legislature
March, 2012**



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Substance Abuse Testing Report 2011

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The Maine Department of Labor provides equal opportunity employment and programs.

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This publication is available at: www.maine.gov/labor/labor_stats/publications/substanceabuse

Scope

The Maine Department of Labor (MDOL) is submitting this report to the Joint Standing Committee on Labor, Commerce, Research and Economic Development in accordance with the Maine Substance Abuse Testing Law, Title 26 M.R.S.A. §690. The Maine Substance Abuse Testing Law is intended to protect the privacy rights of employees, yet allow an employer to administer testing; to ensure proper testing procedures; to ensure that an employee with a substance abuse problem receives an opportunity for rehabilitation and treatment; and to eliminate drug abuse in the workplace.

This report pertains only to employer testing activities under Maine law. It is not a comprehensive study of workplace substance abuse testing because it does not include individuals who are tested under federal testing programs.

Practice

Any employer desiring to do substance abuse testing, other than federally regulated testing, must submit a substance abuse testing policy to the Maine Department of Labor. An employer may not commence testing until the MDOL has notified the employer that the policy has been approved and the employer has given proper notice to its employees.

Model policies developed by the Maine Department of Labor help employers develop substance abuse policies for their workplaces and make it easier for the MDOL to review company policies. The model policies are available on the MDOL website:

http://www.maine.gov/labor/labor_stats/publications/substanceabuse/modelpolicy.htm

Each employer with a policy approved by the Maine Department of Labor is required to report its testing activities annually in a mandatory survey. Information gathered in the survey includes the number of tests by type (applicant, probable cause or random/arbitrary), the substances tested for, and the number of positive tests for each substance.

The administration of this law is a collaborative effort of the following agencies:

Maine Department of Labor, Bureau of Labor Standards (BLS)

- Reviews and approves substance abuse testing policies.
- Collects the annual reports of substance abuse testing.
- Analyzes testing data and publishes this annual report.

Department of Health and Human Services, Health and Environmental Testing Laboratory

- Testing Laboratory is responsible for the licensing of laboratories that Maine employers can use for testing of controlled substances. For a list of approved testing laboratories contact the Maine Department of Labor.

Department of Health and Human Services, Office of Substance Abuse

- Any employer with more than 20 full-time employees must have a functioning Employee Assistance Program (EAP) prior to testing their employees as stated in Title 26 M.R.S.A. §683, 1. The EAP must be certified by the Department of Health and Human Services and certification must be renewed every two years.

Results by Type of Test

Applicant Testing

Applicant testing is reserved for individuals who have been offered employment with a company or placed on a roster of eligibility for employment. Testing is conducted before the individual is hired.

Probable Cause

Probable cause testing is conducted where reasonable grounds exist to believe that an existing employee may be under the influence of a substance of abuse.

Random/Arbitrary Testing

Random testing is a method of selection in which all employees have an equal potential of selection by random chance. Arbitrary testing is based on criteria unrelated to substance abuse, such as the anniversary of hire date.

Table 1: Results by Test Type Maine, 2011

	Applicant Tests	Applicant Percent Positive	Probable Cause Tests	Probable Cause Percent Positive	Random / Arbitrary Tests	Random / Arbitrary Percent Positive
Total Tests	15,580		12		847	
Total Invalid Tests	21	0.1%	0	0%	0	0.0%
Total Positive Results	532	3.4%	3	25.0%	16	1.9%
Cannabinoids	425	2.7%	1	8.3%	11	1.3%
Cocaine	19	0.1%	0	0.0%	2	0.2%
Amphetamines	21	0.1%	1	8.3%	0	0.0%
Opiates	11	0.1%	1	8.3%	0	0.0%
Methadone	12	0.0%	0	0.0%	0	0.0%
Phencyclidine	3	0.0%	0	0.0%	0	0.0%
Benzodiazepines	2	0.0%	0	0.0%	0	0.0%
Alcohol	8	0.1%	1	2.6%	2	0.2%
Barbiturates	10	0.1%	0	0.0%	3	0.4%
Methaqualone	0	0.0%	0	0.0%	0	0.0%

Results by Industry

Every company in the State of Maine is assigned an industry code based on the North American Industrial Classification System (NAICS). Table 2 shows testing results for each industry, based on the NAICS of the employer. The services industry conducted the most tests in 2011. The construction industry had the highest percentage of positive results.

Table 2: Results of All Tests by Industry - Maine, 2011

<i>Industry</i>	<i>Policies</i>	<i>Tests</i>	<i>Positives</i>	<i>Percent Positive</i>
All Industry	422	16,100	545	3.4%
Construction	55	1,951	97	5.0%
Heavy Construction	13	1,017	38	3.7%
Other Construction	42	934	59	6.3%
Manufacturing	106	3,253	118	3.6%
Plastics and Rubber	7	141	10	7.1%
Electronic/Electrical Equipment	8	104	0	0.0%
Food Products	9	198	1	0.5%
Paper Products	17	1,111	23	2.1%
Wood Products	20	182	12	6.6%
Other Manufacturing	45	1,517	72	4.7%
Other	5	76	2	2.6%
Other	5	76	2	2.6%
Services	143	7,289	184	2.5%
Professional/Scient/Tech Svcs	22	199	18	9.0%
Health Care and Social Assistance	24	2,519	15	0.6%
Other Services	97	4,571	151	3.3%
Trade	85	3,009	127	4.2%
Retail	40	2,321	93	4.0%
Wholesale	45	688	34	4.9%
Transportation and Public	28	522	17	3.3%
Transportation and Public Utilities	28	522	17	3.3%

Results by Substance

Table 3 shows the results of testing in 2011 by substance. Many employers use a common five panel test including Cannabinoids, Amphetamines, Cocaine, Opiates, and Phencyclidine. In 2011 tests, 3.4% of tests had a positive result. Cannabinoids accounted for 79.3% of all positive test results.

Table 3: Results of All Tests by Substance - Maine, 2011

Substance	Employers Testing	Total	Total Positives	Percent Positive	Percent of Positives
All Substances	294	16,439	551	3.4%	
Cannabinoids	290	16,359	437	2.7%	79.3%
Amphetamines	287	15,946	22	0.1%	4.0%
Cocaine	283	15,827	21	0.1%	3.8%
Phencyclidine	283	15,450	3	0.0%	0.5%
Opiates	282	16,001	12	0.1%	2.2%
Barbiturates	156	9,064	12	0.1%	2.2%
Benzodiazepines	154	8,854	2	0.0%	0.4%
Methadone	138	7,498	6	0.1%	1.1%
Methaqualone	125	7,008	0	0.0%	0.0%
Alcohol	58	2,790	10	0.4%	1.8%

Controlled Substances and Drug Names:

Cannabinoids:

- Hashish*
- Marijuana*
- Tetrahydrocannabinol (THC) *

Depressants:

- Barbiturates*
- Benzodiazepines*
- Glutethimide
- Methaqualone*

Hallucinogens:

- Amphetamine Variants*
- LSD
- Mescaline and Peyote
- Phencyclidine (PCP, angel dust)*
- Phencyclidine Analogs

Narcotics:

- Codeine
- Heroin*
- Hydromorphone
- Meperidine (Pethidine)
- Methadone*
- Morphine*
- Opium*

Stimulants:

- Amphetamines*
- Cocaine*
- Methylphenidate
- Phenmetrazine

* Substances currently approved for drug testing under Maine law.

Year-by-Year Results

Regulation of testing for use of controlled substances has been in effect under Maine law since September 30, 1989. Since then results have been collected every year. The number of employers with approved policies has increased steadily since that time. The highest percentage of positive tests was 4.9%, occurring in 2007 and 2002. The lowest percent positive was 2.0%, occurring in 1993.

Table 4: Yearly Totals - 1990-2011

Year	Number of Employers W/ Policies	Total Tests	Total Positives	Total Percent Positive	Applicant Tests	Applicant Positives	Applicant Percent Positive	Probable Cause Tests	Probable Cause Positives	Probable Percent Positive	Random Tests	Random Positives	Random-Percent Positive
2011	433	16,100	545	3.4	15580	532	3.4	12	3	25.0	847	16	1.9
2010	433	21,388	931	4.4	20,267	897	4.4	39	6	16.2	1,082	28	2.6
2009	412	17,399	666	3.8	16,719	631	3.8	16	6	37.5	664	29	4.4
2008	384	23,437	1,086	4.7	22,477	1,045	4.7	13	2	15.4	947	37	3.9
2007	350	22,641	1,110	4.9	21,700	1,076	5.0	5	4	80.0	936	30	3.2
2006	325	18,112	853	4.7	17,364	824	4.7	18	2	11.1	730	27	3.7
2005	310	17,742	749	4.2	16,876	706	4.2	18	9	50.0	863	34	3.9
2004	287	17,428	826	4.7	16,702	803	4.8	6	1	16.7	720	22	3.1
2003	271	16,129	761	4.7	15,345	727	4.7	29	7	24.1	755	27	3.6
2002	252	13,128	642	4.9	12,595	624	5.0	10	0	0	523	18	3.4
2001	239	16,492	730	4.4	15,947	716	4.5	8	1	12.5	537	13	2.4
2000	226	18,827	765	4.1	18,164	748	4.1	12	1	8.3	651	16	2.5
1999	200	20,725	691	3.3	20,118	660	3.3	9	4	44.4	598	27	4.5
1998	164	11,888	352	3.0	11,459	343	3.0	4	0	0	425	9	2.1
1997	147	13,097	392	3.0	12,616	375	3.0	7	1	14.3	474	16	3.4
1996	134	10,854	346	3.2	10,493	330	3.1	7	3	42.9	354	13	3.7
1995	116	9,708	236	2.4	9,484	231	2.4	11	3	27.3	213	2	0.9
1994	112	7,035	211	3.0	6,818	202	3.0	4	1	25.0	213	8	3.8
1993	107	5,502	109	2.0	5,278	101	1.9	3	1	33.3	221	7	3.2
1992	90	4,837	192	4.0	4,724	186	3.9	1	0	0	112	6	5.4
1991	75	3,289	137	4.0	3,214	133	4.1	0	0	0	75	4	5.3
1990	47	3,643	128	3.5	3,631	128	3.5	0	0	0	12	0	0

Appendix 1 – Maine employers with approved substance abuse testing policies

- WORK Personnel Services
- A A A of Northern New England, Inc
- A B C Supply Company, Inc
- A C S
- A V X Tantalum Corp.
- A W S
- Acme-Monaco Corporation
- Acuren Inspection
- ADECCO Employment Services
- Aetna, Inc
- AG World Support Systems, LLC
- Air Temp, Inc
- Alexander & Associates
- Allstate Insurance Company
- AMEC Earth & Environmental, Inc
- American Aerial Services, Inc
- American Industrial Construction, LLC
- American Red Cross Blood Services, N. E. Region
- American Steel and Aluminum Corporation
- AmeriCold Logistics, LLC
- Androscoggin Home Care & Hospice
- Applicator Sales & Service, Inc
- Aroostook Medical Center
- ASRC Federal Holding Company
- Associated Grocers of New England Inc,
- Atlantic Pest Solutions
- Atlantic Scaffolding Co.
- Atwood Lobster Company
- Auburn, City of
- Automotive Supply Associates, Inc
- B & M Baked Beans
- B B I Waste / Blow Bros.
- B J's Wholesale Club, Inc
- Backyard Farms, LLC
- Baileyville Police Dept.
- Balance Staffing
- Bancroft Contracting Corp
- Bangor Area Visiting Nurses
- Bangor Gas Company
- Bangor Hydro Electric Company
- Bangor International Airport
- Bangor Mall, LLC
- Bank of America Child Development Center
- Barber Foods
- Barclays
- Bath Iron Works
- Bath Water District
- Best Buy Stores LP
- Biddeford Internet Corporation
- Big Brothers Big Sisters
- Blake Equipment Company
- Bob's Discount Furniture of Massachusetts
- Boise Structural Solutions
- Bonney Staffing Center
- Boralex
- Brewer Housing Authority
- Brewer, City of
- Brockway-Smith
- C C B, Inc
- C C I Systems, Inc
- C E C Entertainment
- C P M Constructors
- C. N. Brown Company
- Cabela's Retail, Inc
- Calais, City of
- Calpine Westbrook Energy Center
- Capital Area Staffing Solutions
- Cascades Auburn Fiber
- Casella Waste Systems, Inc
- Casey Industrial, Inc
- CCH Small Firm Services
- Central Maine Conditioning Clinic, Inc
- Central Maine FCU
- Central Maine Healthcare
- Central Maine Power
- CES, Inc
- Chadwick BaRoss, Inc
- Cianbro Corporation
- Cives Steel Company
- Coca-Cola Bottling Co. of Northern New England
- Columbia Air Services-B H B, LLC
- Columbia Forest Products
- Commercial Delivery Systems, LLC
- Community Concepts, Inc
- Community Pharmacies LP
- Consigli Construction Company
- Contech Construction Product, Inc
- Contemporary Staffing Solutions
- Corinth Wood Pellets, LLC
- Corning, Inc
- CoWorx Staffing Services, LLC
- CPRC Group
- CRI-SIL, LLC
- Crystal Clear Communication
- Cummins Northeast, LLC
- D & G Machine Products, Inc
- D. L. Thurrott Air
- Dahl-Chase Diagnostic Services
- Damon Mechanical Services
- Danforth Habilitation
- Darden Restaurants, Inc
- Davey Tree Expert Company
- Dennis Paper & Food Service
- Designtex
- Dingley Press
- Diver Down Underwater Services
- Doherty Employment Group
- Doppelmayr, Inc.
- Down East Toyota-Scion-Buick
- Dragon Products
- Ducktrap River of Maine
- Duratherm Window Corporation
- Dysarts Service
- E. S. Boulous Company
- Eastern Fire Protection/Eastern Sprinkler Services
- Eastern Maine Healthcare
- Eaton Electrical, Inc
- Ed Hodsdon Masonry
- Electronic Mobility Controls
- Ellsworth Builders Supply, Inc
- Elmet Technologies
- Emery-Waterhouse
- Energy East Management Corp.
- Enterprise Engineering, Inc
- Enterprise Trenchless Technologies
- Enviro-Mats, Inc
- Environmental Projects, Inc
- ESOCO Orrington, Inc
- Etna, Town of
- Everett J. Prescott
- Evonik Cyro, LLC
- Express Personnel Services
- F M C Corp.
- F P L Energy Maine Operating Services, LLC
- FairPoint Communications
- Federal Marine Terminals, Inc
- Federal Program Integrators, LLC
- Fiber Materials, Inc
- First Capital
- First Protection Services, Inc
- Fisher Engineering
- Flemish Master Weavers
- Forest Avenue Veterinary Hospital
- Formed Fiber Technologies, Inc
- Formtek, Inc
- Fraser Papers Ltd.
- Fraser Timber Ltd.
- Fresenius Medical Care
- Fulghum Fibres, Inc
- Fuller Marine
- G A C Chemical Corporation

Appendix 1 – Maine employers with approved substance abuse testing policies

- Gagne & Son Concrete Blocks, Inc
- Ganneston Construction Corporation
- Garelick Farms of Maine
- General Dynamics ATP
- General Electric (Auburn)
- General Electric (Bangor)
- General Parts, Inc./Carquest
- Genplex, Inc
- Genuine Parts Company
- Giroux Oil Service Company
- Global Environmental Solutions, Inc
- Gorham Sand & Gravel
- Grainger Industrial Supply
- Great Falls Construction
- Guardian Pharmacy, LLC
- Guardsmark, LLC
- Gulf Oil Limited Partnership
- H M S Host International
- H P Hood, LLC
- H. Finkleman Co. - Schnitzer NorthEast
- Hale Trailer Brake & Wheel, Inc
- Haley's Metal Shop
- Hampden Department of Public Safety
- Hancock Lumber
- Hanger Orthopedic Group, Inc
- Hannaford Brothers Distribution Center
- Haskell Lumber
- Hawkeye, LLC
- Hertz Corporation, The
- Hinckley Co., LLC, The
- Hollywood Slots at Bangor
- Home Depot
- Horizon Solutions, LLC
- Hostess Brands
- Houlton Police Department
- Huber Engineered Woods, LLC
- Huhtamaki
- Hussey Seating Company
- Huttig Building Products
- ICON Connections, Inc
- Idearc Media Corp.
- Ikon Office Solutions, Inc
- Imerys/Americarb, Inc
- INFAB Refractories
- Innovative Distribution Services
- Insurance Services Office, Inc
- Irving Forest Products (Dixfield Sawmill)
- Irving Woodlands, LLC
- Jagger Brothers, Inc
- Jean's Waterproofing, Inc
- JF2, LLC
- Johns Manville (Lewiston)
- Johnson & Jordan, Inc
- Johnson Outdoors Watercraft, Inc
- Jotul North America
- Kassbohrer All Terrain Vehicles, Inc
- Katahdin Forest Products/Cedar Ideas
- Katahdin Paper Company, LLC
- KBR, Inc.
- Keeley Crane Service
- Kelly Services, Inc
- Kelsey's Appliance Village
- Kennebunkport Police Department
- KidsPeace National Centers of New England
- Kohl's Department Stores
- Kris-Way Truck Leasing, Inc
- L & B Electrical Contractors, Inc
- L K Q Gorham Auto Parts, Inc
- L M S Intellibound, Inc
- Lane Construction Corp., The
- Lewiston, City of
- Lincare, Inc
- Lincoln Paper and Tissue, LLC
- Lohmann Animal Health International
- Lonza Rockland
- Louisiana-Pacific Corporation
- Lowe's Home Centers, Inc
- Lucas Tree Expert Company, Inc
- M B Bark
- M Drug, LLC
- Madison Paper Industries
- Maine Business Services
- Maine Distributors
- Maine Drilling and Blasting
- Maine Medical Center
- Maine Medical Partners
- Maine Organic Therapy
- Maine Plastics
- Maine Public Service
- Maine Veteran's Homes
- Maine Woods Company, LLC
- Mainely Vinyl, Inc
- Marion Transfer Station, Inc
- Marquis Heating
- Marriott International
- Mathews Brothers Company
- Max Finkelstein, Inc
- McCain Foods USA, Inc
- McHale & Associates, Inc
- Medical Staffing Network
- Mercy Hospital
- Met Life
- Mexico Water District
- Microdyne Outsourcing, Inc
- Mid State Machine Products
- Midwest Price Co., LLC
- Milo Water District
- Milton CAT
- Modern Pest Services
- Montreal, Maine & Atlantic Railway
- Morin Brick Company
- Mount Hope Cemetery Corporation
- Mr. Signs, Inc
- Multiband
- MYR Group, Inc
- N R F Distributors, Inc
- Nadeau's Refrigeration
- Nappi Distributors
- National Semiconductor Corp.
- Naturally Potatoes
- Netflix, Inc
- New England Insulation
- New England Rehab Hospital of Portland
- New England Truck Tire Centers, Inc
- New York Life Insurance Company
- Newark Paperboard Products
- NewPage Corporation
- Newport, Town of
- Nichols Portland (div Parker Hannifin)
- North American Industrial Services
- North Woods Contracting
- Northeast Airmotive
- Northeast Cardiology Associates
- Northeastern Environmental Services
- Northeastern Log Homes, Inc
- Northern Pride Communications, Inc
- Nortrax
- Norway Water District
- Norway-Paris Solid Waste, Inc
- Oakhurst Dairy
- OC Composites, LLC
- Ocean State Job Lot
- O'Connor Constructors, Inc
- Omnicare Pharmacy of Maine
- OTT Communications
- Oxford Networks
- P F G Northcenter
- P S C Industrial Outsourcing

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- PAGEDevelopment
- Panoram Industries International
- Paradigm Window Solutions
- Parkview Adventist Medical Center
- Pathways, Inc
- Patriot Insurance Company
- Paul G. White Tile Company
- Paychex
- Peer Technical Group, LLC
- Pegasus Cleaning Corp.
- PenBay Healthcare & Affiliates
- Penobscot County Sheriff's Office
- Penobscot Job Corps Center
- Penobscot Regional Communications Center
- Pepsi Bottling Group, The
- Perma Treat Corporation
- Pharm Corp of Maine, LLC
- Phoenix Houses of New England
- Pike Industries, Inc
- Pine Environmental Services, Inc
- Pine State Trading Company
- Pizzagalli Construction Co., Inc
- Plum Creek Timber Company
- Poland Spring Bottling Co.
- Pollack Corporation, The
- Portage Wood Products, LLC
- Portland Fish Exchange, Inc
- Portland Press Herald/Maine Sunday Telegram
- Portland Water District
- Pratt & Whitney Aircraft Group
- Pro Search, Inc
- Procter and Gamble Tambrands, Inc
- Progressive Distributors, Inc
- Project Staffing, Inc
- Prudential Financial
- R J Grondin & Sons
- R T S Packaging, LLC
- Radiodetection Corporation
- RailWorks Corporation
- Ransom Environmental Consultants
- Reed & Reed, Inc
- Re-Harvest, Inc/Harvest Hill Farms
- Remedy Compassion Center
- Resource Real Estate Management, Inc
- Robbins Lumber, Inc
- Rockland Marine Corporation
- S B A Network Services
- S X C Health Solutions Corporation
- Safe Alternatives
- Sanborn Head & Associates, Inc
- Sappi Fine Paper (Somerset)
- Sappi Fine Paper (Westbrook)
- Sargent Corporation
- Savage Safe Handling, Inc
- Savings Bank of Maine
- SBM Site Services, LLC
- Scarborough, Town of
- Scholastic Book Fairs
- Scooter Store, The
- Seaboard Security
- Securitas Security Services USA
- Security Shredding, Inc
- Shaw's Supermarkets, Inc, Wells Distribution Ctr.
- Shaw's Supermarkets/Stores Only
- Sigco, Inc
- Silvers Auto Parts, Inc
- Sisters of Charity Health System
- Skowhegan, Town of
- Smith & Wesson Corporation
- Sodexo America, LLC
- Somic America
- Sonoco Products Company
- South Portland, City of
- Specialty Minerals, Inc
- Spiller's
- Sprague Energy Corporation
- Springborn Staffing/Industrial Staffing
- Spudnik Equipment Company LLC
- SPX Communications Technology
- SPX Cooling Technologies
- Staff Management
- Standard Waterproofing, Inc
- Standard, The
- Station Class Constructors, Inc
- Steam Turbine Services, Inc
- Sullivan & Merritt, Inc
- Sustainable Forest Technologies, Inc
- T D Bank NA
- Target Corporation
- Tate & Lyle Ingredients America, Inc
- Teaford Construction
- Tempo Employment Services
- Time Warner Cable
- Titan Machine Products
- Tracer Construction
- Trans-Tech Industries, Inc
- Trask-Decrow Machinery, Inc
- Travelers
- True North Hotel Group
- rue Textiles, Inc
- Turbine Generator Maintenance, Inc
- U B S Financial Services, Inc
- U. S. Cellular
- Unifirst Corporation
- Union River Boat Company
- Union Water Power Co.
- University of New England, College of Pharmacy
- UTC Fire & Security
- Utility Shared Services
- V.I.P., Inc.
- Valley National Gases WV, LLC
- Vermont Mutual Insurance Group
- Verso Paper (Androscoggin Mill)
- Verso Paper (Bucksport Mill)
- Vescom Corporation
- Vestas-American Wind Technology
- VingTech Corporation
- Volk Packaging Corporation
- W G M E, Inc
- WahlcoMetroflex, Inc
- Waldron Group of Companies
- Walgreen Co.
- Wal-Mart Stores, Inc
- Walpole Woodworkers, Inc
- Watts FluidAir (div Parker Hannifin)
- Webber Oil Company
- Windward Petroleum
- Wise Business Forms, Inc
- Woodard & Curran, Inc
- Woodland Pulp, LLC
- Wright-Ryan Construction, Inc
- Wyman & Simpson, Inc
- XPEDX
- Zampell Refractories, Inc