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	L.D. 2145
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4	(Filing No. S-468)
б	STATE OF MAINE
8	SENATE 114TH LEGISLATURE
10	SECOND REGULAR SESSION
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14	SENATE AMENDMENT " $^{ m A}$ " to S.P. 837, L.D. 2145, Bill, "An Act to Amend the Implementation Date of the Drug Testing Laws"
16	Amend the bill by striking out all of section. 1 and inserting in its place the following:
18	'Sec. 1. 26 MRSA §683, sub-§3, as enacted by PL 1989, c. 536,
20	SI and 2, is amended to read:
22	3. Copies to employees and applicants. The employer shall provide each employee with a copy of the written policy approved
24	by the Department of Labor under section 686 and a copy of this subchapter at least 60 days before <u>any portion of</u> the <u>written</u>
26	policy <u>applicable to employees</u> takes effect. The employer shall provide each employee with a copy of any change in a written
28	policy approved by the Department of Labor under section 686 at least 60 days before <u>any portion of</u> the change <u>applicable to</u>
30	employees takes effect. If applicants are subject to testing under the written policy, the employer shall provide each
32	applicant with a copy of the written policy under subsection 2 and a copy of this subchapter before administering a substance
`34	abuse test to the applicant. The 60-day notice period provided for employees under this subsection does not apply to applicants.
36	Sec. 2. PL 1989, c. 536, §2 is amended to read:
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40	Sec. 2. Transition. No <u>An</u> employer may <u>not</u> commence a workplace substance abuse testing program after the effective
42	date of this Act until January 1, 1990, when the substance abuse testing program must comply with this Act and rules adopted under
44	this Act. All-workplace-substance-abuse-testing-programs-in- existence-on-the-effective-date-ofthis-Act-may-continue
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46	testingprogramsmustcomply-fully-with-thisActandrules adopted-under-this-Act-on-January-1,-1990-

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2	All workplace substance abuse testing programs in existence
4	on the effective date of this Act that include the testing of applicants may continue testing applicants as provided in that
4	program until March 1, 1990, except that if the employer submits
б	a written policy for approval by the Department of Labor, any
8	applicant testing must be conducted pursuant to the submitted policy, whether or not the policy has been approved by the
	Department of Labor.
10	If the employer submits a written policy for approval by the
12	Department of Labor before January 1, 1990, any workplace
	substance abuse testing program conducted by that employer on the
14	effective date of this Act that included the testing of employees may continue testing employees as provided in the submitted
16	policy until March 1, 1990, whether or not the policy has been
10	approved by the Department of Labor. Testing by that employer
18	must comply with this Act and rules adopted under this Act on
20	March 1, 1990, or the date on which the Department of Labor
20	approves the employer's written policy, whichever is earlier.
	Notwithstanding the Maine Revised Statutes, Title 26, section
22	683, subsection 3, any such employer need not provide a copy of
	the written policy and Title 26, chapter 7, subchapter III-A to
24	its employees 60 days before the policy takes effect but must
	only provide a copy of the policy and Title 26, chapter 7,
26	subchapter III-A to its employees before the policy may take
	effect.
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	If an employer does not submit a written policy for approval
30	by the Department of Labor before January 1, 1990, any workplace
	substance abuse testing program conducted by that employer on the
32	effective date of this Act that includes the testing of employees
	must comply on January 1, 1990, with this Act and rules adopted
34	under this Act related to the testing of employees.
36	All workplace substance abuse testing programs must comply
	with this Act and rules adopted under this Act on March 1, 1990,
38	or the date on which the Department of Labor approves the
40	employer's written policy, whichever is earlier.'
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42	Further amend the bill by renumbering the sections to read
76	consecutively.
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46	STATEMENT OF FACT
48	This amendment clarifies that the 60-day waiting period
	provided to employees after an employer's written policy is
50	approved by the Department of Labor does not prevent an employer

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from immediately initiating the workplace substance abuse testing program testing of applicants under an approved written policy. Applicants do not receive the 60-day notice period provided to employees.

- The amendment also amends the transition clause of the б original substance abuse testing bill to provide the following.
- 1. Any testing program initiated after the law's effective 10 date must comply with the law as of January 1, 1990.
- 12 2. Any testing program that existed on the law's effective date and that provided for applicant testing at that time may 14 continue to test applicants until March 1, 1990, regardless of whether the employer has filed a written policy with the Department of Labor. If, however, the employer has submitted a 16 written policy to the Department of Labor, applicant testing must 18 be conducted pursuant to the submitted policy rather than any prior testing program.
- 3. Any testing program that existed on the law's effective 22 date and that provided for employee testing at that time may continue to test employees until March 1, 1990, only if the employer had filed a written policy with the Department of Labor 24 before January 1, 1990. Any tests of employees during this period must be conducted pursuant to the employer's written 26 policy submitted to the Department of Labor, whether or not that policy has been approved by the Department of Labor. Any such 28 testing program is exempt from the 60-day notice period required before instituting an employee testing program since the testing 30 program is not new but is a continuation of an existing program.
 - Any testing program that existed on the law's effective 4. date and that provided for employee testing at that time must comply with the law on January 1, 1990 if the employer did not file a written policy with the Department of Labor before January 1, 1990.

(Senator DUTREMB SPONSORED BY: COUNTY: York

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