

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 837, L.D. 2145, Bill, "An Act to Amend the Implementation Date of the Drug Testing Laws"

Amend the bill by striking out all of section 1 and inserting in its place the following:

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

3. Copies to employees and applicants. The employer shall provide each employee with a copy of the written policy approved by the Department of Labor under section 686 and a copy of this subchapter at least 60 days before any portion of the written policy applicable to employees takes effect. The employer shall provide each employee with a copy of any change in a written policy approved by the Department of Labor under section 686 at least 60 days before any portion of the change applicable to employees takes effect. If applicants are subject to testing under the written policy, the employer shall provide each applicant with a copy of the written policy under subsection 2 and a copy of this subchapter before administering a substance abuse test to the applicant. The 60-day notice period provided for employees under this subsection does not apply to applicants.

Sec. 2. PL 1989, c. 536, §2 is amended to read:

Sec. 2. Transition. No An employer may not commence a workplace substance abuse testing program after the effective date of this Act until January 1, 1990, when the substance abuse testing program must comply with this Act and rules adopted under this Act. ~~All workplace substance abuse testing programs in existence on the effective date of this Act may continue operation until January 1, 1990. All workplace substance abuse testing programs must comply fully with this Act and rules adopted under this Act on January 1, 1990.~~

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


6 The amendment also amends the transition clause of the
original substance abuse testing bill to provide the following.

8
10 1. Any testing program initiated after the law's effective
date must comply with the law as of January 1, 1990.

12 2. Any testing program that existed on the law's effective
14 date and that provided for applicant testing at that time may
continue to test applicants until March 1, 1990, regardless of
16 whether the employer has filed a written policy with the
Department of Labor. If, however, the employer has submitted a
18 written policy to the Department of Labor, applicant testing must
be conducted pursuant to the submitted policy rather than any
20 prior testing program.

22 3. Any testing program that existed on the law's effective
date and that provided for employee testing at that time may
24 continue to test employees until March 1, 1990, only if the
employer had filed a written policy with the Department of Labor
before January 1, 1990. Any tests of employees during this
26 period must be conducted pursuant to the employer's written
policy submitted to the Department of Labor, whether or not that
28 policy has been approved by the Department of Labor. Any such
testing program is exempt from the 60-day notice period required
30 before instituting an employee testing program since the testing
program is not new but is a continuation of an existing program.

32
34 4. Any testing program that existed on the law's effective
date and that provided for employee testing at that time must
36 comply with the law on January 1, 1990 if the employer did not
file a written policy with the Department of Labor before January
38 1, 1990.

40
42 (Senator DUTREMBLE)
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44 COUNTY: York

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