

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2066

S.P. 741

In Senate, January 11, 2002

An Act to Expedite Employment in Maine Industry.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by President BENNETT of Oxford.
Cosponsored by Senator DAGGETT of Kennebec.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 26 MRSA §682, sub-§7, ¶A**, as enacted by PL 1989, c.
536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to
6 read:

8 A. "Screening test" means an initial substance abuse test
performed through the use of immunoassay technology, or a
10 test technology of similar or greater accuracy and
reliability approved by the Department of Human Services
12 under rules adopted under section 687, and which is used as
a preliminary step in detecting the presence of substances
of abuse.

14 (1) A screening test of an applicant's urine or saliva
16 may be performed at the point of collection through the
18 use of a noninstrumented point of collection test
20 device approved by the federal Food and Drug
22 Administration, provided that any sample tested with
24 such a device that results in a negative test result
must be destroyed. If such a test device is used, the
provisions of section 683, subsections 6, 7 and 8 do
not apply and section 683, subsection 5 applies only to
samples that resulted in a positive test result.

26 **SUMMARY**

28 This bill amends the law relating to substance abuse testing
30 of job applicants to allow employers to perform a screening test
using a rapid response test method in order to quickly determine
32 whether to have an applicant undergo a confirmation test.

34 Screening tests allowed under current law take several days
to yield a result. If a screening test is positive, the
36 applicant must then submit to a confirmation test process. This
bill would allow a result on a screening test to be obtained
38 immediately. If the result is negative, the sample would be
destroyed and the applicant may begin work immediately. If the
40 result is positive, the applicant will undergo a confirmation
test.

42 This bill does not alter protections provided under current
44 law, including requirements that an employer have a written
testing policy approved by the Department of Labor,
46 confidentiality and limits on the use of test results. As under
current law, an applicant may not be denied employment solely on
48 the basis of a screening test. Only a positive confirmation test
may be used as a factor in denying employment.

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