

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2098

H.P. 1595

House of Representatives, February 5, 2002

An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: BERRY of Livermore, BRYANT of Dixfield, DUPLESSIE of Westbrook,
NORTON of Bangor, RICHARDSON of Brunswick, USHER of Westbrook, Senators:
MARTIN of Aroostook, President Pro Tem MICHAUD of Penobscot.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
4 as emergencies; and

6 **Whereas,** labor contract negotiations are under way; and

8 **Whereas,** random drug testing will be included in the
contract if it is not repealed as soon as possible; and

10 **Whereas,** in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **Sec. 1. 26 MRSA §684, sub-§3,** as enacted by PL 1989, c. 536,
20 §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

22 **3. Random or arbitrary testing of employees.** In addition
to testing employees on a probable cause basis under subsection
2, an employer may require, request or suggest that an employee
24 submit to a substance abuse test on a random or arbitrary basis
if ~~at least one of the following conditions is met:~~

26 ~~A.---The--employer--and--the--employee--have--bargained--for~~
28 ~~provisions--in--a--collective--bargaining--agreement,--either~~
~~before--or--after--the--effective--date--of--this--subchapter,--that~~
30 ~~provide--for--random--or--arbitrary--testing--of--employees,--or~~

32 B. The employee works in a position the nature of which
would create an unreasonable threat to the health or safety
34 of the public or the employee's co-workers if the employee
were under the influence of a substance of abuse. It is the
36 intent of the Legislature that the requirements of this
paragraph be narrowly construed.

38 **Emergency clause.** In view of the emergency cited in the
40 preamble, this Act takes effect when approved.

42 **SUMMARY**

44 Current law allows random drug testing without cause to be a
46 part of a labor agreement. This bill eliminates that provision.