

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 955

S.P. 306

March 1, 2007

**An Act To Amend the Employment Practices Law Regarding
Substance Abuse Testing of Temporary Workers**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SNOWE-MELLO of Androscoggin.
Cosponsored by Senator: DOW of Lincoln, Representative: THOMAS of Ripley.

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

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

4 **1. Applicant.** "Applicant" means any person seeking employment from an
5 employer. ~~The term includes any~~ For a person using an employment agency's services,
6 "applicant" means a person who is on the roster of eligibility for a work assignment with
7 a client company to which the person has not been assigned work in the previous 30 days.

8 **Sec. 2. 26 MRSA §682, sub-§2**, as amended by PL 1995, c. 324, §3, is further
9 amended to read:

10 **2. Employee.** "Employee" means a person who is permitted, required or directed by
11 any employer to engage in any employment for consideration of direct gain or profit. A
12 person separated from employment while receiving a mandated benefit, including but not
13 limited to workers' compensation, unemployment compensation and family medical
14 leave, is an employee for the period the person receives the benefit and for a minimum of
15 30 days beyond the termination of the benefit. A person separated from employment
16 while receiving a nonmandated benefit is an employee for a minimum of 30 days beyond
17 the separation. "Employee" does not include a person who is on any employment agency
18 roster of eligibility for a work assignment with a client company to which the person has
19 not been assigned in the last 30 days.

20 A. A full-time employee is an employee who customarily works 30 hours or more
21 each week.

22 **SUMMARY**

23 This bill, for purposes of being required to be tested under the labor substance abuse
24 testing laws, excludes from the definition of "employee" and includes in the definition of
25 "applicant" a person who is on an employment agency roster of eligibility for a work
26 assignment with a client company to which the person has not been assigned in the last 30
27 days.