

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

Sec. 4. Revision clause. Wherever in the Maine Revised Statutes the words "applied technology education" appear, those words are amended to read and mean "career and technical education."

Sec. 5. Revision clause. Wherever in the Maine Revised Statutes the words "applied technology center," "applied technology region," "applied technology satellite," "applied technology program" or "applied technology course of study" appear or reference is made to any of those things, those words are amended to read or mean, as the case may be, "career and technical education center," "career and technical education region," "career and technical education satellite," "career and technical education program" or "career and technical education course of study," respectively.

Sec. 6. Revision clause. Wherever in the Maine Revised Statutes, Title 20-A the words "applied technology" appear when referring to an educational purpose and training for careers, those words are amended to read and mean "career and technical."

See title page for effective date.

CHAPTER 546

H.P. 1145 - L.D. 1563

An Act Regarding Standard Contracts for Assisted Living Services

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

Sec. 1. 22 MRSA §7862 is enacted to read:

§7862. Contracts for assisted living services

All contracts or agreements executed by providers of assisted living services under this chapter and a consumer or the legal representative of the consumer are subject to the requirements of this section.

1. Required contract provisions. Each contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the department by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain additional provisions as allowed under subsection 2.

2. Other contract provisions. In addition to the provisions required under subsection 1, each contract or agreement for assisted living services may contain provisions that do not violate a state law or rule or federal law or regulation. A contract or agreement must be consistent with the rules adopted by the

department applicable to the type of assisted living services provided.

3. Rulemaking. The commissioner shall adopt rules to implement this section. The rules must be developed in consultation with the long-term care ombudsman program established under section 5107-A, consumer representatives and providers of assisted living services. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 547

H.P. 1282 - L.D. 1760

An Act To Amend the Random Drug Testing Laws

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

Sec. 1. 26 MRSA §683, sub-§2, as amended by PL 2001, c. 556, §2, is further amended by amending the first paragraph to read:

2. Written policy. Before establishing any substance abuse testing program, an employer must develop or, as required in section 684, subsection 3, paragraph C, must appoint an employee committee to develop a written policy in compliance with this subchapter providing for, at a minimum:

Sec. 2. 26 MRSA §684, sub-§3, as amended by PL 2001, c. 706, §1, is further amended to read:

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 submit to a substance abuse test on a random or arbitrary basis if ~~at least one of the following conditions is met:~~

A. The employer and the employee have bargained for provisions in a collective bargaining agreement, either before or after the effective date of this subchapter, that provide for random or arbitrary testing of employees. A random or arbitrary testing program that would result from implementation of an employer's last best offer is not considered a provision bargained for in a collective bargaining agreement for purposes of this section; ~~or~~

B. The employee works in a position the nature of which would create an unreasonable threat to the health or safety of the public or the employee's ~~co-workers~~ coworkers if the employee