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

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

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

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

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

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

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

SUMMARY

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