



126th MAINE LEGISLATURE

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Legislative Document

No. 678

H.P. 470

House of Representatives, February 26, 2013

An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDOIN of Biddeford.
Cosponsored by Representative PARRY of Arundel, Senator CUSHING of Penobscot and
Representatives: BENNETT of Kennebunk, CHASE of Wells, DUNPHY of Embden,
GILLWAY of Searsport, LIBBY of Waterboro, PETERSON of Rumford, SIROCKI of
Scarborough, Senator: HAMPER of Oxford.

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

2 **Sec. 1. 22 MRSA §3174-WW** is enacted to read:

3 **§3174-WW. Suspension of benefits for illegal drug use**

4 The department may administer a drug test to a recipient of benefits under this
5 chapter. The department shall suspend all benefits under this chapter to a person who
6 tests positive for use of an illegal drug until that person no longer tests positive for use of
7 an illegal drug. The department shall adopt routine technical rules, as defined in Title 5,
8 chapter 375, subchapter 2-A, to implement the provisions of this section, including
9 random drug testing procedures for recipients of benefits under this chapter and the
10 suspension and reestablishment of such benefits based on the results of the drug testing.

11 **Sec. 2. 22 MRSA §3762, sub-§20**, as reallocated by RR 2011, c. 1, §33, is
12 repealed.

13 **Sec. 3. 22 MRSA §3762, sub-§21** is enacted to read:

14 **21. Suspension of assistance based on positive drug test.** The department may
15 administer a drug test to a recipient of TANF assistance. The department shall suspend
16 TANF assistance to a person who tests positive for use of an illegal drug until that person
17 no longer tests positive for use of an illegal drug. The department shall adopt routine
18 technical rules, as defined in Title 5, chapter 375, subchapter 2-A, to implement the
19 provisions of this subsection, including random drug testing procedures for recipients of
20 TANF assistance and the suspension and reestablishment of TANF assistance based on
21 the results of the drug testing.

22 **Sec. 4. 22 MRSA §4327** is enacted to read:

23 **§4327. Suspension of general assistance for illegal drug use**

24 A municipality may administer a drug test to a recipient of general assistance. The
25 municipality shall suspend general assistance to a person who tests positive for use of an
26 illegal drug until that person no longer tests positive for use of an illegal drug. The
27 municipality shall adopt an ordinance pursuant to section 4305 to implement the
28 provisions of this section, including random drug testing procedures for recipients of
29 general assistance and the suspension and reestablishment of general assistance based on
30 the results of the drug testing.

31 **SUMMARY**

32 Current law allows the drug testing of a person receiving Temporary Assistance for
33 Needy Families, or TANF, program benefits if the person has been convicted of a drug-
34 related felony within the past 20 years. If the drug test is positive for illegal drugs, a 2nd
35 test may be requested by the person and the suspension of TANF program benefits may
36 be avoided if the person enrolls in a substance abuse treatment program.

1 This bill repeals that law and instead allows the random drug testing of a person
2 receiving MaineCare benefits, TANF program benefits or general assistance and requires
3 the suspension of those benefits if the person tests positive for use of an illegal drug. The
4 benefits may resume once the person does not test positive for use of an illegal drug.