Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'**Sec. 1. 26 MRSA §683, sub-§4,** as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

4. Consent forms prohibited. ~~No~~An employer may <u>not</u> require, request or suggest that any employee or applicant sign or agree to any form or agreement that attempts to:

A. Absolve the employer from any potential liability arising out of the imposition of the substance abuse test; or

B. Waive an employee's or applicant's rights or eliminate or diminish an employer's obligations under this subchapter <u>except as provided in subsection 4-A</u>.

Any form or agreement prohibited by this subsection is void.

Sec. 2. 26 MRSA §683, sub-§4-A is enacted to read:

<u>**4-A**</u>. **Waivers for temporary employment.** <u>An employment agency, as defined in section 611, may request a written waiver for a temporary placement from an individual already in its employ or on a roster of eligibility as long as the client company has an approved substance abuse testing policy and the individual has not been assigned work at the client company in the 30 days previous to the request. The waiver is only to allow a test that might not otherwise be allowed under this subchapter. The test must otherwise comply with the standards of this subchapter and the employment agency's approved policy regarding applicant testing. The agency may not take adverse action against the individual for refusal to sign a waiver.</u>'

SUMMARY

This amendment replaces the bill with a provision that, rather than amending the definitions of "applicant" and "employee," allows an employment agency to request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.