

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

**Sec. 2. 22 MRSA §3762, sub-§20**, as reallocated by RR 2011, c. 1, §33, is repealed.

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

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

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

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

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

## **SUMMARY**

Current law allows the drug testing of a person receiving Temporary Assistance for Needy Families, or TANF, program benefits if the person has been convicted of a drug-related felony within the past 20 years. If the drug test is positive for illegal drugs, a 2nd test may be requested by the person and the

suspension of TANF program benefits may be avoided if the person enrolls in a substance abuse treatment program.

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