

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 260

H. P. 223

House of Representatives, January 14, 1981

Submitted by the Department of Personnel pursuant to Joint Rule 24.

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Kany of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Clarify and Make Corrections in the Personnel Laws.

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

Sec. 1. 5 MRSA § 8-J is enacted to read:

§ 8-J. Definition of salary paid to a member of the clergy

1. **Salary defined.** In the case of a member of the clergy, "salary" means the amount of money or credit received as compensation for service rendered, exclusive of mileage, traveling allowances and other sums received for actual and necessary expenses incurred in the performance of the State's business, but including all of the following:

- A. The rental value of a home furnished; and
- B. The rental allowances paid to rent or provide a home.

2. **Allocation from salary or wage.** For the purposes of this section there is allocated from the salary or wage paid to a member of the clergy an amount not exceeding \$2,400 as either of the following:

- A. The rental value of a home furnished; or
- B. The rental allowance paid to rent or provide a home.

Sec. 2. 5 MRSA § 16, sub-§ 3, as enacted by P&SL 1975, c. 147, Pt. E, is amended to read:

3. Regulations. The ~~State Board of Personnel~~ **Commissioner of Personnel** shall, acting under section ~~592~~ **631**, prescribe or amend rules and regulations to assure that state personnel policy conforms to the minimums set out in this section. The minimum limits contained in this section shall not be construed to be maximum limits, and the ~~State Personnel Board~~ **Commissioner of Personnel** may prescribe or amend rules and regulations permitting accumulation of vacation leave and sick leave beyond the limits set forth here for limited categories of state employees for state employees in special situations, or for all classified or unclassified state employees.

Sec. 3. 5 MRSA § 553-A, sub-§ 1, as enacted by PL 1977, c. 667, § 1, is amended to read:

1. Employee's rate of pay and circumstances under which rate may be changed. The employee's rate of pay and the circumstances under which that rate may be changed including ~~longevity and~~ merit increases;

Sec. 4. 5 MRSA § 556, 2nd ¶, last sentence, as amended by PL 1977, c. 696, § 36, is further amended to read:

This requirement may be waived by the ~~State Personnel Board~~ **Commissioner of Personnel** on an individual basis when there ~~exists~~ exist compelling reasons for such waiver.

Sec. 5. 5 MRSA § 635, as amended by PL 1967, c. 151, is repealed.

STATEMENT OF FACT

Sections 2 and 4 of this bill identify the Commissioner of Personnel as the administrative authority for changes to rules and regulations governing accrual rates for vacation and sick leave and waivers of citizenship. These changes are consistent with powers and duties of the State Personnel Board and the Commissioner of Personnel specified by Title 5, sections 592 and 631, respectively.

Section 3 of the bill deletes reference to longevity as a basis for salary adjustment. This use of longevity is contradictory to Public Law 1979, chapter 542, Part A, section 6 and related rules and regulations governing the annual merit evaluation.

Section 5 of the bill removes payment and reported income requirements for members of the clergy from the body of statutes governing merit system administration in general and section 1 places these requirements under Finance and Administration law governing similar procedure.