

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1227

H. P. 1093

House of Representatives, March 3, 1953.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Bibber of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Preference in State Employment for Veterans.

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

R. S., c. 59, 12-A, repealed and replaced. Section 12-A of chapter 59 of the revised statutes, as enacted by chapter 360 of the public laws of 1945, and as amended, is hereby repealed and the following enacted in place thereof:

'Sec. 12-A. Preference in state employment for veterans. Hereafter in making appointments to any position on an open competitive basis in the classified service, preference in appointment as hereinafter provided shall be given to honorably discharged male and female veterans and widows of such, and to the wives of disabled veterans who themselves are not qualified but whose wives are qualified to hold such positions. The classes of veteran preference shall be as follows:

I. Five-point preference is so called because, for this class, 5 points are added to earned qualifying ratings in examination. Any veteran who has performed active duty in any branch of the armed forces of the United States during any war is entitled to 5-point preference upon honorable discharge or release therefrom.

A. Five-point preference is also accorded to unmarried widows of deceased veterans who performed active duty in any branch of the armed forces of the United States during any war, and were honorably discharged or released therefrom.

II. Ten-point preference is a term applying to veteran preference which entitles the holder to an addition of 10 points to earned qualifying ratings in examination. The classes of 10-point preference are as follows:

A. Disability preference applies to honorably discharged veterans who establish by official records the present existence of a service-connected disability, and who are certified by the Veterans' Administration to be disabled with a disability rating of more than 0%.

B. When veterans entitled to disability preference on the basis of service-connected disability cannot be directly benefited thereby because of being disqualified for appointment by reason of the physical disability on which the preference is based, 10-point preference may be granted to their wives instead. This constitutes "wife preference."

C. Ten-point preference is accorded to unmarried widows of deceased veterans who died while in the active service of the armed forces during any war, or who died as the result of service connected disabilities.

The term "veteran" as used in this section shall mean a person, male or female, who served in the active service of the United States' armed forces during a period of war in which the United States has been, or is, engaged; and who has been discharged or released therefrom under honorable conditions.

For the carrying out of the provisions of this section, the following dates of active service in the United States' armed forces shall be:

I. World War I, on or after April 6, 1917, and before November 11, 1918.

II. World War II, December 7, 1941, and before September 2, 1945.

III. Korean campaign, June 27, 1950, provided such veteran was in active conduct or fighting.

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the personnel board or other examining agency may waive requirements as to age, height and weight, provided any such re-

quirement is not essential to the performance of the duties of the position for which examination is given. The personnel board or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the personnel board or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

The provisions of this section shall apply to all examinations for original positions in the state police and in the department of inland fisheries and game.'