

MAINE STATE LEGISLATURE

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CHAPTER 53
STATE PERSONNEL BOARD

Sec.

591. Membership; term; compensation.

592. Powers and duties; Advisory Council.

§ 591. Membership; term; compensation

The State Personnel Board, as heretofore established, shall be composed of 5 members. Three members, not more than 2 of whom shall be of the same political party, shall represent the public, and shall be appointed by the Governor with the advice and consent of the Council. One member of the board shall be designated by the Governor as chairman. The term of the public members of the board shall be 4 years and until their successors are appointed and qualified. Vacancies in the public membership of the board shall be filled within 60 days after the vacancy occurred by the Governor with the advice and consent of the Council for the unexpired portion of the term. The public members of the board shall receive \$10 a day for the time actually spent in the discharge of their duties, and their necessary expenses.

One member, a state employee, shall be duly elected for a 2-year term by the council of the Maine State Employees' Association. The 5th member of the board shall be elected by the other 4 members of the board from department heads for a 2-year term, and until their successors are elected and qualified. Vacancies in the employees' or department heads' membership of the board shall be filled by the original process of election. Board members representing state employees and department heads shall do so without compensation, except for their necessary expenses.

R.S.1954, c. 63, § 3.

§ 592. Powers and duties; Advisory Council

The board shall have the following powers and duties:

1. Director. To appoint a director in accordance with section 631.

2. Rules and regulations. Upon recommendation of the director and after a public hearing, and subject to the requirements of chapters 51 to 61, to prescribe or amend rules and regulations relative to:

A. Eligible registers,

- B.** Classification of positions in the classified service,
- C.** Compensation plan,
- D.** Examination for admission to the classified service,
- E.** Promotion in the classified service,
- F.** Provisional, emergency, exceptional and temporary appointments,
- G.** Probationary period,
- H.** Transfer,
- I.** Reinstatement,
- J.** Demotion,
- K.** Suspension, layoff and dismissal,
- L.** Leave of absence, resignation, hours of service, vacations and sick leave,
- M.** Personnel records,
- N.** In-service training,
- O.** Service ratings, and
- P.** Certification of payrolls;

which rules and regulations shall be in effect and have the force of law upon the approval of the Governor.

3. Dismissals from classified service. To make investigations and report its findings and recommendations in cases of dismissal from the classified service as is provided in section 678.

4. Investigations. To make investigations either at the direction of the Governor or the Legislature, or upon the petition of an employee or a citizen, or of its own motion concerning the enforcement and effect of chapters 51 to 61.

5. Enforcement. To enforce through the director the observance of chapters 51 to 61 and the rules and regulations made thereunder.

6. Report. To receive, review and transmit to the Governor the annual report of the director. The report of the director may be supplemented by any additional comment, criticism or suggestions for the more effectual accomplishment of the purposes of chapters 51 to 61 that the board may care to submit.

7. Minutes. To keep full and complete minutes of its proceedings, which shall, subject to reasonable regulations, be open to public inspection.

8. Hearings. In the course of any investigation under chapters 51 to 61, through any member of the board, to have the power to administer oaths and to subpoena and require the attendance of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to such investigation.

In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the Superior Court in any county on application of any one of the members of the board or of the director, when authorized by the board, may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

9. Advisory Council. The board shall have authority to select and appoint a State Advisory Council on Personnel, to serve at the pleasure of the board, and consisting of representatives of the following groups: The Governor, the Executive Council, the Senate, the House of Representatives, department heads, the employees' association, the budget and the public. The principal function of this council shall be to act as a liaison between the particular agency or group they represent and the board, to the end that a better understanding and appreciation of the objectives of a real civil service system may be brought about; and as a result of such an understanding, to give counsel and advice to the board in relation to the over-all administration of the merit system in State Government.

No member of said council shall receive per diem pay or salary, but shall be entitled to reimbursement for actual expenses when called together for conferences with the board.

The council may select one of its members to act as chairman of the group, and arrange for such other internal organization as it may deem proper and for the best interests of the furtherance of the merit system principle.

R.S.1954, c. 63, § 4.