

# **MAINE STATE LEGISLATURE**

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*Maine*

# REVISED STATUTES

## 1964

*Prepared Under the Supervision  
of the  
Committee on Revision of Statutes*

Being the Tenth Revision of the  
Revised Statutes of the State  
of Maine, 1964

Volume 1  
CONSTITUTION

Titles 1 to 10



Boston, Mass.  
Boston Law Book Co.

Oxford, N. H.  
Equity Publishing Corporation

St. Paul, Minn.  
West Publishing Co.

Text of Revised Statutes  
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**CHAPTER 57  
CLASSIFIED SERVICE**

Sec.

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**§ 671. Composition of**

The classified service shall consist of all persons holding offices and employments now existing or hereafter created in the state service, except persons who are holding or shall hold offices and employments exempted by section 711.

Appointments to and promotions in the classified service shall be made according to merit and fitness, from eligible lists prepared upon the basis of examinations, which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted or reduced as an officer, clerk or employee or laborer in the classified service in any manner or by any means other than those prescribed in chapters 51 to 61 and in the rules of the board made in pursuance to chapters 51 to 61.

The classified service shall be separated into the following divisions:

Competitive, noncompetitive and labor, in accordance with rules and regulations prescribed by the board.

R.S.1954, c. 63, § 6.

**§ 672. Filling of positions**

Positions in the classified service shall be filled by original appointment, promotion, transfer, reinstatement or demotion in pursuance of rules and regulations established by the board and administered by the director.

R.S.1954, c. 63, § 15.

**§ 673. Examinations**

All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fit-

ness of the persons examined to discharge the duties of the office or employment sought by them, but due regard shall be shown for the capacity of the applicant for promotion to higher positions in the service.

The director, subject to the approval of the board, shall determine the character, type and content of examination for admission to the classified service; the time and place of holding examinations; the forms of application blanks for admission to the examination to be filed by applicants provided that admission to examinations shall be open only to those who have been legal residents of Maine for at least one year, except that at the request of the appointing authority the residence requirement may be waived in exceptional or emergency cases in which the board deems such action necessary for the good of the service; the minimum requirements for admission to the examination; and the value for each phase of the tests used in determining the average rating of the applicant.

Public notice of the time, place and general scope or nature of every examination or test shall be given in the manner prescribed by rules drawn up by the director and approved by the board.

R.S.1954, c. 63, § 16.

### § 674. Veterans' preference

In making appointments to any position on an open competitive basis in the classified service, preference in appointment 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:

**1. Five-point preference.** 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 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.

**2. Ten-point preference.** 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.
- D.** Ten-point preference is accorded to mothers, who are widowed, divorced, separated or whose husbands are permanently and totally disabled, of veterans who died while in the active service of the Armed Forces during any war, or who died as a result of service-connected disabilities.

1955, c. 195, § 1.

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 for a period of not less than 90 days 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 this section, the following dates of active service in the United States' Armed Forces shall be: World War I, on or after April 6, 1917, and before November 11, 1918, World War II, December 7, 1941, and before September 2, 1945, Korean campaign, June 27, 1950, and before February 1, 1955.

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the board or other examining agency may waive requirements as to age, height and weight, provided any such requirement is not essential to the

performance of the duties of the position for which examination is given. The 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 board or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

This section shall apply to all examinations for original positions in the State Police and in the Department of Inland Fisheries and Game.

R.S.1954, c. 63, § 17; 1955, c. 147, § 2; c. 195, §§ 1, 2.

### § 675. —Reopening of examinations

Veterans with the present existence of a service-connected disability to a compensable degree, wives of disabled veterans who qualify for 10-point preference under section 674, subsection 2, paragraph B, unmarried widows of deceased veterans who qualify for 10-point preference under section 674, subsection 2, paragraph C, and mothers, who are widowed, divorced, separated or whose husbands are permanently and totally disabled, of 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, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement. If no eligible register resulted from a published announcement, applicants as above qualified may file an application for and reopen an open competitive examination within 3 years of the closing date of the published announcement, provided in all instances that the applicant had not previously made application for the examination under conditions of the published announcement. In the event positions in the classified service are held other than by permanent or probationary employees, applicants as above qualified may file application for an examination to be announced and opened. Examinations shall be conducted for such applicants not later than the quarterly period succeeding that in which the application has been filed with the State Personnel Board.

1955, c. 192.

### § 676. Probationary period; permanent appointment

All original appointments to the classified service shall be for a probationary period. The duration of such probationary

period shall be determined by the director, but in no case shall it be for less than 6 months.

R.S.1954, c. 63, § 19.

**§ 677. Temporary and provisional appointments**

Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the director. If such nominee is found by the director to have had experience and training which appear to qualify him for the position, he may be temporarily appointed to fill such vacancy but only until an appropriate eligible register can be established and an appointment made therefrom. The director with the approval of the board may make a provisional appointment to fill a technical or professional position, which requires a specialized knowledge or training to carry out the duties of the position, and cannot be filled from the eligible register. In no event shall a temporary appointment be continued for more than 3 months. Successive temporary appointment of the same person shall not be made. Not more than one temporary appointment shall be made to any position within any 12-month period. The director may authorize, without requiring competitive tests, the appointment of unskilled laborers or persons engaged in custodial and domestic work in state institutions or departments.

R.S.1954, c. 63, § 20.

**§ 678. Dismissal and disciplinary action**

An appointing authority may dismiss, suspend or otherwise discipline a classified employee for cause. In every case of such dismissal, suspension or other disciplinary action, at the request of the employee, the board shall investigate the circumstances relating to the action, and the fairness thereof, and if it shall find the charges unwarranted, the board shall order the immediate reinstatement of the affected employee to his former position with no loss of pay, seniority or other rights and benefits resulting from the dismissal or disciplinary action. At the request of the employee the board may recommend the transfer of the employee to the same or similar class of position in another department or institution. Such transfer shall be made to such department or institution only with the approval of the appointing authority thereof.

At the request of the employee, the board shall investigate the circumstances relating to an action of an appointing authority

which lays off, demotes or otherwise deprives an employee of rights established by chapters 51 to 61 or by rules prescribed in section 592, subsection 2, and if it shall find the action to be contrary to chapters 51 to 61 and rules, the board shall order the immediate reinstatement of the employee to his former position with no loss of pay, seniority or other rights or benefits resulting from such action.

R.S.1954, c. 63, § 21.

### **§ 679. Solicitation of political campaign contributions**

No officer or employee in the classified service of this State shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution or political service, whether voluntary or involuntary, for any political purpose whatever from any officer, agent, clerk or employee of the State or from any person.

R.S.1954, c. 63, § 25.