

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

FIRST SUMMARY REPORT
TO THE
ONE HUNDRED AND FIFTH LEGISLATURE
VOLUME ONE

JANUARY, 1971



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January 1, 1971

To the Members of the 105th Legislature:

By statute the Legislative Research Committee is required to make or cause to be made such studies and investigations as the Legislature directs. In addition, the Committee is empowered to and has liberally exercised its own initiative by undertaking studies of matters pertaining to important issues of public policy and questions of state-wide interest. The Committee's ultimate objective is to assist the Legislature by submitting factual information pertinent to the questions involved along with such findings and recommendations for action or nonaction as the Committee deems desirable.

The Legislative Research Committee has inquired at great length and with serious purpose into those matters referred to it and hereby has the pleasure of submitting to you the first portion of its report on activities of the past two years. This report designated as Volume I deals with eight assigned topics and contains the findings and recommendations pursuant thereto. Reports relative to other matters ordered for study by action of the Legislature or undertaken by motion will appear in subsequent publications.

On behalf of the membership, I wish to express at this time our individual and collective appreciation to many individuals, organizations and persons in the service of the State whose assistance to the Committee in its studies and deliberations has made it possible to obtain information respecting the many problems confronting the Committee and without whose cooperation conclusions could not have been reached.

The members of the Committee also wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the following reports will prove of benefit to the Members of the Legislature as well as the citizens of Maine.

Respectfully submitted,

A handwritten signature in cursive script that reads "William E. Dennett".

WILLIAM E. DENNETT, Chairman
Legislative Research Committee

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STATE OF MAINE
LEGISLATIVE RESEARCH COMMITTEE

REPORT ON
STATE PERSONNEL LAWS
to the
ONE HUNDRED AND FIFTH LEGISLATURE

JANUARY, 1971
Legislative Research Committee
Publication 105-1

STATE PERSONNEL LAWS

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Revising the Maine State Personnel Laws, House Paper No. 1048, Legislative Document No. 1376, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, the the Committee report its findings and recommendations to the next regular or special session of the Legislature.

SP 498	In Senate Chamber	House of Representatives
Katz	Read and Passed	Read and Passed
Kennebec	July 1, 1969	July 1, 1969
	Sent down for concurrence	In concurrence

SUBCOMMITTEE ON STATE PERSONNEL LAWS

CHAIRMAN - Ethel B. Baker

VICE CHAIRMAN - Bennett D. Katz

Albert E. Cote

Deane A. Durgin

Louis Jalbert

Robert E. Moore

Harrison L. Richardson

The One Hundred and Fourth Legislature of the State of Maine by joint order Senate Paper 498 directed the Legislative Research Committee to study the subject matter of "An Act Revising the Maine State Personnel Laws," House Paper 1048, Legislative Document 1376 after consideration and indefinite postponement of the measure at the regular session of 1969. Further, the Committee was directed to determine as a result of its study whether the best interests of the State would be served by enactment of such legislation and to report its findings and recommendations at the next regular legislative session.

Pursuant to this directive a subcommittee was organized which met frequently during the course of the interim. It is important to note at the outset that the makeup of the subcommittee was such that divergent interests and orientation precluded unanimity with respect to achieving a genuine consensus on the matter under consideration. It can be stated, however, that this portion of the report represents the majority view.

To a large extent this study involved the gathering and evaluating of testimony of persons employed in and knowledgeable in State personnel matters. This experience, in conjunction with lengthy discussions with officers and heads of the larger departments, particularly those maintaining separate personnel functions, was of invaluable assistance in the work of the Subcommittee. The Subcommittee also found the State Personnel Department and the State Personnel Board helpful and cooperative in furnishing such factual information as they requested.

The Cresap, McCormick and Paget Report, publication No. 103-7, January 1967, being the principle basis for the Bill under study, was read and studied by the members along with other literature in the field.

The fundamental issue underlying this study centers around two opposing philosophies. On the one hand, there are those who favor a system of personnel administration which is under the direct and immediate control of the Governor, as proposed by the assigned study document and outlined in the Cresap, McCormick and Paget Report. On the other hand, a greater number of citizens firmly support an independent structure of personnel management, free of political patronage as under the existing system.

Historically, the State of Maine joined the trend to negate patronage in State Government with the passing of section 3 of chapter 221 of the public laws of 1937, which established a State Personnel Board. This movement, in Maine, did not come easily or quickly. The first real recommendation in this direction was made by the "Cole Committee," so called, in 1921, following a survey made by this special legislative committee covering the entire functioning and operation of all state departments.

Later, in 1930, at the request of Governor Gardner, another and more detailed survey of State Government was made by the National Institute of Public Administration. Specific recommendations for a comprehensive personnel system for the employees of the State were reported as a result of this survey. However, the "Administrative Code," chapter 216 of the public laws of 1930, enacted as a direct result of this report, did not include any provision for a merit system.

Beginning with the legislative session of 1933 and repeated in the session of 1935, bills were introduced providing for a personnel system for state employees. These bills of varying scope and provisions were publicly heard and considered favorably by the Legislative Committee and in each instance reported back to the Legislature as "Ought to Pass". It remained, however, for the 88th Legislature to actually enact, under chapter 221 of the Public Laws of 1937, a merit system law or as commonly referred to, the State Personnel Law. This law patterned after the Federal Civil Service Act has been recognized as having established an unusually sound foundation for effective personnel administration within the Maine civil service. The Act provided for a three-member Personnel Board and a personnel director and defined, in some detail, their respective powers, duties and responsibilities. The administration of this law was vested with the director of personnel, who headed the Bureau of Personnel under the Department of Finance. An appropriation for the operation of the bureau was set at \$10,000 for the biennium and some 3400 employees were immediately covered by the law.

Then, in 1941, following Governor Sewall's inaugural address in which he stated that "a clearer separation of the State Personnel Board from the Governor and Council would lead to increased efficiency," and that "the detailed administration of the state personnel law should be made, in fact as well as in theory, independent of the pleasure of the Governor and Council," the personnel function was removed from the Department of Finance under chapter 196 of the Public Laws of 1941 and was accorded

the status of a separate department. Later, under chapter 424 of the Public Laws of 1953 the Personnel Board was expanded from a 3-member to a 5-member group with the addition of an employee representative and the feature of an elected department head. More recently as an adjunct to state personnel laws a State Employees Appeals Board was added under chapter 539 of the Public Laws of 1967.

Although the law remains practically intact today, the merit system in the early years waged a constant struggle merely to survive. The unfriendly climate of the times frequently led to meager appropriations and erosion of authority. This situation notwithstanding, the State's merit system has grown so that practically all agencies in State Government now accept this system as a desirable means of maintaining an effective work force, free from political patronage. As a result, the number of employees covered by the personnel law is currently estimated at about eleven thousand, employed in approximately one thousand different classifications.

Upon this background, the Subcommittee finds that the Legislature can exercise one of two options for future personnel administration of State Government employees:

1. the scrapping of the system which has brought some order out of the chaos of the spoils system; or
2. the strengthening of the existing system through increased support and more resources so that the State of Maine may benefit from the sounder foundation for personnel management which the Personnel Law provides.

It is the Subcommittee's feeling in respect to the latter that much has been accomplished under the present system of personnel administration in the period of a quarter century but much more can and needs to be done.

The Subcommittee found, based upon testimony received, that most of the criticism directed at the existing personnel system could more accurately be categorized as the inability to render services because of an acute recognized and widely acknowledged lack of resources rather than an unawareness or lack of concern by the Department's administration or faulty structure.

By comparison, the following is a listing of the ratio of costs per covered employee in relation to the budgets of the Personnel Departments of the New England states. This information was acquired from a 1968 study of Budgets, Staffs and Pay Rates of Public Personnel Agencies published by the Public Personnel Association, Chicago, Illinois.

	<u>No. of Staff per 100 Employees</u>	<u>Total Budget Per Employee</u>	<u>Salary Budget Per Employee</u>
Maine	.23	\$15.90	\$13.70
New Hampshire	.26	23.00	21.00
Vermont	.38	30.58	25.79
Massachusetts	1.69	17.81	14.84
Connecticut	.30	26.26	22.73
Rhode Island	.48	46.70	42.21

The Subcommittee also noted with interest from the following record of legislative appropriations for the past ten years that

except for 2 employees authorized by the 100th Legislature and 3 employees authorized by the 102nd Legislature the State Personnel Department has been consistently unfunded in its Part II budget.

PERSONNEL DEPARTMENT APPROPRIATIONS
Including Both Part I and II Budgets

Legislature	Personal Services	All Other	Capital	Total
100th-1961-62 Requested	110,475	12,181	1,097	123,753
1961-62 Received	102,007	10,040	471	112,518
1962-63 Requested	112,298	11,181	332	123,811
1962-63 Received	103,438	9,040	271	112,749
101st-1963-64 Requested	134,719	15,304	3,483	153,506
1963-64 Received	107,697	10,523	750	118,970
1964-65 Requested	140,507	14,447	711	155,665
1964-65 Received	111,486	10,523	250	122,259
102nd-1965-66 Requested	142,508	13,500	2,867	158,875
1965-66 Received	125,988	11,789	1,845	139,622
1966-67 Requested	146,106	13,500	420	160,026
1966-67 Received	128,788	11,789	110	140,687
103rd-1967-68 Requested	176,215	18,575	7,894	202,684
1967-68 Received	145,645	14,163	1,500	161,308
1968-69 Requested	183,331	17,841	1,734	202,906
1968-69 Received	150,570	12,713	500	163,783
104th-1969-70 Requested	237,695	49,170	9,973	296,838
1969-70 Received	161,350	13,021	2,000	176,371
1970-71 Requested	249,477	47,015	2,060	298,552
1970-71 Received	166,843	13,883	1,000	181,726
Total Requests 10 year period	1,633,331	212,714	30,571	1,876,616
Total Received 10 year period	1,303,812	117,484	8,697	1,429,993
Ten year deficit in each category	329,519	95,230	21,874	446,623

A closer examination of the number of positions in the Personnel Department which have been funded by various Legislatures over the past 12 years revealed the following:

1959 - 1960	-	20
1960 - 1961	-	20
1961 - 1962	-	21
1962 - 1963	-	21
1963 - 1964	-	21
1964 - 1965	-	21
1965 - 1966	-	24
1966 - 1967	-	24
1967 - 1968	-	24
1968 - 1969	-	24
1969 - 1970	-	22
1970 - 1971	-	22

Figures on payrolls developed by Accounts and Control show that as of June 30, 1959, there were 6921 employees and as of June 30, 1969, the count had risen to 9500. These figures do not include certain hourly paid or crew personnel of the State Highway Department, amounting to over 1500 employees, brought under the Personnel Law by chapter 149 of the Private and Special Laws of 1967. Summarily, the Department of Personnel has in the past 12 years had a net gain of 2 employees to aid in servicing 2579 additional employees, plus, since 1967, the over 1500 above-mentioned Highway personnel.

Along with this, the emphasis currently being placed on "manpower", recruitment, retention, labor relations and development programs have added new dimensions to personnel administration.

Furthermore, if one were to reflect on what the "personal services" budget amounts to in State Government, (approximately \$70,000,000.00 per annum), then it might logically follow that personnel administration is a serious consideration requiring that every effort and resource be directed toward its sound development and management.

The changes in the employer/employee climate, the need for employees with skills unheard of a short time ago, the inventories for projected losses and requirements, the sophistication of today's applicant all have combined to impose new demands on the limited staff and resources now available to the State's central personnel agency - the State Department of Personnel. In the face of these demands, the situation calls for a realistic supply of the resources allocated for their accomplishment.

For example, the Department recently completed a review to determine the feasibility of intergrating some of the routine work into the central EDP center. The review apparently left little doubt that such action was most desirable. A single, new position, KPO II, was deemed necessary to prepare the work for transmittal to the EDP center. Funds were not made available to implement the findings of the study; consequently many man-hours must still be devoted to manual processing of entries, records, etc.

Training and recruitment are other facets of the "manpower complex" that are necessary to continuing sound personnel administration. In practically all segments of our society, the need for training has become paramount. Career management, whereby employees are selected early in their careers for future responsible assignments is recognized as the single best counter measure to loss of key personnel. A small beginning had been made in this area, in conjunction with the Bureau of Public Administration, University of Maine. However, due to the loss of the position assigned to this phase of the work, the program, with the exception of spot "guest speaker" appearances has been curtailed.

In today's highly competitive labor market, proper position allocations and realistic salary schedules become highly sensitive matters. The necessity for continuous audit assumes greater meaning in attempting to administer a merit system within its basic philosophy of "equal pay for equal work." Perhaps no other single element of personnel administration generates more grievances than inequities in position classification and compensation.

Paradoxically, the need for more detailed review of position classification and compensation has increased as a result of the legislative restrictions placed on these personnel actions.

The Examination Division has been operating with staff shortages for some time. This has resulted in a time lag in announcing, constructing and administering examinations, and setting up registers. Because of this lag, in many critical areas candidates are lost who are not able to wait to be placed on registers. Interviewing and counseling employees and members of the public has increased to the extent whereby much of the time of 2 technicians is taken up with these activities. New technologies and increased sophistication in established job areas demand that new examinations be developed and older examinations be updated. To retain staff, it is essential that funds be made available to permit reclassification of trained individuals being restricted to the entry level technician class.

In the past few years there has been a continuing increase in employee organization activity. This has resulted in requests from these organizations and individual employees for interpretation of rules, investigation of working conditions, grievances and many other matters running the whole gamut of employee relations. In

spite of the Department's efforts, it is becoming more difficult to service these requests and to provide investigative functions to clear up grievances before they become major problems. In order to expeditiously solve these problems -- and perhaps more importantly, to prevent many of them from happening -- it seems completely justified that a new position be established to be filled by an individual with a successful background in labor and employee relations. This has been a valuable aid in other states who for several years have been faced with these same problems which Maine is now beginning to experience.

Qualified employees possessing the scarce skills and training necessary to staff the complex and sophisticated programs that result from new legislation, both on the State and Federal levels, are difficult to recruit. Prospects for an early easing of this situation under present conditions are not promising.

In summary, the Subcommittee observed that through diminishing resources the State Department of Personnel has been subjected to great difficulty in meeting the increasing demands for improved personnel administration. Consequently, there are urgent needs in the critical areas of recruitment, examination, employee training and career development programs, grievance mediation, closer relationship with operating state agencies in matters of position allocation and departmental staffing needs.

MAJORITY REPORT

Because of the foregoing, it is the majority view and conclusion of this Subcommittee that:

With the size of the present family of State employees, acting as a boss of this multi-thousand group is as important a job as faces any Chief Executive. He is the one man who must be responsible for a tight operation.

Although it is very tempting to pursue the provisions of the Bill which would permit improved accountability, the dangers of a partisan spoils system are so present in the minds of the Subcommittee that they cannot in good conscience recommend it.

The only alternative is to make the present system work. The basic leadership, after the Governor, comes from the State Personnel Board. The Subcommittee cannot overemphasize the importance of picking the very, very best qualified people in the State to serve on this Board.

If we are to make this system work, the Legislature will have to give the Personnel Board and the Department the necessary tools. Some \$60,000 has been spent over the years pointing out the needs of effective personnel management and it should be obvious that progress will not occur until the Legislature is willing to make the necessary commitments.

Subordinate to these findings the Subcommittee submits the following list of specific recommendations for consideration and earliest possible adoption:

The function of the State Personnel Board should be restricted in so far as possible to matters of policy thereby permitting the Director of Personnel to exercise greater leeway and freedom in administering the Department.

Since the Legislature did not contemplate the State Employee Appeals Board functioning as a court of law future proceedings should be conducted on a less formal basis as a meaningful fact-finding agency in determining the case.

The Personnel Laws and Rules last published in 1963 should be accorded top priority in being updated and simplified.

Decentralization of personnel administration should be minimized to the greatest extent possible and similar to the Attorney General's Office, only permitted through the use of agents assigned from the Central Office, thus, avoiding duplication of effort, records and equipment and insuring uniform policy and control with all other advantages of a modern central office.

Department heads should be given greater latitude and freedom wherever possible in hiring and firing key personnel and legislation should be developed to that end. The Committee suggests that employers be given a choice of 5 rather than 3 names for their consideration.

The Personnel Department should establish a register of job openings for non-competitive positions.

When positions are upgraded, persons already holding such positions in a satisfactory manner should be treated accordingly provided the work remains essentially the same.

Interdepartmental transfers should be prohibited except upon agreement between both department heads and/or approval by the Director of Personnel.

As soon as funds become available to the Department of Personnel the following should receive the utmost priority:

- (1) Computerization wherever possible.
- (2) Expand in-service training.
- (3) Develop management training in conjunction with the University of Maine.
- (4) Career development program.
- (5) Uniform employee evaluation and audit system.
- (6) Update examinations, classifications and compensation.
- (7) Develop an effective recruitment program.

Whereas, the Personnel Department is primarily a service and control agency which must function quickly to achieve advantage, it is essential that a continuing effort be made to expedite such functions to the maximum.

Respectfully submitted,

Rep. Ethel B. Baker, Chairman
Sen. Bennett D. Katz, V. Chairman
Rep. Deane A. Durgin
Sen. Robert E. Moore
Rep. Harrison L. Richardson

MINORITY REPORT

In respect to the minority view, the undersigned members of the Subcommittee favor the enactment of Legislative Document 1376, An Act Revising the Maine State Personnel Laws (attached). This view is weighted by the findings and recommendations of previous legislative study which is well documented in a professional report prepared by the firm, Cresap, McCormick and Paget, under Committee supervision. The major concept underlying this legislation is that of placing confidence in the ability of the Chief Executive of the State for effective and efficient personnel administration. Although the bill in its present form may not be perfect it comes very close to achieving this objective.

It is also significant to note that the majority report of the Joint Standing Committee on State Government of the 104th Maine Legislature supported this Bill as amended, 9 to 1, in its "Ought to Pass Report". Beyond this, reference is made to pertinent remarks made on the floor of the House of Representatives and published on pages 3517, 3748 through 50 and 4568 of the 1969 Legislative Record which in sum and substance are incorporated by reference as further support of the minority view.

Respectfully submitted

Rep. Louis Jalbert
Rep. Albert E. Cote

AN ACT Revising the Maine State Personnel Laws.

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

Sec. 1. R. S., T. 5, § 552, repealed and replaced. Section 552 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 552. Definitions

Certain words and phrases shall have, for the purposes of chapters 51 to 61, the following meaning;

1. **Advisory council.** "Advisory council" means the State Director's Advisory Council.

2. **Appointing authority.** "Appointing authority" means the officer, board, commission, person or group of persons having the power by virtue of the Constitution, a statute or lawfully delegated authority to make appointments.

3. **Board.** "Board" means the Citizen's Personnel Advisory Board.

4. **Classified service.** "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by chapters 51 to 61.

5. **Director.** "Director" means the State Director of Personnel.

6. **Eligible register.** "Eligible register" means whatever type of book, binder or other record which may be used having thereon the names of persons qualified by examinations to fill positions in the classified service.

7. **Employee.** "Employee" means any person holding a position subject to appointment by an appointing authority.

8. **Line manager.** "Line manager" means the chief administrator of a department, agency or commission.

Sec. 2. R. S., T. 5, § 554, amended. Section 554 of Title 5 of the Revised Statutes is amended to read as follows:

§ 554. Personnel records

Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty and other temporary or permanent change in status of employees in both the classified service and the unclassified service shall be reported to the director at such time, in such form and together with such supporting or pertinent information as the ~~board~~ director shall by rule prescribe.

The director shall maintain a perpetual roster of all officers and employees in the classified and unclassified services, showing for each person such data as ~~the board~~ he deems pertinent.

Sec. 3. R. S., T. 5, c. 53, repealed and replaced. Chapter 53 of Title 5 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

CHAPTER 53

CITIZEN'S PERSONNEL ADVISORY BOARD

§ 591. Membership; term; compensation

A Citizen's Personnel Advisory Board is established and shall be composed of 3 members. The members shall be nonstate employees and not representative of either the employees or the State and shall be appointed by the Governor with the advice and consent of the Council, and in making such appointments consideration shall be given to competence and experience in personnel matters as a prerequisite for board membership. One member of the board shall be designated by the Governor as chairman. Of the first appointments, one member shall be appointed for a term of one year, one for a term of 2 years and one for a term of 3 years, and until their successors are appointed and qualified. Thereafter each of the appointed members shall be appointed for a term of 3 years and until his successor is appointed and qualified.

A board member may be removed for cause by the Governor with the advice and consent of the Council. Vacancies in the 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.

Secretarial personnel shall be provided by the State Director of Personnel, but shall not be a member of the board, and the minutes of the meetings of the board shall be recorded, reproduced and copies shall be made available to the Governor and shall be open to public inspection.

The members of the board shall receive \$35 a day for the time actually spent in the discharge of their duties and their necessary expenses.

§ 592. Powers and duties ; Citizen's Personnel Advisory Board

The advisory board shall meet at the call of the chairman or at the request of the Governor or 2 members of the advisory board. Suitable accommodations shall be provided for such meetings by the State Director of Personnel. The State Director of Personnel shall be present at meetings of the advisory board.

The advisory board shall review personnel policies and personnel administration of the State, make such recommendations and render advice relative to the operation of the state's personnel administration programs, as they deem advisable to the Governor. A record of the recommendations and advice of the Governor and advisory board shall be maintained by the State Director of Personnel. Within 30 days after the filing of a recommendation by the Governor or the advisory board, at the request of the Governor, the State Director of Personnel shall file with the Governor his response to such recommendations.

Sec. 4. R. S., T. 5, §§ 631 - 632, repealed and replaced. Sections 631 and 632 of Title 5 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 631. Qualifications ; tenure ; compensation

A Department of Personnel shall be established and hereinafter in this chapter called the "department" and shall be under the management and control of a State Director of Personnel, hereinafter in this chapter called the "director." He shall be appointed by the Governor with the advice and consent of the Council. He shall receive an annual salary to be determined by the Governor and confirmed by the Council and his actual traveling expenses incurred in the performance of his duties. He shall hold office for 6 years and until his successor has been appointed and qualified. The director shall be at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of public personnel administration and shall be able to provide leadership to the state's system of personnel management through developing procedures for supervisory training, a prompt recruiting service and a sound system for measuring employee performance through encouraging the setting of performance standards, prompt discharging of unsuitable employees and ensuring that organization plans are effective. The director should be capable of sole responsibility for the management of the state's personnel activities.

§ 632. Powers and duties

The director shall have the power, duty and authority to make final decisions, to administer, to apply and make effective chapters 51 to 61 and he shall be under the immediate supervision, direction and control of the Governor and shall perform such delegated duties as he may prescribe, except as otherwise provided by law. He shall attend meetings of the advisory board, provide its secretarial personnel as provided in sections 591 and 592, approve expenditures and appoint the employees of the department, investigate the operation of the system periodically and report annually to the Governor on his administration.

The director shall have the duty and authority as follows :

1. **Assistant director.** To employ one or more assistant directors and such other employees and clerks as the department may require, subject to the Personnel Law. The director may employ or engage such expert, professional or other assistance as may be necessary or appropriate to assist the department in carrying out its functions. The director may train his employees or have them trained in such manner as he deems desirable, at the expense of the department.

2. **Classification plan.** To ascertain and record the duties and responsibilities of all positions in the service and to establish classes for such positions, upon adoption by the Governor. The titles so classified and so established shall be used in all personnel, accounting, budget, appropriation and financial records of all state departments, commissions and institutions.

3. **Compensation plan.** To submit to the Governor, after adoption of the classification plan, a proposed plan of competitive compensation showing salary rates for each class of position in the classified and unclassified service. When the compensation plan has become effective through its adoption by the Governor, it shall constitute the official schedule of salaries for all classes of positions in the classified and unclassified service. No position shall be assigned a salary greater than the maximum rates fixed in the compensation plan. Salaries of persons holding positions in the classified and unclassified service shall not be approved by paying authorities unless such salaries conform to the adopted compensation plan.

4. **Decentralization.** To develop personnel policies and procedures to decentralize the recruiting, examining, placement and other similar functions of personnel management among the various departments and agencies of the State to the maximum extent feasible, and perform those functions which cannot be decentralized effectively. To advise and counsel line managers in all departments of the State in personnel matters and to help with the problems handled by all managers; to analyze various indicators of organization, such as absenteeism, internal mobility, complaints, grievances and employee turnover; to provide personnel procedures and services to aid line managers to obtain more effective results through personnel administration. Personnel administration procedures and services shall include, but not be limited to, recruiting, testing, orientation, training, salary surveying and safety. The director shall be responsible for obtaining coordination of these activities and for the uniform administration of personnel policies among the departments of State Government through discussions with managers and reports to the Governor, who has the final responsibility for seeing that policies and procedures are consistently administered.

5. **Director's Advisory Council.** To organize a Director's Advisory Council to be composed of all state department heads and a representative elected by the Maine State Employees Association and the American Federation of State, County and Municipal Employees (AFL-CIO), with the director acting as chairman.

6. **Organization.** To organize and establish a Department of Personnel to carry out all the activities of the state's personnel administration including but not limited to the following functions; recruitment, examination, certification and records, classification and pay, organization planning and management development, in-service training, research and planning and eligible registers.

Sec. 5. R. S., T. 5, §§ 633 - 634, repealed. Sections 633 and 634 of Title 5 of the Revised Statutes, as amended, are repealed.

Sec. 6. R. S., T. 5, § 637, amended. Section 637 of Title 5 of the Revised Statutes is amended to read as follows:

§ 637. Service ratings

The director shall establish standards of performance for each class of position and a system of service ratings based upon such standards ~~which shall be in effect upon their approval by the board as provided in section 592.~~

Sec. 7. R. S., T. 5, § 671, amended. The last sentence of the 2nd paragraph of section 671 of Title 5 of the Revised Statutes is amended to read as follows:

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~~ director made in pursuant to chapters 51 to 61.

Sec. 8. R. S., T. 5, § 671, amended. The last paragraph of section 671 of Title 5 of the Revised Statutes is amended to read as follows:

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

Sec. 9. R. S., T. 5, § 672, amended. Section 672 of Title 5 of the Revised Statutes is amended to read as follows:

§ 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.

Sec. 10. R. S., T. 5, § 673, amended. The last 2 paragraphs of section 673 of Title 5 of the Revised Statutes are amended to read as follows:

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~~ director 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~~ director.

Sec. 11. R. S., T. 5, § 674, amended. The next to the last paragraph of section 674 of Title 5 of the Revised Statutes is amended to read as follows:

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the ~~board~~ director 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~~ director 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~~ director or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

Sec. 12. R. S., T. 5, § 675, amended. The last sentence of section 675 of Title 5 of the Revised Statutes is amended to read as follows:

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~~ **Director of Personnel**.

Sec. 13. R. S., T. 5, § 677, amended. The 3rd sentence of section 677 of Title 5 of the Revised Statutes is amended to read as follows:

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.

Sec. 14. Appropriation. There is appropriated from the General Fund the sum of \$2,625 to carry out the purposes of this Act. The breakdown shall be as follows:

	1969-70		1970-71
CITIZENS PERSONNEL ADVISORY BOARD			
Personal Services	(3) \$ 750	(3)	\$ 1,000
All Other	375		500
	<hr/>		<hr/>
	\$ 1,125		\$ 1,500