

# MAINE STATE LEGISLATURE

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No ✓  
February 9, 1966

Ronald T. Speers, Commissioner

Inland Fisheries and Game

Jerome S. Matus, Assistant

Attorney General

Pay classification of Warden Supervisors pursuant to the Public Laws of 1965, Chapter 448, Section 1-D.

**FACTS:**

On December 2, 1965 your memorandum was submitted to this Office dealing with the salaries of Warden Supervisors in your Department. Your memorandum contained the language of a memorandum dated November 23, 1965 from you to the Personnel Director which read as follows:

"Following recent review by this Department's staff members of job classifications and salaries, requested by the Legislative Research Committee, it has been called to my attention that salaries in the position of Inland Fisheries and Game Warden Supervisor are three steps below salaries of corresponding enforcement officers in State Police Service. Am I correct in assuming that Warden Supervisors' pay should be up-graded two steps, in accordance with legislation enacted at the last session which established all Wardens' salaries at one step below those of State Police? If your reply is in the affirmative, should this increase be retroactive to September 3, 1965? Thank you."

Your memorandum also contained the language of the reply of the Personnel Director in a memorandum dated November 30, 1965, which read as follows:

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"My answer to the above mentioned memorandum would be in the negative. Warden Supervisors have already been adjusted in accordance with State law, and are presently equated with the same positions in State Police that historically they have been equated with. If there is a matter of classification involved, it would appear that this matter will be corrected within the survey being conducted under the jurisdiction of the Legislative Research Committee."

Prior to January 1, 1965 the pay grades of the employees listed below in their respective services were:

Warden 14	Trooper 15
Warden Inspector 16	Trooper Sergeant 18
Warden Supervisor 18	Trooper Lieutenant 21

On September 3, 1965 the pay scales used for these same employees in their respective services were:

Warden 15	Trooper 16
Warden Inspector 17	Trooper Sergeant 18
Warden Supervisor 18	Trooper Lieutenant 21

The changes in pay scale for the Warden and Warden Inspector classifications became effective September 3, 1965 pursuant to the Public Laws of 1965, chapter 448, section 1-B which amended 12 M.R.S.A. § 2001 to read:

"The compensation of the Wardens shall be determined under the Personnel Law, and shall not be more than one pay grade below that of the Maine State Police."

QUESTIONS:

1. Should salaries of Warden Supervisors be up-graded two steps?
2. Should this adjustment be retroactive to September 3, 1965?

ANSWERS:

1. Yes.
2. Yes.

OPINIONS:

Opinion #1:

In answering question #1 in the affirmative it is not the intention of the Attorney General's Department to substitute its judgment for that of the Personnel Board as to equivalent or near equivalent job classifications in terms of pay rates between or among different departments. However, by the passage of the Public Laws 1965, Chapter 448, section 1-D, it is clear that the 102nd Legislature intended to classify Wardens within the Department of Inland Fisheries and Game no more than one pay grade below that of personnel of the Maine State Police Department.

It is equally clear that Warden Supervisors have all the statutory authority of other Inland Fisheries and Game Wardens in addition to their supervisory duties. Thus, the provisions of P. L. 1965, C. 448, § 1-D apply to Warden Supervisors.

If there were a job classification in the Maine State Police with pay at Grade 19 on September 3, 1965 there would be grounds to maintain Warden Supervisor's pay at grade 18. No such job classification has been brought to our attention. The mandate of the Legislature that a pay classification must be established not less than one grade below that classification of the Maine State Police must be followed. Since Warden Inspectors are placed one grade below Trooper Sergeant's in the pay scale and the next highest classification in the

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respective departments are Warden Supervisors and Trooper Lieutenants it should follow that the pay category of Warden Supervisor could not be less than grade 20 on September 3, 1965.

Opinion #2:

Inasmuch as P. L. 1965, chapter 448, § 1-D became effective September 3, 1965 Warden Supervisors are entitled to a pay adjustment retroactive to September 3, 1965.

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Jerome S. Matus  
Assistant Attorney General

JSM/sll

cc: Ober C. Vaughan  
Director, Personnel Department