

MAINE STATE LEGISLATURE

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April 12, 1974

G. Arnold Roach, Chairman

Maine Potato Commission

Lee M. Schepps, Assistant

Attorney General

Salary Adjustment Implementation - Chapter 209, P&S Law 1973 vs. Title 36, Chapter 709, Section 4563, subsection 5 MRSA - Personnel Memorandum 6-74.

This is in response to your memorandum of March 29, 1974.

Title 36 M.R.S.A. § 4563.5 provides that the Maine Potato Commission is authorized to employ an Executive Director and that the Executive Director, with the consent of the Commission, may employ clerical help, and that "neither the employment of the executive director by the commission nor the employment of other employees by the Executive Director shall be subject to the Personnel Law."

Chapter 99 of the Private and Special Laws of 1973 granted to employees of the State a salary raise of 5% or \$8, whichever is greater, effective July 1, 1973, and a similar increase effective July 1, 1974. That law provides in section 3 that with respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment. Based upon that language, it seems clear that the Executive Director and clerical employees of the Maine Potato Commission are entitled to the wage increases specified in Chapter 99 of the Private and Special Laws of 1973, or similar equitable treatment.

Chapter 209 of the Private and Special Laws of 1973 did no more with regard to the subject matter of this memo than to make the effective date of the second increment April 1, 1974. The requirement of equitable and similar treatment for unclassified employees was not changed.

I hope this is responsive to your request, and let me know if we can be of further assistance.

LEE M. SCHEPPS
Assistant Attorney General

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bcc: Chipman Bull, Exec. Dir.
Maine Potato Commission

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