

MAINE STATE LEGISLATURE

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STATE OF MAINE


Inter-Departmental Memorandum Date March 24, 1975

To George F. Lawlor, Div. of Disability Determination Dept. Health and Welfare
From Robert J. Stolt, Assistant Dept. Attorney General
Subject Effect of P. & S.L., 1973, c. 221, § 7, upon Reclassification of Positions in Department of Health and Welfare, Division of Disability Determination Employees.

You ask whether P. & S.L. 1973, c. 221, section 7, requires the Personnel Board to report in omnibus bill form the reclassification of certain employees of the Department of Health and Welfare, Division of Disability Determination, which it has approved, to the Legislature through the Appropriation and Financial Affairs Committee for final determination before such reclassification can be implemented. The answer is yes, assuming we are not dealing with a mere "exchange of job classifications."

Enactment of P. & S.L. 1973, c. 221, section 7, restricted the power of the Personnel Board to approve job reclassifications. The Board may continue to review and approve job reclassifications but must report those which it approves, in omnibus bill form, to the Legislature through the Appropriations and Financial Affairs Committee. See attached Attorney General opinions of Assistant Attorney General Charles R. Larouche dated June 12, 1974, and June 24, 1974.

Section 7, c. 221, P. & S.L. 1973, does not empower the Personnel Board to deviate from its directive because the reclassification scheme at issue involves no expenditure of State funds. The legislature has recognized that reclassification of positions in one State agency or department, regardless of the source or method of funding, may have disruptive effect and may create pressure for similar reclassification in other State agencies or departments. To minimize or alleviate those effects and pressures, the legislature decided to be the final judge of all Board approved job reclassifications.



ROBERT J. STOLT
Assistant Attorney General

RJS/ec
cc: Personnel Department