

MAINE STATE LEGISLATURE

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October 7, 1975

Parker Denaco

Public Employees Labor Relations

Robert J. Stolt, Assistant

Attorney General

L.D. 1130 - Staff Attorney Field Investigator

This will respond to your memorandum of September 18, 1975, in which you ask whether the position of "Staff Attorney/Field Investigator" authorized under the provisions of L.D. 1130 [Chapter 612, Public Laws of 1975] is a position in the classified or unclassified State service.

The first paragraph of 5 M.R.S.A. § 671 provides:

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

Because the position "staff attorney/field investigator" was not exempted from the classified service by the Legislature when it enacted L.D. 1130 (c. 611, P.L. 1975), it is a position in the classified service of the State.

The failure to exempt the position from the classified service creates a conflict of interest situation which I recommend the Board cure by emergency legislation either exempting the position from the Bargaining Process (26 M.R.S.A. § 979-A(6)) or from the classified service (5 M.R.S.A. § 711).

ROBERT J. STOLT
Assistant Attorney General

RJS:mfe