

MAINE STATE LEGISLATURE

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January 19, 1976

Richard W. Tripp, Ass't. Director

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Attorney General

Interpretation of 5 M.R.S.A. § 674, paragraph 2.

You ask for our interpretation of paragraph 2, 5 M.R.S.A. § 674, to wit:

"Examination preference. Preference points shall be added to the earned qualifying rating in examinations, providing a passing grade is attained, of veterans applying for positions in state service in accordance with the following, provided they have not been previously employed in the classified service after obtaining such preference points. However, a veteran who is receiving a disability pension shall be entitled to preference points under the last sentence notwithstanding his previous employment in the classified service after obtaining such preference points."
(emphasis supplied)

You indicate in your request that the Department interprets the above language to mean "that any veteran who has ever used preference points in obtaining state employment, whether such use occurred prior to or subsequent to [the effective date of § 674(2)] is no longer eligible to use them again."

We concur. Section 674(2) provides that preference points shall be added to a veteran's qualifying rating on a one time basis to assist him in obtaining state employment in the classified service without respect to whether the points were added prior to or subsequent to the effective date of § 674(2). Further, § 674(2) by its own language is inapplicable to applicant veterans receiving disability pensions.

ROBERT J. STOLT
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RJS/ec