

MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

December 6, 1990

Irvin C. Caverly, Jr., Director
Baxter State Park
64 Balsam Drive
Millinocket, Maine 04462

Re: Audit

Dear Buzz:

We are in receipt of an inquiry relating to the Park's contracting out certain services. In particular, at a recent audit, the Park's practice of hiring contractors to run Kidney Pond and Daicey Pond cabins has been questioned under 12 M.R.S.A. § 904. Based upon my understanding of the facts, there appears to be no violation of that particular provision.

Section 904 provides that the agents and representatives of the Park shall be hired pursuant to the Civil Service Law. In effect, section 904 requires only that Park employees be hired pursuant to the normal personnel laws and, therefore, the collective bargaining agreement of the State. Section 904 does not speak to and, therefore, does not limit the Park's authority to retain contractors to provide services. Consequently, the questioned practice of engaging contractors at Kidney Pond and Daicey Pond is outside the scope of section 904. Whether or not the practice violates the State Employees Labor Relations Act is a question that must be, and has been, answered by the Bureau of Employee Relations. This advice is consistent with, and complementary to, the conclusions contained in the December 4, 1990 letter from the Bureau of Employee Relations.

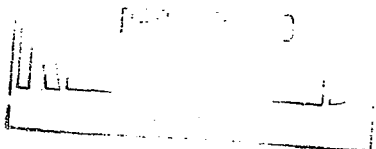
If you need any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Paul Stern'.

PAUL STERN
Assistant Attorney General

PS/tt





John R. McKernan, Jr.
Governor

Kenneth A. Walo
Director

Department of Administration
BUREAU OF EMPLOYEE RELATIONS

Telephone (207) 289-4447

December 4, 1990

Irvin C. Caverly, Jr.
Director
Baxter State Park
64 Balsam Drive
Millinocket, Maine 04462

RE: Use of contractors at Kidney Pond and Daicey Pond
Campgrounds

Dear Buzz:

As you have requested, I have reviewed the State Employees Labor Relations Act (26 M.R.S.A. §979 et seq.) to determine whether or not the use of contractors to provide services at the Kidney Pond and Daicey Pond Campgrounds violates the SELRA. It is the position of this office that the use of contractors as you have described currently exists does not constitute any violation of the SELRA.

If you need further information or assistance, please advise.

Sincerely,

Leslie D. Bloom
Counsel
Bureau of Employee Relations

/mlw

