

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1959

H. P. 1517

House of Representatives, January 24, 1972

The Committee on Veterans and Retirements suggested.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Curtis of Orono.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT to Clarify the Laws on Veterans Reemployment Rights in Public Service.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine veterans are being deprived of reemployment in some public service jobs after returning from service in the Armed Forces of the United States; and

Whereas, Maine statutes cover certain veterans seeking reemployment by governmental units other than federal, and such statutes do not presently afford adequate protection in many instances or are ambiguous; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 5, § 555, amended. The first 2 paragraphs of section 555 of Title 5 of the Revised Statutes are amended to read as follows:

Whenever any employee, regularly employed in other than a temporary position for a period of at least 6 months by the State or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district within the State and who has attained permanent status in such employment shall in time of war, contemplated war, emer-

gency or limited emergency enlist, enroll, be called or ordered, or be drafted in the Armed Forces of the United States or any branch or unit thereof, or shall be regularly drafted under federal man power regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service.

Such employee while in the Armed Forces of the United States or still employed after draft under federal man power regulations shall be considered as on leave of absence without pay and, for the purpose of computing time in regard to pension rights, **annual and sick leave accumulation**, and seniority, **and, notwithstanding any other provision of chapters 51, 53, 55, 57, 61 and 101 or Title 20**, shall be considered during the period of his federal service as in the service of the government agency by which he was employed at the time of his entry into such federal service. Such employee ~~shall be entitled to reemployment~~ if he reports for duty within a 90-day period from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States ~~In case such employee is or if receiving treatment in a hospital at the time of his separation as aforesaid, he shall report~~ reports for duty within 90 days from his discharge from the hospital, shall

1. **Qualified.** If still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status and pay; or

2. **Not Qualified.** If not qualified to perform such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of his preservice employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his case.

Any employee restored to a position under this section shall not be discharged from such position without cause within one year after restoration to such position.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Federal law covers reemployment rights of veterans who are employed by the federal government or in the private sector. Maine law has jurisdiction over reemployment rights of veterans employed by governmental units other than federal. This includes state, county, municipal and school district employees. Under federal law a veteran has reemployment and seniority rights if he had worked only one day for an employer provided he was working on a permanent job.

Many of the problems veterans now are having in Maine are because current law is ambiguous with respect to reemployment rights of veterans in

the teaching profession. Further, Maine law currently requires a veteran to have been employed at least 6 months and have attained "permanent status" to enjoy reemployment rights.

This bill changes the law in the following respects: It would cover any veteran returning to employment with a governmental unit of the state providing he had been employed at least 6 months in a permanent job. This does away with the ambiguity with respect to attaining permanent status in a job and places all veterans on the same scale, including those wishing to return to the teaching profession.