

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 772

H. P. 581

House of Representatives, February 12, 1973

Referred to Committee on Veterans and Retirement. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Ault of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Veterans Preference in State Employment.

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

Sec. 1. R. S., T. 5, § 674, sub-§ 1, ¶ B, amended. Paragraph B of subsection 1 of section 674 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 561 of the public laws of 1971, is amended to read as follows:

B. Honorable separation. "Honorable separation" means discharge or release from a ~~continuous~~ tour of active duty in any of the Armed Forces, the official records of which show the character of service or type of discharge to have been honorable.

Sec. 2. R. S., T. 5, § 674, sub-§ 2, ¶ A, amended. Paragraph A of subsection 2 of section 674 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 561 of the public laws of 1971, is amended to read as follows:

A. Five-point preference (veteran). A veteran who served on active duty in any of the Armed Forces for at least 90 days consecutively during a first tour of duty or subsequent mandatory extension of a war, campaign or expedition and who was honorably separated therefrom shall be accorded a 5-point preference.

Sec. 3. R. S., T. 5, § 674, sub-§ 4, amended. Subsection 4 of section 674 of Title 5 of the Revised Statutes, as enacted by chapter 561 of the public laws of 1971, is amended by adding at the end 2 new paragraphs to read as follows:

Once a veteran preference eligible achieves permanent status in the classified service, he shall be deemed to have exhausted this privilege and henceforth shall compete for appointment, promotions, retention, transfer or reinstatements without preference points but in accordance with the Personnel Law and rules applied to nonveteran competing employees.

Veteran preference eligibles who separate in good standing from their positions during the probationary period shall retain their appointment preference points in applying for other positions.

Sec. 4. R. S., T. 5, & 674, sub-§ 5, amended. The first sentence of subsection 5 of section 674 of Title 5 of the Revised Statutes, as enacted by chapter 561 of the public laws of 1971, is amended to read as follows:

In any reduction in personnel in the state service, veteran preference employees ~~whose service ratings are "good" or better shall be retained in preference to all other competing employees and veteran preference employees whose service ratings are less than "good" shall be retained in preference to competing nonpreference employees who have equal or lower service ratings~~ shall be retained in preference to all other competing employees in the same classification with equal seniority, status and service ratings.

Sec. 5. R. S., T. 5, § 674, amended. The first sentence of the next to the last paragraph of section 674 of Title 5 of the Revised Statutes, as repealed and replaced by chapter 561 of the public laws of 1971, is amended to read as follows:

In determining qualifications for examination ~~and appointment promotion, retention, transfer or reinstatement~~ with respect to veteran preference eligibles under this section, the board or other examining agency may waive requirements as to age, height and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given.

STATEMENT OF FACT

It is the intent of these amendments to protect the merit system, the veteran and the State as an employer, by giving the returning veteran a chance to enter the job market and an advantage he may have lost due to being absent in the service of his country. To allow continued, repetitious use of preference points negates the fundamental principle of promoting and retaining the most qualified employees based on merit and service.