

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
106TH LEGISLATURE

HOUSE AMENDMENT " A " to H.P. 678, L.D. 885, Bill, "AN ACT
to Provide a Maine Citizen's Preference on State Civil Service."

Amend said Bill by striking out everything after the enacting
clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 5, § 674, repealed and replaced. Section 674
of Title 5 of the Revised Statutes, as last repealed and replaced by
chapter 561 of the public laws of 1971, and as amended, is repealed
and the following enacted in place thereof:

§ 674. Declaration of policy; Maine resident and veterans preference
The Legislature declares it shall be the policy of Maine State
Government to emphasize and give preference to Maine residents in making
appointments to and retention in any position on an open competitive
basis in the classified service. The Legislature further declares that
state government, especially through the personnel department and the
personnel activities conducted by any agency of state government shall
aggressively and actively encourage, foster and achieve employment of
Maine residents by state government. The Personnel Department shall
provide or coordinate provision of information, technical assistance
or consultation by any state agency to Maine residents seeking
employment with the state government. Provision of such help shall
include encouraging and assisting state agencies to initiate, establish
and administer plans, programs and services to actively recruit Maine
residents for employment with state government. Provision of such

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help shall include advertising of available positions in media, especially newspapers. Such advertising shall be done initially in Maine media, allowing sufficient time for Maine residents to apply, prior to advertising via out-of-state media. In no event shall the cost, amount or duration of advertising in media communicating outside the state exceed the cost, amount or duration of advertising in news media communicating within the state.

1. Maine resident preference. In making appointments to and retention in any position on an open competitive basis in the classified service, preference shall be given to Maine residents as set forth in this section.

A. As used in this section, the following words shall have the following meanings, unless the context otherwise requires.

(1) Maine resident. "Maine resident" means any person who has maintained a domicile in Maine for at least one year.

B. Examination preference. Five preference points shall be added to the earned qualifying rating in examinations, providing a passing grade is attained, of a Maine resident applying for positions in state service.

C. Certification preference. The name of a Maine resident shall be entered on appropriate registers in accordance with their augmented ratings, but they shall be entered ahead of all non-residents having the same rating.

D. Appointment preference. When names are certified for a position in state service, and such certification includes a Maine resident preference eligible, should the appointing official pass over a Maine resident eligible to select a nonresident, he shall

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file with the Personnel Board his reasons in writing for so doing.
The Personnel Board shall determine the sufficiency of such reasons
and, if found insufficient, shall require the appointing official
to submit more detailed information in support of his action, and a
copy shall be made available to the Maine resident eligible upon
his request. If reasons deemed sufficient by the Personnel Board
for passing over his name shall 3 times have been given by an
appointing officer, certification of his name for appointment may
thereafter be discontinued.

E. Retention preference. In any reduction in personnel in the
state service, Maine resident preference employees whose service
ratings are "good" or better shall be retained in preference to all
other competing employees and Maine resident 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.

2. Veterans preference. In making appointments to and retention
in any position on an open competitive basis in the classified service,
preference shall be given to veterans of the Armed Forces of the United
States, who have been honorably separated, or to their wives, widows or
mothers as set forth in this section.

A. Definitions. As used in this section, unless the context
otherwise indicates, the following words shall have the following
meanings.

(1) Armed Forces. "Armed Forces" means the United States
Army, Navy, Air Force, Marine Corps or Coast Guard.

(2) Honorable separation. "Honorable separation" means discharge

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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.

(3) Veteran. "Veteran" shall mean a person, male or female, who served on full-time active duty, exclusive of active duty for training, in the Armed Forces of the United States.

(4) War, etc. "War, campaign or expedition" mean any of the following periods:

—April 6, 1917 through November 10, 1918

—December 7, 1941 through September 1, 1945

—June 27, 1950 through January 31, 1955

—August 5, 1964 to a termination date to be determined.

B. 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 the state service in accordance with the following:

(1) 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 war, campaign or expedition and who was honorably separated therefrom shall be accorded a 5-point preference.

(2) Five-point preference (Widow). The widow of a veteran as defined in subparagraph (1), who has never remarried, shall be granted a 5-point preference.

(3) Ten-point preference (Veteran). A veteran who served on active duty in any of the Armed Forces for at least 90 consecutive days, at any time, was honorably separated therefrom, and who has

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a service-connected disability or receives compensation, pension or disability retirement under public statutes administered by the Veterans Administration or by a branch of the Armed Forces shall be accorded a 10-point preference.

(4) Ten-point preference (Wife). The wife of a disabled veteran as defined in subparagraph (3) is entitled to 10-point preference in lieu of the veteran when his service-connected disability disqualifies him for appointment in the classified service along the general lines of his usual occupation.

(5) Ten-point preference (Widow). The widow, who has never remarried, of a veteran who lost his life under honorable conditions while serving on active duty in any of the Armed Forces during^a war, campaign or expedition, or who died as the result of service-connected disability shall be accorded a 10-point preference.

(6) Ten-point preference (Mother). The natural mother of a deceased veteran, who lost his life under honorable conditions while serving on active duty in any of the Armed Forces during a war, campaign or expedition, and who is or was married to the father of the veteran on whose service she bases her claim; and who is widowed, divorced or separated; or who lives with her totally and permanently disabled husband (either the veteran's father or the husband of her remarriage), is entitled to a 10-point preference.

C. Certification preference

(1) The names of 5-point preference veterans shall be entered on appropriate registers in accordance with their respective augmented ratings, but they shall be entered ahead of all nonveterans having the same rating.

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(2) The names of qualified 10-point preference veterans, who have a compensable service-connected disability of 10% or more, shall be placed at the top of the appropriate register in accordance with their respective augmented ratings, in nonprofessional and nonscientific classes below range 12 of the compensation plan.

D. Appointment preference. When names are certified for a position in the state service, and such certification includes a veteran preference eligible, should the appointing official pass over a veteran eligible to select a nonveteran, he shall file with the Personnel Board his reasons in writing for so doing. The Personnel Board shall determine the sufficiency of such reasons and, if found insufficient, shall require the appointing official to submit more detailed information in support of his action, and a copy shall be made available to the veteran eligible upon his request. If reasons deemed sufficient by the Personnel Board for passing over his name shall 3 times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued.

E. Retention preference. 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.

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to

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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. The board or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the board or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

This section shall apply to all examinations for original positions in the State Police, the Department of Inland Fisheries and Game and the Department of Sea and Shore Fisheries.

Sec. 2. R. S., T. 5, §557, additional. Title 5 of the Revised Statutes is amended by adding a new section 557 to read as follows:

§ 557. Educational qualifications of Maine residents

When establishing qualifying criteria for all positions, the Personnel Department shall establish, in any instance where an educational qualification is established, an experience, knowlege or examination criteria that if met may be substantiated for or combined with an applicant's educational qualifications in lieu of only meeting the educational criteria.

In the instance of applicants with similar experience, knowledge, skills or other equivalent background, the application of a Maine resident shall not be rejected simply because he lacks educational qualifications, except where such educational qualifications are reflected in necessary registrations such as to practice law, medicine,

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engineering or where such educational requirements are set as standards by federal agencies making grants-in-aid or otherwise contributing to state programs. It is the intent of this section to urge appointing authorities to select Maine residents by giving appointing authorities the opportunity to consider a Maine resident who lacks educational qualifications but may have equal or greater experience that may be substituted for educational qualifications.'

Statement of Fact

The purpose of this amendment is to establish a 5-point preference for Maine residents and native sons or daughters seeking employment with the State of Maine. This statute is similar to the preference now available to veterans. This amendment does not modify existing statutes applicable to veterans. That part of this Act related to veterans preferences merely renumbers existing statutes to insert a new section authorizing preferences for Maine residents. The preference now available to veterans would continue without any change.

This amendment also authorizes substituting experience in place of or in combination with educational qualifications.

Filed by Mrs. Berry of Madison.

Reproduced and distributed under the direction of the Clerk of the House.
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