

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE

SENATE 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 R. S., T. 5, §674, repealed and replaced. Section 674 of Title 5 of the Revised Statutes, as last repealed and replaced by chapter 561 of the public laws of 1971, is repealed and the following enacted in place thereof: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 give preference to Maine residents in making appointments to 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 an 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.

State agencies filling positions on an open competitive basis shall, to the extent feasible, advertise 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, except where the department waives the residency requirement for cogent reasons.

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1. Maine resident preference. In making appointments to any position on an open competitive basis in the classified service, such appointments shall be limited to persons who have been residents of the State of Maine for at least one year except as this requirement may be waived in accordance with sections 556 and 673 or may be mandated by superseding state or federal statutes.

A. Certification preference. When names are certified for a position in state service, Maine residents shall be certified ahead of all nonresidents. Nonresident eligibles, placed upon registers under relevant statutory provisions of this section, may be certified when there is an insufficient number of qualified Maine residents.

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 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.

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(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" means 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 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.

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(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 disqualified 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 non-professional and non-scientific 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 non-veteran, 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 non-preference employees who have equal or lower service ratings.

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In determining qualifications for examination, 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. 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

No application for a position in State Government shall be rejected solely because the applicant lacks educational qualifications. When establishing qualifying criteria for all positions, in any instance where an educational qualification is established, the Personnel Department shall also establish acceptable equivalent combinations of experience or education that may be substituted for formal educational qualifications, except where such educational quali-

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fications are reflected in necessary registrations such as to practice law, medicine or engineering or where such educational requirements are set as standards by federal agencies making grants-in-aid or otherwise contributing to state programs.'

Statement of Fact

It is the purpose of this amendment to emphasize and give effect to a preference in state government employment to Maine residents and native sons or daughters. It also retains educational qualifications for state jobs yet provides a framework for reasonable substitution of experience for formal educational qualifications.


(Speers)
NAME:

COUNTY: Kennebec

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