

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2030

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H. P. 1613

House of Representatives, June 13, 1973

Reported by Mrs. Najarian from Committee on State Government and printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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AN ACT Revising the Reorganization of the Department of  
Manpower Affairs.

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

Sec. 1. R. S., T. 2, § 6, sub-§ 4, amended. Subsection 4 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967 and as amended, is further amended by inserting before the 10th line from the end the following:

Commissioner of Manpower Affairs

Sec. 2. R. S., T. 26, § 41, repealed and replaced. Section 41 of Title 26 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 41. Director; personnel; salaries; expenses

A Bureau of Labor and Industry within the Department of Manpower Affairs, as heretofore established and hereinafter called the "bureau," shall be maintained under the direction of the Commissioner of Manpower Affairs, who shall be the director of the bureau and is hereinafter in this Title, except in chapter 13, called the "commissioner". The commissioner shall be the State Factory Inspector. The commissioner shall appoint, subject to the Personnel Law, such employees as may be necessary and a deputy who shall serve as the deputy director of the bureau and the deputy state factory inspector. All expenses of the department shall be audited and paid as provided by law. The commissioner shall receive a salary annually for his services as a member of the Industrial Accident Commission in addition to his annual salary.

**Sec. 3. R. S., T. 26, § 1081, sub-§ 1, amended.** The first 2 sentences of subsection 1 of section 1081 of Title 26 of the Revised Statutes, as amended by section 2 of chapter 620 of the public laws of 1971, are further amended to read as follows:

The Maine Employment Security Commission, as heretofore created, shall consist of 3 members, one of whom shall be a representative of labor, one of whom shall be a representative of employers, and ~~the Commissioner of Manpower Affairs who~~ **one of whom** shall be impartial and shall represent the public generally, and shall be chairman. Upon the expiration of the term of office of ~~the labor representative or the employers' representative~~ **any member**, his successor shall be appointed by the Governor, with the advice and consent of the Council, to hold office for a term of 6 years or until his successor has been duly appointed and qualified, or during the pleasure of the Governor and Council, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

**Sec. 4. R. S., T. 26, § 1081, sub-§ 2, amended.** Subsection 2 of section 1081 of Title 26 of the Revised Statutes, as amended, is further amended to read as follows:

**2. Salaries.** ~~The Commissioner of Manpower Affairs chairman~~ and other members of the commission shall receive a fixed weekly salary and shall be paid from the Employment Security Administration Fund.

**Sec. 5. R. S., T. 26, § 1081, sub-§ 3, amended.** The 2nd sentence of subsection 3 of section 1081 of Title 26 of the Revised Statutes, as amended by section 4 of chapter 620 of the public laws of 1971, is further amended to read as follows:

Whenever the commission hears any case involving a disputed claim for benefits under this chapter, the ~~Commissioner of Manpower Affairs impartial member of the commission~~ shall act alone in the absence or disqualification of any other member, provided that in the event of illness or extended absence on the part of the ~~Commissioner of Manpower Affairs impartial member of the commission~~, or in the event of a vacancy in that position, the remaining members may act on appeals and conduct hearings and render a decision, provided both members agree.

**Sec. 6. R. S., T. 26, § 1082, sub-§ 1, amended.** The 5th sentence of subsection 1 of section 1082 of Title 26 of the Revised Statutes, as amended by section 6 of chapter 620 of the public laws of 1971, is further amended to read as follows:

Not later than the first day of May of each year, the ~~Commissioner of Manpower Affairs commission~~ shall submit to the Governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as ~~he~~ **the commission** deems proper.

**Sec. 7. R. S., T. 26, § 1082, sub-§ 3, amended.** Subsection 3 of section 1082 of Title 26 of the Revised Statutes, as amended by section 7 of chapter 620 of the public laws of 1971 is further amended to read as follows:

3. **Publication.** The ~~Commissioner of Manpower Affairs~~ commission shall cause to be printed for distribution to the public the text of this chapter, the commission's regulations, ~~his~~ its annual reports to the Governor and any other material the commission deems relevant and suitable, and shall furnish the same to any person upon application therefor.

**Sec. 8. R. S., T. 26, § 1082, sub-§ 4, amended.** The first sentence of subsection 4 of section 1082 of Title 26 of the Revised Statutes, as amended by section 8 of chapter 620 of the public laws of 1971, is further amended to read as follows:

Subject to other provisions of this chapter, the ~~Commissioner of Manpower Affairs~~ commission is authorized to appoint, and prescribe the duties and powers of, and fix the compensation of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of ~~his~~ its duties, subject to the Personnel Law.

**Sec. 9. R. S., T. 26, § 1082, sub-§ 5, amended.** The first sentence of subsection 5 of section 1082 of Title 26 of the Revised Statutes, as amended by section 9 of chapter 620 of the public laws of 1971, is further amended to read as follows:

The ~~Commissioner of Manpower Affairs~~ commission shall appoint a state advisory council consisting of not more than 9 members composed of an equal number of employer representatives and employee representatives who may fairly be regarded as representatives because of their vocation, employment or affiliations and an equal number of members representing the general public.

**Sec. 10. R. S., T. 26, § 1082, sub-§ 6, amended.** Subsection 6 of section 1082 of Title 26 of the Revised Statutes, as amended by section 10 of chapter 620 of the public laws of 1971, is further amended to read as follows:

6. **Employment stabilization.** The ~~Commissioner of Manpower Affairs~~ commission, with the advice and aid of such advisory council as ~~he~~ it may appoint, may take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the re-employment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

**Sec. 11. R. S., T. 26, § 1221, sub-§ 10, ¶ E, amended.** The first sentence of paragraph E of subsection 10 of section 1221 of Title 26 of the Revised Statutes, as enacted by section 41 of chapter 538 and as amended by section 11 of chapter 620, both of the public laws of 1971, is further amended to read as follows:

The ~~Commissioner of Manpower Affairs~~ commission, in accordance with such regulations as ~~he~~ it may prescribe, shall notify each such employer of

any determination which is made of its status as an employer and of the effective date of any election which it makes and any termination of such election.

**Sec. 12. R. S., T. 26, § 1401, repealed and replaced.** Section 1401 of Title 26 of the Revised Statutes, as repealed and replaced by section 12 of chapter 620 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 1401. Department; commissioner**

There is created and established the Department of Manpower Affairs to achieve the most effective utilization of the manpower resources in the State by developing and maintaining an accountable state manpower policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of the individual to improve his economic status to consist of a Commissioner of Manpower Affairs appointed by the Governor with the advice and consent of the Council for a term coterminous with that of the Governor subject to removal for cause and the following is heretofore created and established: The Employment Security Commission, the Department of Labor and Industry, the Maine Manpower Advisory Committee, the Cooperative Area Manpower Planning System and the Manpower Development Training Program.

Notwithstanding any other provisions of the law, the commissioner shall not have authority to exercise or interfere with the exercise of any statutory authority granted to the Employment Security Commission. The commissioner shall have the following duties:

1. **Budget.** Prepare a budget for the department. That part of the budget relating to the Employment Security Commission shall be prepared in cooperation with and with the consent of the Employment Security Commission;

2. **Personnel.** Transfer personnel within the department to insure the efficient utilization of department personnel subject to the Personnel Law. Personnel assigned to the Employment Security Commission shall not be transferred permanently or temporarily without the consent of the commission; upon the permanent or temporary transfer of such personnel, their salaries or any appropriate part thereof shall be paid out of that part of the departmental budget not related to the Employment Security Commission;

3. **Purchase.** Coordinate the purchase and use of all the department equipment;

4. **Review.** Review the function and operation of the department to insure that overlapping functions and operations are brought to the attention of the Governor and Legislature.

**Sec. 13. Amendatory provision.** Wherever in the Revised Statutes the word "Director," meaning "the Director of the Bureau of Labor and Industry" appears, it shall mean "the Commissioner of Manpower Affairs".

## STATEMENT OF FACT

This bill provides that the Employment Security Commission shall be re-established as an independent agency within the Department of Manpower Affairs. The commission shall consist of a representative of labor, a representative of employers, and an impartial member representing the public generally. The Commissioner of Manpower Affairs shall provide administrative services for the Employment Security Commission, shall be a member of the Industrial Accident Commission and shall be the director of the Bureau of Labor and Industry.