

MAINE STATE LEGISLATURE

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(EMERGENCY)
New draft of: H. P. 370, L. D. 464

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1264

H. P. 1238

House of Representatives, April 1, 1975

Reported by Mr. Farnham from Committee on State Government. Printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

Presented by Mr. Farnham of Hampden.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE**

AN ACT to Reorganize the State Personnel Board.

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

Whereas, the State has enacted the State Employees Labor Relations Act, which established for all state employees the right to collectively bargain with the State and to form bargaining units; and

Whereas, one of the members of the State Personnel Board is chosen by the Maine State Employees Association; and

Whereas, representation of only one collective bargaining agent on the State Personnel Board might be injurious to the rights of all other collective bargaining agents that may be affected by the State Employees Labor Relations Act; 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:

Sec. 1. 5 MRSA § 591, as amended by PL 1967, c. 476, § 11, is repealed and the following enacted in place thereof:

§ 591. Membership; term; compensation

The State Personnel Board, as heretofore established, shall be composed of 5 members, who shall have expertise in personnel relations or management.

No more than 3 members of the board shall be of the same political party. Each member shall be appointed by the Governor with the advice and consent of the Council. One member of the board shall be designated by the Governor as chairperson. Each member shall be appointed for a term of 4 years and until his successor has been appointed and qualified. Any vacancy shall be filled within 60 days by the Governor, with the advice and consent of the Council, for the unexpired portion of the term.

The members of the board shall receive \$50 a day for the time actually spent in the discharge of their duties and their necessary expenses.

Sec. 2. Transitional clause. The 3 public members currently serving on the State Personnel Board shall continue in office until the expiration of their respective terms and until their successors have been appointed and qualified.

The appointments of the 2 additional public members to the board shall be made within 60 days after the passage of this Act. The first such member to be appointed shall replace the state employee elected to the board by the council of the Maine State Employees Association; the 2nd such member appointed shall replace that member of the board who is a department head. Until their successors are appointed, the elected state employee and the department head on the board shall continue to serve. They shall receive no compensation, except for their necessary expenses.

Sec. 3. Appropriation. There is appropriated from the General Fund to the State Personnel Board the sum of \$10,608 to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
STATE PERSONNEL BOARD		
Personal Services	\$5,304	\$5,304

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

STATEMENT OF FACT

The purpose of this bill is to create a State Personnel Board that is unbiased, fairly paid and professional in its knowledge of personnel relations and management. The bill provides for a reasonable transition in establishing the new board by continuing the public members of the current board.