

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

SENATE AMENDMENT "B" to H.P. 1491, L.D. 1739, Bill,
"AN ACT to Restrict Armed Forces Preferences in State Employment
to Veterans Who Were Not Career Officers or Career Enlisted
Personnel and to Remove a Barrier to Affirmative Action Programs."

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

'Sec. 1. 5 MRSA §674, first ¶, as last repealed and replaced
by PL 1971, c. 561, is repealed and the following enacted in place
thereof:

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,
husbands, widows, widowers, mothers or fathers as set forth in
this section.

Sec. 2. 5 MRSA §674, sub-§1, ¶C, as last repealed and
replaced by PL 1971, c. 561, is amended to read:

C. 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 and who does not receive a nondisability retirement
pension for Armed Forces service.

Sec. 3. 5 MRSA §674, sub-§2, first ¶, as last repealed
and replaced by PL 1971, c. 561, is repealed and the following
enacted in place thereof:

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, provided they have not been previously employed in the classified service after obtaining such preference points.

Sec. 4. 5 MRSA §674, sub-§2, §§B to F, as last repealed and replaced by PL 1971, c. 561, are repealed and the following enacted in place thereof:

B. Five-point preference (widow or widower). The widow or widower of a veteran as defined in paragraph A, who has never remarried, shall be granted a 5-point preference.

C. 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 of 10% or more and 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.

D. Ten-point preference (spouse). The spouse of a disabled veteran as defined in paragraph C is entitled to 10-point preference in lieu of the veteran when his or her service-connected disability disqualifies him or her for appointment in the classified service along the general lines of his or her usual occupation.

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

F. Ten-point preference (mother or father). The natural mother or father of a deceased veteran who lost his or her 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 or mother of the veteran on whose service he or she bases his or her claim; and who is widowed, divorced or separated; or who lives with him or her totally and permanently disabled husband or wife, either the veteran's father or mother or the husband or wife of his or her remarriage, is entitled to a 10-point preference.

Sec. 5. 5 MRSA § 674, sub-§ 4, as enacted by PL 1971, c. 561, is repealed.

Sec. 6. 5 MRSA § 675, first sentence is amended to read:

Veterans with the present existence of a service-connected disability to a compensable degree, wives and husbands of disabled veterans who qualify for 10-point preference under section 674, subsection 2, paragraph B, unmarried widows or widowers of deceased veterans who qualify for 10-point preference under section 674, subsection 2, paragraph C, and mothers and fathers, who are widowed, divorced, separated or whose wives or husbands are permanently and totally disabled, of veterans who died while in the active service of the Armed Forces during any war, or who died as the result of service-connected disabilities, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Statement of Fact

This amendment:

1. Makes veteran's preference open-ended without regard to any time limitation(sec. 3).
2. Career officers, as in the original bill, who do not receive a disability retirement pension are not given preference (sec. 2, ¶C).
3. Preference for eligible veterans is afforded those who have not previously been employed in classified service after obtaining preference (sec. 3).
4. Clarification is made to put widows and widowers of veterans on equal footing, Also husbands and wives, plus fathers and mothers (sec. 4 and 6).

(Katz)

NAME:

COUNTY: Kennebec

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