

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 961

H. P. 757

House of Representatives, March 2, 1979

On Motion of Mrs. Kany of Waterville, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Fenlason of Danforth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning Unclassified Personnel in the Department of Educational and Cultural Services.

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

Sec. 1. 5 MRSA § 711, sub-§ 2, ¶ A, sub-¶ (4), as repealed and replaced by PL 1977, c. 674, § 6, is repealed.

Sec. 2. 20 MRSA § 1-B, sub-§§ 4 and 5, as amended by PL 1977, c. 674, § 16, are further amended to read:

4. Bureau of Vocational Education. The Bureau of Vocational Education which shall be under the direction of an associate commissioner, **who shall be appointed by and serving at the pleasure of the commissioner, subject to the Personnel Law;** and

5. Other. Such other bureaus as the commissioner deems necessary to fulfill the duties of the department, each of which shall be under the direction of a person appointed by the commissioner ~~to serve at the pleasure of the commissioner.~~ All these persons shall be subject to the Personnel Law ~~except for persons in the following positions: Deputy Commissioner, Educational and Cultural Services; Assistant to the Commissioner; Associate Commissioner, Bureau of Instruction; and Associate Commissioner, Bureau of School Management.~~

Sec. 3. Transitional provision. Any person who, on the day before the effective date of this Act, is an incumbent in a position not subject to the Personnel Law, which position is made subject to the Personnel Law by this Act, shall by this Act be considered appointed under the Personnel Law to the position on the effective date of this Act, without having to satisfy any other requirements; and have the right to transfer under the appointment all accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement, exactly as if the transfer were between 2 positions under the Personnel Law.

STATEMENT OF FACT

This bill will change from unclassified to classified status the following positions in the Department of Educational and Cultural Services:

1. Deputy Commissioner;
2. Assistant to the Commissioner;
3. Associate Commissioner, Bureau of Instruction;
4. Associate Commissioner, Bureau of School Management; and
5. Associate Commissioner, Bureau of Vocational Education.

In addition, the bill provides that those persons incumbent in the position on the day before the effective date of the bill shall be considered appointed as classified employees without having to satisfy normal appointment procedures, such as testing, and without loss of fringe benefits accrued prior to appointment.

The purpose of the bill is to assure continuity of career people and maintenance of experience in key positions of the department.