

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1030

H. P. 829

House of Representatives, March 5, 1979

On Motion of Mr. LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jalbert of Lewiston.

Cosponsors: Mr. Joyce of Portland, Mr. Torrey of Poland and Mr. Laffin of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Civil Service Status for all Deputy Sheriffs of the Several Counties.

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

30 MRSA § 960 is enacted to read:

§ 960. County civil service authority

Notwithstanding any other provisions of law, any person appointed a deputy sheriff under section 951 shall first be examined and qualified by a county civil service commission or personnel board or its agents hereinafter authorized in each of the several counties to conduct and grade merit examinations and to rate candidates in the order of their relative excellence from which appointments or promotions may be made to positions in the competitive division of the classified service of the county served by such a civil service commission or personnel board. The conduct and the grading of merit examinations, the rating of candidates and the establishment of lists from the examinations and the appointments from those lists shall not be subject to collective bargaining. If a collective bargaining agreement between a public employer and a bargaining agent contains provisions for binding arbitration of grievances involving the

following matters: The demotion, lay-off, reinstatement, suspension, removal, discharge or discipline of any public employee, those provisions shall be controlling in the event they are in conflict with any authority and power involving the matters of any such county civil service commission or personnel board or its agents. This section shall not apply to any chief deputy, as defined in section 954.

Statutory referendum procedure; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at a special statewide election to be held on the Tuesday following the first Monday of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

“Shall ‘An Act to Provide Civil Service Status for all Deputy Sheriffs of the Several Counties,’ passed by the 109th Legislature, be accepted?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the words “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of this Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

STATEMENT OF FACT

The intent of this bill is to place each deputy sheriff under a county civil service system to be established within the several counties of this State.