

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 800, L.D. 2141)
2 (New Title)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2415

8
9 S.P.. 898

In Senate, April 2, 1984

10 Reported by Senator Violette of Aroostook from the Committee on State
11 Government and printed under Joint Rule 2.

12 Original bill presented by Senator Conley of Cumberland and
cosponsored by Speaker Martin of Eagle Lake and Representative Paradis of
Augusta.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-FOUR
18

19 AN ACT to Change the Titles of 3
20 Policy-influencing Positions and to Establish
21 New Policy-influencing Positions within
22 the Department of Corrections and the
23 Department of Mental Health and Mental
24 Retardation.
25

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

28 Sec. 1. 2 MRSA §6-A, sub-§3, as amended by PL
29 1983, c. 344, §1, is further amended to read:

30 3. Other employees. The salaries of the follow-
31 ing employees shall be ~~at~~ within salary range 88,
32 ~~step~~ €:

- 1 A. General counsel;
- 2 B. Director of finance;
- 3 C. ~~Secretary~~ Administrative Director; and
- 4 D. Director of technical analysis.

5 Sec. 2. 2 MRSA §6-A, sub-§4, as enacted by PL
6 1981, c. 452, §3, is repealed.

7 Sec. 3. 5 MRSA c. 59, as amended, is repealed.

8 Sec. 4. 5 MRSA c. 71 is enacted to read:

9 CHAPTER 71

10 UNCLASSIFIED SERVICE

11 §931. Unclassified service

12 The unclassified service comprises positions held
13 by officers and employees as follows.

14 1. Officers and employees. Certain elective,
15 legislative, executive, judicial and other officers
16 and employees as follows:

17 A. Elective officers, chosen by popular election
18 or appointed to fill an elective office;

19 B. Officers who, under the Constitution of Maine
20 or statutes, are chosen by the Legislature;

21 C. Heads of departments and members of boards
22 and commissions required by law to be appointed
23 by the Governor, some bureau directors and the
24 Administrative Director of the Public Utilities
25 Commission;

26 D. Officers and employees in the judicial ser-
27 vice of the State;

28 E. Officers and employees of the Senate and
29 House of Representatives of the Legislature;

1 F. Officers and enlisted men in the National
2 Guard and Naval Militia of the State;

3 G. Employees working in the Governor's office
4 and at the Blaine Mansion;

5 H. Officers and employees of the unorganized
6 territory school system and the teachers and
7 principals of the school systems in state voca-
8 tional schools and state institutions; and

9 I. Deputies, assistants, staff attorneys, re-
10 search assistants and the secretary to the Attor-
11 ney General of the Department of Attorney Gener-
12 al.

13 §932. Department of Attorney General

14 1. Major policy-influencing positions. The fol-
15 lowing positions are major policy-influencing posi-
16 tions within the Department of Attorney General.
17 Notwithstanding any other provision of law, these po-
18 sitions and their successor positions shall be sub-
19 ject to this chapter:

20 A. Deputy Attorneys General; and

21 B. Assistant Attorneys General.

22 §933. Department of Agriculture, Food and Rural Re-
23 sources

24 1. Major policy-influencing positions. The fol-
25 lowing positions are major policy-influencing posi-
26 tions within the Department of Agriculture, Food and
27 Rural Resources. Notwithstanding any other provision
28 of law, these positions and their successor positions
29 shall be subject to this chapter:

30 A. Deputy Commissioner;

31 B. Associate Commissioner for Policy Develop-
32 ment;

33 C. Director, Bureau of Agricultural Productions;

34 D. Director, Bureau of Agricultural Marketing;

1 E. Director, Bureau of Agriculture and Rural Re-
2 sources;

3 F. Director, Bureau of Public Services; and

4 G. Assistant to the Commissioner for Public In-
5 formation.

6 §934. Department of Business, Occupational and Pro-
7 fessional Regulation

8 1. Major policy-influencing positions. The fol-
9 lowing positions are major policy-influencing posi-
10 tions within the Department of Business, Occupational
11 and Professional Regulation. Notwithstanding any
12 other provision of law, these positions and their
13 successor positions shall be subject to this chapter:

14 A. Superintendent, Bureau of Banking;

15 B. Superintendent, Bureau of Consumer Credit
16 Protection;

17 C. Superintendent, Bureau of Insurance; and

18 D. Assistant to the Commissioner.

19 §935. Department of Conservation

20 1. Major policy-influencing positions. The fol-
21 lowing positions are major policy-influencing posi-
22 tions within the Department of Conservation. Not-
23 withstanding any other provision of law, these posi-
24 tions and their successor positions shall be subject
25 to this chapter:

26 A. Director, Administrative Services;

27 B. Director, Planning and Program Services;

28 C. Director, Bureau of Forestry;

29 D. Director, Maine Geological Survey;

30 E. Executive Director, Maine Land Use Regulation
31 Commission;

- 1 F. Director, Bureau of Parks and Recreation;
- 2 G. Director, Bureau of Public Lands;
- 3 H. Forest Insect Manager, Bureau of Forestry;
- 4 I. Assistant to the Commissioner for Public In-
- 5 formation; and
- 6 J. Assistant to the Commissioner;

7 §936. Department of Corrections

8 1. Major policy-influencing positions. The fol-
9 lowing positions are major policy-influencing posi-
10 tions within the Department of Corrections. Notwith-
11 standing any other provision of law, these positions
12 and their successor positions shall be subject to
13 this chapter:

- 14 A. Associate Commissioner; and
- 15 B. Director, Correctional Programs.

16 §937. Department of Educational and Cultural Ser-
17 vices

18 1. Major policy-influencing positions. The fol-
19 lowing positions are major policy-influencing posi-
20 tions within the Department of Educational and Cul-
21 tural Services. Notwithstanding any other provision
22 of law, these positions and their successor positions
23 shall be subject to this chapter:

- 24 A. Assistant to the Commissioner;
- 25 B. Deputy Commissioner;
- 26 C. Associate Commissioner, Bureau of School Man-
- 27 agement;
- 28 D. Associate Commissioner, Bureau of Instruc-
- 29 tion;
- 30 E. Associate Commissioner, Bureau of Vocational
- 31 Education;

1 F. Director, Planning and Management Informa-
2 tion; and

3 G. Federal and State Education Program Coordina-
4 tor.

5 §938. Department of Environmental Protection

6 1. Major policy-influencing positions. The fol-
7 lowing positions are major policy-influencing posi-
8 tions within the Department of Environmental Protec-
9 tion. Notwithstanding any other provision of law,
10 these positions and their successor positions shall
11 be subject to this chapter:

12 A. Deputy Commissioner; and

13 B. Assistant to the Commissioner.

14 §939. Department of Finance and Administration

15 1. Major policy-influencing positions. The fol-
16 lowing positions are major policy-influencing posi-
17 tions within the Department of Finance and Adminis-
18 tration. Notwithstanding any other provision of law,
19 these positions and their successor positions shall
20 be subject to this chapter:

21 A. State Controller;

22 B. State Purchasing Agent;

23 C. State Tax Assessor;

24 D. Director, Bureau of Public Improvements;

25 E. Director, Bureau of Alcoholic Beverages;

26 F. State Budget Officer;

27 G. Assistant to the Commissioner; and

28 H. Director, Risk Management.

29 §940. Department of Human Services

1 1. Major policy-influencing positions. The fol-
2 lowing positions are major policy-influencing posi-
3 tions within the Department of Human Services. Not-
4 withstanding any other provision of law, these posi-
5 tions and their successor positions shall be subject
6 to this chapter:

- 7 A. Deputy Commissioners;
- 8 B. Director, Bureau of Maine's Elderly;
- 9 C. Director, Bureau of Social Services;
- 10 D. Director, Bureau of Health;
- 11 E. Director, Bureau of Rehabilitation;
- 12 F. Director, Bureau of Income Maintenance;
- 13 G. Director, State Health Planning and Develop-
14 ment Agency;
- 15 H. Director, Bureau of Medical Services; and
- 16 I. Assistant Deputy Commissioners.

17 §941. Maine Human Rights Commission

18 1. Major policy-influencing positions. The fol-
19 lowing positions are major policy-influencing posi-
20 tions within the Maine Human Rights Commission. Not-
21 withstanding any other provisions of law, these posi-
22 tions and their successor positions shall be subject
23 to this chapter:

- 24 A. Executive Director; and
- 25 B. Chief Compliance Officer.

26 §942. Department of Inland Fisheries and Wildlife

27 1. Major policy-influencing positions. The fol-
28 lowing positions are major policy-influencing posi-
29 tions within the Department of Inland Fisheries and
30 Wildlife. Notwithstanding any other provision of
31 law, these positions and their successor positions
32 shall be subject to this chapter:

1 A. Deputy Commissioner;

2 B. Game Warden Colonel;

3 C. Assistant to the Commissioner for Public In-
4 formation; and

5 D. Assistant to the Commissioner.

6 §943. Department of Labor

7 1. Major policy-influencing positions. The fol-
8 lowing positions are major policy-influencing posi-
9 tions within the Department of Labor. Notwithstand-
10 ing any other provision of law, these positions and
11 their successor positions shall be subject to this
12 chapter:

13 A. Director, Maine Job Training Council;

14 B. Director, Bureau of Labor Standards;

15 C. Executive Director, Maine Labor Relations
16 Board;

17 D. Assistant to the Commissioner;

18 E. Assistant to the Commissioner for Public In-
19 formation;

20 F. Director, Planning and Program Services;

21 G. Executive Director, Bureau of Employment Se-
22 curity;

23 H. Executive Secretary, Maine Occupational In-
24 formation Coordinating Committee; and

25 I. Executive Director, Bureau of Employment
26 Training Programs.

27 §944. Maine State Lottery Commission

28 1. Major policy-influencing positions. The fol-
29 lowing positions are major policy-influencing posi-
30 tions within the Maine State Lottery Commission.
31 Notwithstanding any other provision of law, these po-
32 sitions shall be subject to this chapter:

1 A. Deputy Director.

2 §945. Department of Marine Resources

3 1. Major policy-influencing positions. The fol-
4 lowing positions are major policy-influencing posi-
5 tions within the Department of Marine Resources.
6 Notwithstanding any other provision of law, these po-
7 sitions and their successor positions shall be sub-
8 ject to this chapter:

9 A. Deputy Commissioner;

10 B. Chief, Bureau of Marine Patrol; and

11 C. Assistant to the Commissioner.

12 §946. Department of Mental Health and Mental Retar-
13 dation

14 1. Major policy-influencing positions. The fol-
15 lowing positions are major policy-influencing posi-
16 tions within the Department of Mental Health and Men-
17 tal Retardation. Notwithstanding any other provision
18 of law, these positions and their successor positions
19 shall be subject to this chapter:

20 A. Associate Commissioner;

21 B. Director, Bureau of Mental Health;

22 C. Superintendent, Augusta Mental Health Insti-
23 tute;

24 D. Superintendent, Bangor Mental Health Insti-
25 tute;

26 E. Director, Bureau of Mental Retardation;

27 F. Superintendent, Pineland Center;

28 G. Children's Services Executive Director;

29 H. Director, Mental Retardation Facility;

30 I. Director, Elizabeth Levinson Center; and

1 J. Assistant to the Commissioner for Public In-
2 formation.

3 §947. Department of Personnel

4 1. Major policy-influencing positions. The fol-
5 lowing positions are major policy-influencing posi-
6 tions within the Department of Personnel. Notwith-
7 standing any other provision of law, these positions
8 and their successor positions shall be subject to
9 this chapter:

10 A. Assistant to the Commissioner; and

11 B. Director, Planning and Operations.

12 §948. Department of Public Safety

13 1. Major policy-influencing positions. The fol-
14 lowing positions are major policy-influencing posi-
15 tions within the Department of Public Safety. Not-
16 withstanding any other provision of law, these posi-
17 tions and their successor positions shall be subject
18 to this chapter:

19 A. Chief, Bureau of State Police;

20 B. Director, Bureau of Liquor Enforcement;

21 C. Director, Office of State Fire Marshal;

22 D. Director, Maine Criminal Justice Academy;

23 E. Assistant to the Commissioner for Public In-
24 formation;

25 F. Assistant to the Commissioner; and

26 G. Two Deputy Chiefs, State Police.

27 §949. Public Utilities Commission

28 1. Major policy-influencing positions. The fol-
29 lowing positions are major policy-influencing posi-
30 tions within the Public Utilities Commission. Not-
31 withstanding any other provision of law, these posi-
32 tions and their successor positions shall be subject
33 to this chapter:

- 1 A. General Counsel - Public Utilities Commission
- 2 B. Director of Finance;
- 3 C. Administrative Director; and
- 4 D. Director of Technical Analysis.

5 §950. Department of the Secretary of State

6 1. Major policy-influencing positions. The fol-
7 lowing positions are major policy-influencing posi-
8 tions within the Department of the Secretary of
9 State. Notwithstanding any other provision of law,
10 these positions and their successor positions shall
11 be subject to this chapter:

- 12 A. Deputy Secretaries of State; and
- 13 B. State Archivist.

14 §951. Department of Transportation

15 1. Major policy-influencing positions. The fol-
16 lowing positions are major policy-influencing posi-
17 tions within the Department of Transportation. Not-
18 withstanding any other provision of law, these posi-
19 tions and their successor positions shall be subject
20 to this chapter:

- 21 A. Deputy Commissioners;
- 22 B. Chief Counsel, Bureau of Legal Services;
- 23 C. Assistant to the Commissioner; and
- 24 D. Assistant to the Commissioner for Public In-
25 formation.

26 §952. Department of Defense and Veterans' Services

27 1. Major policy-influencing positions. The fol-
28 lowing positions are major policy-influencing posi-
29 tions within the Department of Defense and Veterans'
30 Services. Notwithstanding any other provision of
31 law, these positions and their successor positions
32 shall be subject to this chapter:

- 1 A. Deputy Adjutant General;
2 B. Director, Bureau of Civil Emergency
3 Preparedness; and
4 C. Director, Bureau of Veterans' Services.

5 Sec. 5. 22 MRSA §1, 3rd ¶, as amended by PL
6 1981, c. 10, §1, is further amended to read:

7 The commissioner may employ any bureau and divi-
8 sion heads, .deputies, assistants and employees who
9 may be necessary to carry out the work of the depart-
10 ment. All personnel of the department shall be under
11 the immediate supervision, direction and control of
12 the commissioner. These personnel shall be employed
13 subject to the Personnel Law, except the: Deputy Com-
14 missioner; Director, Bureau of Social Services; Di-
15 rector, Bureau of Maine's Elderly; Director, Bureau
16 of Health; Director, Bureau of Rehabilitation; Direc-
17 tor, Bureau of Income Maintenance; and Director,
18 State Health Planning and Development Agency ; Direc-
19 tor, Bureau of Medical Services; and Assistant Deputy
20 Commissioners. ~~Deputy commissioners shall be ap-~~
21 pointed by the commissioner and shall serve at the
22 pleasure of the commissioner.

23 Sec. 6. 34-A MRSA §1403, sub-§2, ¶C is enacted
24 to read:

25 C. The commissioner shall appoint the following
26 officials to serve at his pleasure:

- 27 (1) Associate Commissioner;
28 (2) Assistant to the Commissioner; and
29 (3) Director, Correctional Program.

30 Sec. 7. 34-B MRSA §1204, sub-§2, ¶C is enacted
31 to read:

32 C. The commissioner shall appoint the following
33 officials to serve at his pleasure:

- 34 (1) Associate Commissioners;

- 1 (2) Director, Bureau of Mental Health;
2 (3) Superintendent, Augusta Mental Health
3 Institute;
4 (4) Superintendent, Bangor Mental Health
5 Institute;
6 (5) Director, Bureau of Mental Retardation;
7 (6) Superintendent, Pineland Center;
8 (7) Children's Services, Executive Direc-
9 tor;
10 (8) Director, Mental Retardation Facility;
11 (9) Director, Elizabeth Levinson Center;
12 and
13 (10) Assistant to the Commissioner for Pub-
14 lic Information.

15 Sec. 8. 35 MRSA §1, as amended by PL 1983, c.
16 344, §2, is further amended to read:

17 §1. Members; terms; vacancies; seal; clerks; office
18 and equipment; salary; expenses

19 The Public Utilities Commission, as heretofore
20 established, shall consist of 3 members appointed by
21 the Governor, subject to review by the legislative
22 committee having jurisdiction over public utilities
23 and to confirmation by the Legislature from time to
24 time upon the expiration of the terms of the several
25 members, for terms of 6 years and all 3 members of
26 the commission shall devote full time to their du-
27 ties. Each term shall end on March 31st of the 6th
28 year of the term. A commissioner may continue to
29 serve beyond the end of his term until a duly quali-
30 fied successor is appointed. Any vacancy occurring
31 in said commission shall be filled by appointment for
32 the unexpired portion of the term in which such va-
33 cancy occurs. One member of the commission shall be
34 designated by the Governor as chairman. The commis-
35 sion shall adopt and have a seal and be provided with
36 an office at the State House in which its records

1 shall be kept. The commission shall appoint a
2 secretary an administrative director, a director of
3 finance and a director of technical analysis. The
4 director of technical analysis shall have a bache-
5 lor's degree in an appropriate field and 4 years' ex-
6 perience in engineering, or shall be registered as a
7 professional engineer. It shall appoint, with the
8 approval of the Attorney General, a general counsel.
9 It shall appoint, subject to the Personnel Law, an
10 assistant secretary to the administrative director.
11 The secretary administrative director shall keep a
12 full and minute record of the proceedings of the com-
13 mission which shall be open to public inspection at
14 all times. The assistant secretary director shall as-
15 sist the secretary director in the performance of his
16 duties, and in the absence of the secretary director
17 shall have the same powers as the secretary director.
18 The secretary administrative director shall have au-
19 thority to certify to all official acts of the com-
20 mission, administer oaths, issue subpoenas and issue
21 all processes, notices, orders or other documents
22 necessary to the performance of the duties of the
23 commission. The commission shall have custody and
24 control of all records, maps and papers pertaining to
25 the offices of the former Board of Railroad Commis-
26 sioners and the former State Water Storage Commis-
27 sion.

28 The salaries of the other subordinate officials and
29 employees of that commission, other than those of the
30 general counsel, the secretary Administrative
31 Director, the director of finance and the director of
32 technical analysis, shall be subject to the Personnel
33 Law. The general counsel, the Administrative Direc-
34 tor, the Director of Finance and the Director of
35 Technical Analysis shall serve at the pleasure of the
36 commission and their salaries shall be set by the
37 commission within the range established by Title 2,
38 section 6-A. The commissioners and all employees
39 shall receive actual expenses when traveling on offi-
40 cial business.

41 **Sec. 9. Transition provision.** Consistent with
42 the Revised Statutes, Title 5, chapter 69 for any po-
43 sition affected by this Act and subject to the Per-
44 sonnel Law on the effective date of this Act, the in-
45 cumbent in the position or a person on leave of ab-

