

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1110

6
7 S.P. 400

In Senate, March 26, 1985

8 Submitted by the Department of Educational and Cultural Services
9 pursuant to Joint Rule 24.

Reference to the Committee on Education suggested and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Gauvreau of Androscoggin.

11 Cosponsored by Representative Bost of Orono, Representative O'Gara of Westbrook and Representative Lawrence of Parsonsfield.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Conform Education Laws to the
18 Personnel Grievance Procedure.
19

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

22 Sec. 1. 20-A MRSA §405, sub-§3, ¶R, as enacted
23 by PL 1981, c. 693, §§5 and 8, is repealed.

24 Sec. 2. 20-A MRSA §10105, as enacted by PL 1981,
25 c. 693, §§5 and 8 is amended to read:

26 §10105. Directors and assistant directors of
27 institutes

28 1. Appointment of directors and assistant direc-
29 tors. The commissioner, with the approval of the
30 state board, shall appoint the directors of the
31 institutes shall nominate the directors and assistant
32 directors to the State Board of Education for
33 employment. If the nominations are approved by the
34 state board, then the directors and assistant direc-

1 tors shall be employed by the commissioner to serve
2 at the joint pleasure of the commissioner and the
3 state board. The state board may meet in executive
4 session for the purpose of making employment deci-
5 sions regarding the nomination of personnel or the
6 removal of personnel from the offices of director and
7 assistant director of an institute. The person under
8 consideration may not attend the executive session
9 unless requested to do so by the state board.

10 2. Salary range. The commissioner, with the ap-
11 proval of the state board, shall establish the salary
12 range for directors and assistant directors.

13 3. Job title and salary range for new positions.
14 The state board, consistent with Title 26, chapter
15 12, shall make recommendations to the Department of
16 Personnel and the Bureau of the Budget concerning the
17 appropriate job title and salary range for each
18 newly-created position in the unclassified service at
19 an institute. The recommendations shall be based on
20 the level of job responsibilities of the position
21 created.

22 4. Change of job title and salary range. The
23 state board, consistent with Title 26, chapter 12,
24 shall make recommendations to the Department of Per-
25 sonnel and the Bureau of the Budget to change the job
26 title or salary range of any existing position in the
27 unclassified service at an institute if an identifia-
28 ble change in job responsibilities occurs.

29 **Sec. 3. Effective date.** Sections 1 and 2 will
30 become effective 90 days after the adjournment of the
31 Legislature. Persons holding positions as directors
32 and assistant directors on that date will not be
33 deemed to serve at the pleasure of the Commissioner
34 of Educational and Cultural Services and the State
35 Board of Education until July 1, 1986.

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STATEMENT OF FACT

2 With the enactment of the collective bargaining
3 laws in the 1970's, the State Board of Education's
4 role as an appeals body for unclassified personnel
5 has been effectively superseded by the various col-
6 lective bargaining agreements. As was evidenced from
7 an incident in 1984, it was unclear as to what the
8 status of directors and assistant directors are
9 vis-a-vis their employment rights with the State.
10 Since both the directors and assistant directors hold
11 major policy-influencing positions, this bill identi-
12 fies the persons in those capacities serve at the
13 pleasure of the Commissioner of Educational and Cul-
14 tural Services and the State Board of Education. Di-
15 rectors and assistant directors are protected against
16 arbitrary removal when there is a change in adminis-
17 tration since it requires both the commissioner and
18 the State Board to reach a decision to select or re-
19 move a director or an assistant director. This
20 should guarantee some continuity and leadership at
21 the institutes and should not result in major changes
22 with the arrival of a new administration.

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