

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2120

6  
7 H.P. 1505

House of Representatives, March 4, 1986

8 Reported by Representative Nadeau from the Committee on State  
9 Government. Sent up for concurrence and ordered printed. Approved by the  
Legislative Council on June 18, 1985.

10 EDWIN H. PERT, Clerk

Reported from the Joint Standing Committee on State Government under  
Joint Rule 19.

11  
12 STATE OF MAINE  
13

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

17 AN ACT to Establish the Office of Human  
18 Resources.  
19

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

22 Sec. 1. 2 MRSA §6, sub-§1, as amended by PL  
23 1983, c. 553, §46, is further amended to read:

24 1. Range 91. The salaries of the following  
25 state officials and employees shall be within salary  
26 range 91:

27 Commissioner of Transportation;

28 Commissioner of Conservation;

29 Director of State Development Office;

30 Commissioner of Finance and Administration;

31 Commissioner of Educational and Cultural Ser-  
32 vices;

1 Commissioner of Environmental Protection;  
2 Commissioner of Human Services;  
3 Commissioner of Mental Health and Mental Retarda-  
4 tion;  
5 Commissioner of Public Safety;  
6 Commissioner of Business, Occupational and Pro-  
7 fessional Regulation;  
8 Commissioner of Labor;  
9 ~~Commissioner of Personnel;~~  
10 Commissioner of Agriculture, Food and Rural Re-  
11 sources;  
12 Commissioner of Inland Fisheries and Wildlife;  
13 Commissioner of Marine Resources; and  
14 Commissioner of Corrections.

15 Sec. 2. 2 MRSA §6, sub-§3, as repealed and re-  
16 placed by PL 1981, c. 705, Pt. L, §§1 to 3, is  
17 amended to read:

18 3. Range 89. The salaries of the following  
19 state officials and employees shall be within salary  
20 range 89:

21 State Director of Public Improvements;  
22 State Budget Officer;  
23 State Controller;  
24 Director of the Bureau of Forestry;  
25 Chief of the State Police;  
26 Director, State Planning Office;  
27 Director, Energy Resources Office;

1 Public Advocate; and  
2 Commissioner of Defense and Veterans' Services;  
3 and  
4 Director of Human Resources.

5 Sec. 3. 3 MRSA §163, sub-§2-A, as enacted by PL  
6 1985, c. 501, Pt. B, §4, is amended to read:

7 2-A. Appointment of legislative staff. To ap-  
8 point, upon recommendation of the appropriate office  
9 director and subject to the approval of the Legisla-  
10 tive Council, qualified persons to legislative staff  
11 positions based solely on their ability to perform  
12 their duties and without regard to party affiliation.  
13 The general duties and compensation of these posi-  
14 tions shall be established under the direction of the  
15 council and in accordance with organizational and  
16 performance objectives established by the council.  
17 These legislative staff positions shall be unclassi-  
18 fied and not subject to the personnel civil service  
19 law.

20 Sec. 4. 3 MRSA §507, sub-§9, ¶A, as repealed and  
21 replaced by PL 1983, c. 819, Pt. A, §3, is amended to  
22 read:

23 A. The evaluations and analyses of the justifi-  
24 cation reports for the programs of the following  
25 Group E-1 departments shall be reviewed by the  
26 Legislature no later than June 30, 1988:

- 27 (1) Maine State Retirement System;  
28 (2) Department of Attorney General;  
29 ~~(3) Department of Personnel; and~~  
30 (3-A) Office of Human Resources; and  
31 (4) Department of Labor.

32 Sec. 5. 3 MRSA §507, sub-§10, ¶A, as repealed  
33 and replaced by PL 1983, c. 819, Pt. A, §4, is  
34 amended to read:

1 A. Unless continued or modified by law, the fol-  
2 lowing Group E-1 independent agencies shall ter-  
3minate, not including the grace period, no later  
4 than June 30, 1988:

5 (1) Board of Trustees, Group Accident and  
6 Sickness or Health Insurance;

7 (2) Maine Commission for Women;

8 (3) Maine Human Rights Commission;

9 (4) Maine Labor Relations Board;

10 (5) Governor's Office of State Employee Re-  
11 lations;

12 (6) State ~~Personnel~~ Civil Service Appeals  
13 Board;

14 (7) Educational Leave Advisory Board; and

15 (8) Workers' Compensation Commission.

16 Sec. 6. 5 MRSA §11, as amended by PL 1979, c.  
17 541, Pt. A, §18, is further amended to read:

18 §11. Certification of payrolls

19 No fiscal officer of the State ~~shall~~ may draw,  
20 sign or issue, or authorize the drawing, signing or  
21 issuing, of any warrant or check upon the Treasurer  
22 of State or other disbursing officer of the State for  
23 the payment of a salary or other compensation for  
24 personal services, nor ~~shall~~ may the Treasurer of  
25 State or other disbursing officer of the State pay  
26 any salary or other compensation for personal ser-  
27 vices in the Executive or Legislative Departments,  
28 unless a payroll or account for such salary or other  
29 compensation, containing the names of all persons to  
30 be paid and the amounts to be paid them, has been  
31 certified by the ~~Commissioner of Personnel~~ Director  
32 of Human Resources or a person designated by him. In  
33 the case of all unclassified employees, certification  
34 shall be by their appointing authority.

1 Any payment, made in violation of the compensa-  
2 tion plan or the rules pertaining thereto or made to  
3 a person appointed or established in his position in  
4 a manner contrary to chapters 51 to 67, may be recover-  
5 ed from the appointing authority, the ~~Commissioner~~  
6 ~~of Personnel~~ Director of Human Resources or any offi-  
7 cer or person making such payment, whoever is culpa-  
8 ble, or from the sureties on the official bond of  
9 such officer or person. Action for such recovery may  
10 be maintained by the State ~~Personnel~~ Civil Service  
11 Appeals Board or any member thereof, any officer or  
12 employee of the state service or any citizen of the  
13 State. All moneys recovered under this section shall  
14 be paid into the State Treasury and credited to the  
15 General Fund.

16 Sec. 7. 5 MRSA §16, sub-§3, as amended by PL  
17 1981, c. 28, §1, is further amended to read:

18 3. Regulations. The ~~Commissioner of Personnel~~  
19 Director of Human Resources shall, acting under sec-  
20 tion 631, prescribe or amend rules and regulations to  
21 assure that state personnel policy conforms to the  
22 minimums set out in this section. The minimum limits  
23 contained in this section shall not be construed to  
24 be maximum limits, and the ~~Commissioner of Personnel~~  
25 Director of Human Resources may prescribe or amend  
26 rules ~~and regulations~~ permitting accumulation of va-  
27 cation leave and sick leave beyond the limits set  
28 forth here for limited categories of state employees  
29 for state employees in special situations, or for all  
30 classified or unclassified state employees.

31 Sec. 8. 5 MRSA §33, as enacted by PL 1985, c.  
32 167, is amended to read:

33 §33. Office of Human Resources to inform supervisors  
34 and state employees

35 The ~~Commissioner of Personnel~~ Director of Human  
36 Resources is responsible for informing supervisors  
37 and state employees about the provisions of this  
38 chapter. The ~~Commissioner of Personnel~~ Director of  
39 Human Resources, at a minimum, shall distribute a  
40 sufficient number of copies of this chapter, which  
41 shall be visibly posted in all state buildings, in  
42 order to notify the greatest possible number of state  
43 employees about the provisions in this chapter.

1           The ~~Commissioner of Personnel~~ Director of Human  
2 Resources shall use the necessary means to instruct  
3 all supervisory personnel about the provisions in  
4 this chapter.

5           Sec. 9. 5 MRSA §95, sub-§1, as enacted by PL  
6 1973, c. 625, §16, is amended to read:

7           1. Administration. To administer the office of  
8 the State Archivist. In exercising his administra-  
9 tion, the State Archivist shall formulate policies,  
10 establish organizational and operational procedures  
11 and exercise general supervision. He shall employ,  
12 with the approval of the Secretary of State subject  
13 to the Personnel Civil Service Law, such assistants  
14 as may be necessary to carry out this chapter. The  
15 State Archivist shall adopt a seal for use in the of-  
16 ficial business of his office. He shall have custody  
17 and control of the facilities provided for the admin-  
18 istration of this chapter;

19           Sec. 10. 5 MRSA §197, as amended by PL 1965, c.  
20 478, §1, is further amended to read:

21 §197. State criminal inspectors; clerks; office ex-  
22 penses

23           The Attorney General is authorized to employ in  
24 his office in addition to the officers named in sec-  
25 tion 196, state criminal inspectors and additional  
26 clerks as the business of his office may demand,  
27 whose appointment and compensation shall be subject  
28 to the Personnel Civil Service Law. He may incur a  
29 reasonable expense for postage, printing, stationery  
30 and other office expenses.

31           Sec. 11. 5 MRSA §242, first ¶ is amended to  
32 read:

33           The Department of Audit shall be organized in the  
34 manner the State Auditor may deem best suited to the  
35 accomplishment of its functions. It shall have such  
36 auditors, assistants and employees as the State Audi-  
37 tor may require, but they shall be subject to the  
38 Personnel law Civil Service Law.

39           Sec. 12. 5 MRSA §246, sub-§1, as enacted by PL  
40 1985, c. 459, Pt. C, §1, is amended to read:

1           1. Position created. There is created within  
2 the Department of Audit the position of fiscal admin-  
3 istrator of the unorganized territory. The fiscal  
4 administrator shall be a person qualified by educa-  
5 tion or experience in the administration of budgets.  
6 The position shall be subject to the Personnel Civil  
7 Service Law.

8           Sec. 13. 5 MRSA §282, 2nd ¶, as amended by PL  
9 1983, c. 477, Pt. E, sub-pt. 22, is further amended  
10 to read:

11           The commissioner may employ such other deputies,  
12 division heads, assistants and employees as may be  
13 necessary, subject to the Personnel Civil Service  
14 Law. In addition, the commissioner may employ a Di-  
15 rector of Compliance to carry out departmental re-  
16 sponsibilities related to: Labor relations and labor  
17 contract compliance; human rights and affirmative ac-  
18 tion compliance; and, audit guidelines and other  
19 3rd-party compliance requirements. The Director of  
20 Compliance shall serve at the pleasure of the commis-  
21 sioner.

22           Sec. 14. 5 MRSA §283, sub-§8, as enacted by PL  
23 1975, c. 322, §1, is amended to read:

24           8. Bureau of Central Computer Services. Bureau  
25 of Central Computer Services, the head of which shall  
26 be the Director of Central Computer Services ap-  
27 pointed subject to the Personnel Civil Service Law.

28           Sec. 15. 5 MRSA §286, sub-§1, as repealed and  
29 replaced by PL 1979, c. 657, is amended to read:

30           1. Board of trustees; regulations. The board of  
31 trustees shall be responsible for the efficient oper-  
32 ation of this group insurance program and is autho-  
33 rized to promulgate such regulations as are necessary  
34 to properly administer the plan, except as otherwise  
35 provided. It may exercise general supervision through  
36 an executive director, who shall be employed pursuant  
37 to the Personnel Civil Service Law.

38           Sec. 16. 5 MRSA §287-A, 2nd ¶, as enacted by PL  
39 1977, c. 564, §13-A, is amended to read:



1           Upon transfer of surplus property to an eligible  
2 recipient, the commissioner shall charge and receive  
3 from ~~said~~ that recipient money sufficient to cover  
4 the acquisition, warehousing, handling, administrative  
5 and delivery costs chargeable to ~~said~~ that prop-  
6 erty. The department shall employ and assign such su-  
7 pervisory and clerical personnel as may be necessary  
8 to carry out this section, subject to the ~~Personnel~~  
9 Civil Service Law.

10           Sec. 17. 5 MRSA §293, as amended by PL 1983, c.  
11 812, §14, is further amended to read:

12           §293. Internship committee

13           The State Government Internship Program Advisory  
14 Committee, established by section 12004, subsection  
15 10, shall serve to further the purposes of the pro-  
16 gram and to provide for broad representation of in-  
17 stitutions of higher learning within Maine and of  
18 State Government. The State Government Internship  
19 Program Advisory Committee shall be comprised of the  
20 President of the Senate and Speaker of the House or  
21 their designated representatives; the Governor or his  
22 designated representative; the ~~Commissioner of~~  
23 Personnel Director of Human Resources; and the Direc-  
24 tor, Bureau of Public Administration. In addition,  
25 one faculty member from each of 4 accredited, degree-  
26 granting institutions of higher learning in the State  
27 shall be appointed by the Director of the Bureau of  
28 Public Administration for 4-year terms, providing  
29 that the initial appointments under this chapter  
30 shall be for one, 2, 3 and 4-year terms. No faculty  
31 member ~~shall~~ may be eligible to succeed himself if he  
32 has served a full 4-year term, nor shall a faculty  
33 member be succeeded by another from the same institu-  
34 tion. Vacancies shall be filled by the director for  
35 the unexpired term. The members of the internship  
36 committee shall organize by electing a chairman and  
37 vice-chairman and shall be compensated as provided in  
38 chapter 379 and as authorized by the Bureau of Public  
39 Administration.

40           Sec. 18. 5 MRSA cc. 51, 53, 55 and 57, as  
41 amended, are repealed.

1           Sec. 19. 5 MRSA §298, 3rd ¶ from the end, as re-  
2 pealed and replaced by PL 1973, c. 622, §1, is  
3 amended to read:

4           The members of the commission shall elect a  
5 chairman who shall preside at all meetings of the  
6 commission when present. The commission shall meet at  
7 least once every 4 months and in addition, may meet  
8 as often as necessary, at such times and places as  
9 the chairman may designate. Any 3 members constitute  
10 a quorum for the exercise of all powers of the com-  
11 mission. The commission may employ, subject to the  
12 ~~Personnel~~ Civil Service Law, such assistance as may  
13 be necessary to properly carry out the duties of the  
14 commission.

15           Sec. 20. 5 MRSA §723, as amended by PL 1983, c.  
16 812, §21, is further amended to read:

17           §723. Educational Leave Advisory Board

18           The Educational Leave Advisory Board, established  
19 by section 12004, subsection 10, shall advise and  
20 consult with the ~~Department of Personnel~~ Office of  
21 Human Resources to review and authorize all educa-  
22 tional leave requests from classified and unclassi-  
23 fied state employees for durations of more than one  
24 week. The board shall consist of 3 members as fol-  
25 lows: The ~~Commissioner of Personnel~~ Director of Human  
26 Resources who shall serve as chairman of the board,  
27 the Commissioner of Educational and Cultural Services  
28 or his designee; and one member who shall be a state  
29 employee appointed by the Governor to serve for a  
30 term of 3 years. Members of the board shall be com-  
31 pensated as provided in chapter 379.

32           Sec. 21. 5 MRSA §783, as amended by PL 1985, c.  
33 388, §2, is further amended to read:

34           §783. Appointment, assignment and promotion of per-  
35           sonnel

36           Officials and supervisory employees shall ap-  
37 point, assign and promote personnel on the basis of  
38 merit and fitness, without regard to race, color, re-  
39 ligious creed, national origin, sex, ancestry, age,  
40 physical handicap or mental handicap, unless related

1 to a bona fide occupational qualification. Each ap-  
2 pointing authority shall designate an affirmative ac-  
3 tion officer. The officer must be so placed within  
4 the agency's organizational structure that he or she  
5 shall have direct access to the appointing authority.  
6 Each department or agency shall prepare an affirma-  
7 tive action program for that department or agency in  
8 accordance with criteria set forth by the State De-  
9 partment of Personnel Office of Human Resources.

10 Sec. 22. 5 MRSA §788, as amended by PL 1985, c.  
11 388, §3, is further amended to read:

12 §788. Office of Human Resources

13 The State Department of Personnel Office of Human  
14 Resources shall take positive steps to insure that  
15 the entire civil service examination and testing pro-  
16 cess, including the development of job specifications  
17 and employment qualifications, is free from either  
18 conscious or inadvertent bias. Furthermore, the De-  
19 partment of Personnel Office of Human Resources will  
20 have the initial responsibility of resolving civil  
21 service conflicts and complaints, changing adminis-  
22 trative procedures when necessary and providing as-  
23 sistance for preparing affirmative action programs.  
24 It is the responsibility of the State Affirmative Ac-  
25 tion Coordinator in the Department of Personnel Of-  
26 ice of Human Resources to monitor the civil service  
27 affirmative action program and insure compliance with  
28 all federal and state regulations.

29 Sec. 23. 5 MRSA §903, sub-§2, as enacted by PL  
30 1981, c. 270, §4, is amended to read:

31 2. Employees not in collective bargaining units.  
32 The Commissioner of Personnel Director of Human  
33 Resources shall adopt rules to implement alternative  
34 working hours employment for persons who are not in  
35 collective bargaining units. Notwithstanding any other  
36 state law, any such rules shall provide for the  
37 proration of any benefits, including retirement bene-  
38 fits, made available to a person employed for  
39 job-sharing and part-time employment, provided that  
40 such the proration is not prohibited by federal law.

41 Sec. 24. 5 MRSA §947, as enacted by PL 1983, c.  
42 729, §4, is repealed.

1           Sec. 25. 5 MRSA §1001, sub-§10, as amended by PL  
2 1983, c. 863, Pt. B, §§41 and 45, is further amended  
3 to read:

4           10. Employee. "Employee" ~~shall~~ ~~mean~~ means any  
5 regular classified or unclassified officer or employ-  
6 ee in a department, including for the purposes of  
7 this chapter, teachers in the public schools, but  
8 shall not include any judge, as defined in Title 4,  
9 section 1201 or 1301, who is now or may be later  
10 entitled to retirement benefits under Title 4, chapter  
11 27 or 29, nor shall it include any member of the  
12 State Police who is now entitled to retirement bene-  
13 fits under Title 25, chapter 195. Persons serving  
14 during any probationary period required under the  
15 ~~Personnel Civil Service~~ Law and rules of the  
16 ~~Personnel Civil Service Appeals~~ Board shall be deemed  
17 regular employees for purposes of this definition. In  
18 all cases of doubt, the board of trustees shall de-  
19 termine whether any person is an employee as defined  
20 in this chapter.

21           Sec. 26. 5 MRSA §1005, sub-§1, as amended by PL  
22 1975, c. 766, §4, is further amended to read:

23           1. Review of statutory amendments. All amend-  
24 ments to this chapter that are proposed to be enacted  
25 by the Legislature shall be reviewed by the board of  
26 trustees, which shall report to the proper legisla-  
27 tive committee or authority on the impact of each  
28 such amendment on the retirement system. Such report  
29 shall state the impact on all aspects of the system,  
30 including the amendment's purposes, the resulting eq-  
31 uitable or inequitable treatment of members, the  
32 funding of the costs of benefits, its consistency  
33 with other provisions of this chapter, and the value  
34 of such amendments to the system. Such report shall  
35 also include a separate evaluation of each amendment  
36 by the actuary and by the ~~Commissioner of Personnel~~  
37 Director of Human Resources, which shall be requested  
38 by the board of trustees and included with their re-  
39 port.

40           Sec. 27. 5 MRSA §1031, sub-§6, as amended by PL  
41 1975, c. 622, §9, is further amended to read:

1           6. Chairman; executive director; employees. The  
2 board of trustees shall elect from its membership a  
3 chairman and shall appoint an executive director who  
4 shall engage such services as shall be required to  
5 transact the business of the retirement system. The  
6 personnel staff of the executive director shall in-  
7 clude employees qualified to administer the payment  
8 of disability benefits under the retirement system  
9 and to investigate applications for disability re-  
10 tirement benefits, or the board of trustees shall au-  
11 thorize the contracting for professional services for  
12 such administration and investigation. All such em-  
13 ployees shall be considered as employees of the State  
14 and subject to all the provisions of state law re-  
15 garding state employees and shall be employed under  
16 the rules ~~and regulations~~ established by the ~~Person-~~  
17 ~~nel Board~~ Office of Human Resources and shall receive  
18 such compensation as is provided by the rules ~~and~~  
19 ~~regulations~~ of the ~~Personnel Board~~ Office of Human  
20 Resources for state employees in similar capacities.  
21 The necessary expenses incurred by the board and ex-  
22 ecutive director in the operation of the retirement  
23 system shall be paid from the funds so allocated. The  
24 board of trustees shall set the salary of the execu-  
25 tive director.

26           Sec. 28. 5 MRSA §1031, sub-§12, ¶D, as amended  
27 by PL 1975, c. 766, §4, is further amended to read:

28           D. The actuary shall determine the equivalent  
29 cash compensation value to the members of the  
30 system of the benefits provided for them by the  
31 retirement system and shall furnish such informa-  
32 tion to the ~~Commissioner of Personnel~~ Director of  
33 Human Resources.

34           Sec. 29. 5 MRSA §1725-A, sub-§3, as enacted by  
35 PL 1983, c. 349, §4, is amended to read:

36           3. Personnel. The director may employ such as-  
37 sistants and employees as are necessary, and distrib-  
38 ute the duties assigned to the division among such  
39 persons as he deems necessary for economy and effi-  
40 ciency of administration. Professional employees  
41 shall be hired as unclassified employees. All other  
42 employees shall be subject to the ~~Personnel~~ Civil  
43 Service Law.

1           Sec. 30. 5 MRSA §1742, sub-§20, ¶C, as enacted  
2 by PL 1983, c. 824, Pt. Y, is amended to read:

3           C. To review and comment to the Legislature and  
4 the Department of Personnel Office of Human  
5 Resources on positions for telecommunications re-  
6 lated personnel requested by state agencies;

7           Sec. 31. 5 MRSA §1852, sub-§4, as enacted by PL  
8 1975, c. 322, §3, is amended to read:

9           4. Data processing personnel. To review and com-  
10 ment to the Legislature and to the Department of  
11 Personnel Office of Human Resources on positions for  
12 data processing personnel requested by state agen-  
13 cies;

14           Sec. 32. 5 MRSA §1903, 3rd ¶, as amended by PL  
15 1983, c. 580, §1, is further amended to read:

16           Appropriate department, agency or institution  
17 heads may request the employment of cooperative edu-  
18 cation students on a form provided by the Department  
19 of Personnel Office of Human Resources. Approval by  
20 the State Personnel Commissioner Director of Human  
21 Resources and the State Budget Officer will consti-  
22 tute approval for a student to be employed. Only co-  
23 operative education programs that require full-time  
24 employment for a period of not less than 10 weeks  
25 shall be included. Cooperative education students  
26 will be classified as project employees and will be  
27 governed by all policies and entitled to all rights  
28 and privileges afforded such employees, except that  
29 they shall be paid at the prevailing minimum wage.

30           Sec. 33. 5 MRSA §3353, as enacted by PL 1969, c.  
31 465, is amended to read:

32           §3353. Executive director, staff

33           The directors shall employ a full-time executive  
34 director who shall employ such additional staff as  
35 necessary with the approval of the directors. The  
36 professional staff shall be unclassified. Clerical  
37 staff shall be employed subject to the Personnel Civil  
38 Service Law.

1       Sec. 34. 5 MRSA §3515, sub-§2, ¶B, as enacted by  
2 PL 1983, c. 176, Pt. A, §3, is amended to read:

3       B. Appoint and remove the staff of the office  
4 and prescribe their duties as may be necessary to  
5 implement the purposes of this chapter. Profes-  
6 sional employees shall be hired as unclassified  
7 employees. All other employees shall be subject  
8 to the ~~Personnel~~ Civil Service Law;

9       Sec. 35. 5 MRSA §4566, sub-§3, as amended by PL  
10 1983, c. 550, §1, is further amended to read:

11       3. Personnel. To appoint a full-time executive  
12 secretary and counsel to the commission, not subject  
13 to the ~~Personnel~~ Civil Service Law, and determine  
14 their remuneration; and to appoint, subject to the  
15 ~~Personnel~~ Civil Service Law, other personnel includ-  
16 ing, but not limited to, investigators, attorneys,  
17 compliance personnel and secretaries, as it shall  
18 deem necessary to effectuate the purposes of this  
19 Act;

20       Sec. 36. 5 MRSA §5004, sub-§3, ¶B, as repealed  
21 and replaced by PL 1975, c. 587, §1, is amended to  
22 read:

23       B. Appoint and remove the staff of the office  
24 and prescribe their duties as may be necessary to  
25 implement the purposes of this chapter. Profes-  
26 sional employees shall be hired as unclassified  
27 employees. All other employees shall be subject  
28 to the ~~Personnel~~ Civil Service Law.

29       Sec. 37. 5 MRSA c. 372 is enacted to read:

30                               CHAPTER 372

31                               STATE CIVIL SERVICE SYSTEM

32                               SUBCHAPTER I

33                               STRUCTURE AND AUTHORITY

34                               ARTICLE I

35                               OFFICE OF HUMAN RESOURCES

1       §7031. Purpose and mission

2           The Legislature finds that State Government is  
3 the largest single employer in the State and has a  
4 substantial impact, not only upon the growth and de-  
5 velopment of the State, but also with respect to po-  
6 licies that directly affect Maine citizens. The Leg-  
7 islature further finds that state employees are a  
8 valuable human resource who possess valuable skills  
9 and knowledge necessary to the effective operation of  
10 State Government and to the general health, safety  
11 and welfare of Maine citizens.

12           The Legislature further finds that it is essen-  
13 tial to the welfare of all Maine citizens for state  
14 employees to undertake their duties and responsibili-  
15 ties in a conscientious, dependable and enthusiastic  
16 manner. It is also of vast importance to the effi-  
17 cient and effective operation of State Government  
18 that all qualified Maine citizens have fair and equal  
19 opportunity to enter the service of State Government  
20 on the basis of merit and to work free from the  
21 forces of favoritism, nepotism and political patron-  
22 age.

23           To achieve these goals, it is vital that the per-  
24 sonnel administrative organization of State Govern-  
25 ment recognize and nurture the talents, contributions  
26 and potential of state employees.

27           It is the intent of the Legislature to establish  
28 the Office of Human Resources as the civil service  
29 administrative organization of State Government which  
30 shall act as a service organization to respond quick-  
31 ly and effectively to the needs of state employees  
32 and state agencies. It is also the intent of the  
33 Legislature that the Office of Human Resources oper-  
34 ate much less in a restrictive capacity and much more  
35 flexibly to expedite the duties and responsibilities  
36 of state employees and state agencies. The primary  
37 goal of the Office of Human Resources shall be ser-  
38 vice to state employees and state agencies.

39       §7032. Definitions

40           As used in this chapter, unless the context oth-  
41 erwise indicates, the following terms have the fol-  
42 lowing meanings.



1           1. Appeals board. "Appeals board" means the  
2           State Civil Service Appeals Board.

3           2. Appointing authority. "Appointing authority"  
4           means the officer, board, commission, person or group  
5           of persons having the power by virtue of the Consti-  
6           tution of Maine, a statute or lawfully delegated au-  
7           thority to make appointments.

8           3. Classified service. "Classified service"  
9           means all offices and positions of trust and employ-  
10           ment in state service, except those placed in the un-  
11           classified service by chapter 71.

12           4. Director. "Director" means the Director of  
13           Human Resources.

14           5. Eligible register. "Eligible register" means  
15           any book or other type of record or list on which the  
16           names of persons are placed who are qualified for the  
17           specific job classification for which the register is  
18           created.

19           6. Employee. "Employee" means any person hold-  
20           ing a position subject to appointment by an appoint-  
21           ing authority.

22           7. Policy Review Board. "Policy Review Board"  
23           means the Policy Review Board, Office of Human Re-  
24           sources.

25           8. Resident. "Resident" means a person who is  
26           domiciled in this State.

27           §7033. Office of Human Resources; established

28           1. Goals and objectives. The Office of Human  
29           Resources is established as the administrative agency  
30           for state civil service matters and as a service  
31           agency to state agencies and departments. In addi-  
32           tion to any other goals and objectives established in  
33           this chapter, the Office of Human Resources shall  
34           strive to:

35           A. Establish within State Government a high con-  
36           cern for state employees as people;

- 1           B. Provide managers with the skills and knowl-  
2           edge needed to manage people effectively with  
3           particular emphasis on "people soundness;"
- 4           C. Establish a civil service system that pro-  
5           vides State Government with highly qualified and  
6           motivated employees;
- 7           D. Encourage state employees to realize their  
8           potential and thereby increase the quality of  
9           service;
- 10          E. Establish itself as a service agency to as-  
11          sist other agencies and departments of State Gov-  
12          ernment to perform their duties in an efficient  
13          and quality manner;
- 14          F. Preserve the integrity of the civil service  
15          system; and
- 16          G. Establish a civil service system with suffi-  
17          cient flexibility to adopt new technologies, pro-  
18          cedures and policies in order to respond quickly  
19          and effectively to the needs of state agencies  
20          and employees.

21        §7034. Office of Human Resources; duties

22           The Office of Human Resources shall be responsi-  
23           ble for the administration of the civil service sys-  
24           tem of State Government. The office shall:

25           1. Act in a professional, courteous manner.  
26           Perform its duties in a highly professional and help-  
27           ful manner;

28           2. Cooperate with agencies. Cooperate with  
29           agencies and work closely with all state agencies  
30           with respect to the personnel needs and matters of  
31           each agency;

32           3. Respond quickly to requests. Act expedi-  
33           tiously upon requests of state agencies and state em-  
34           ployees with respect to civil service matters;

35           4. Provide managerial training. Provide train-  
36           ing in management and supervision to all persons who

1 enter into management and supervisory positions in  
2 State Government and provide management and supervi-  
3 sory training on a periodic basis to ensure that man-  
4 agerial and supervisory personnel are knowledgeable  
5 of the most current management theories and prac-  
6 tices.

7 Managerial and supervisory training shall include,  
8 among other factors, training in employee evaluation;

9 5. Establish and update registers. Establish  
10 and update, at least annually, all registers of eli-  
11 gibility in the classified service;

12 6. Review applications. Review applications for  
13 positions in State Government and determine the eli-  
14 gibility of the applicants in an expeditious manner;  
15 and

16 7. Implementation. Implement, in a conscien-  
17 tious manner, the tasks and duties assigned by the  
18 director.

19 The Office of Human Resources shall not assign a  
20 score for experience.

21 §7035. Director of Human Resources

22 The Director of Human Resources shall be quali-  
23 fied by education and experience in the administra-  
24 tion of personnel systems and in human resource man-  
25 agement. The director shall not be a member of the  
26 Governor's cabinet. The Governor, following consul-  
27 tation with the Policy Review Board, shall appoint,  
28 subject to review by the joint standing committee of  
29 the Legislature having jurisdiction over State Gov-  
30 ernment and to confirmation by the Legislature, the  
31 Director of Human Resources, who shall serve a term  
32 coterminous with the term of the Governor and shall  
33 serve until his successor has been appointed and  
34 qualified. Specifically, the director shall meet the  
35 following qualifications:

36 1. Education and experience in personnel sys-  
37 tems. An educational background and experience in  
38 personnel systems, public or private, to include,  
39 among other factors, the following:

1           A. Training, knowledge and experience in the de-  
2           sign of job classification systems;

3           B. Knowledge, training and experience in the de-  
4           sign of job performance evaluation systems;

5           C. Knowledge, training and experience in the de-  
6           sign of job compensation systems; and

7           D. Knowledge, training and experience in the de-  
8           sign of career training programs for employees  
9           and the design of management and supervisory  
10          training programs;

11          2. Restricted political activity. The provi-  
12          sions in section 7056, as they relate to the politi-  
13          cal activities of employees in the classified ser-  
14          vice; and

15          3. Record of achievement. An outstanding record  
16          of achievement of at least 5 years in the administra-  
17          tion of a personnel or human resource system.

18          §7036. Duties of the director

19          The Director of Human Resources shall be respon-  
20          sible for the administration of this chapter. In  
21          carrying out his duties and responsibilities, the di-  
22          rector shall:

23          1. Develop administrative procedures. Develop  
24          administrative procedures which are not subject to  
25          the Maine Administrative Procedure Act, chapter 375,  
26          with respect to the internal management of the office  
27          and the interaction of the office with other state  
28          agencies;

29          2. Develop training programs. Develop and im-  
30          plement training programs for managerial and supervi-  
31          sory personnel to ensure that managers and supervi-  
32          sors have the skills and knowledge needed to manage  
33          people effectively.

34          The costs of the training programs shall be borne by  
35          the individual departments in accordance with a for-  
36          mula devised by the director and the Policy Review  
37          Board;

1       3. Develop career information. Develop and dis-  
2 tribute brochures to provide periodic seminars to  
3 state employees that provide information regarding:

4       A. Careers available in State Government;

5       B. Job descriptions of the different careers or  
6 job classifications;

7       C. Basic qualifications for and requirements of  
8 the careers or job classifications; and

9       D. The process by which a person obtains addi-  
10 tional information about and applies for differ-  
11 ent positions in the classified service;

12       4. Be responsible for the development and imple-  
13 mentation of the system of registers of eligibles.  
14 Be responsible for the development and use of regis-  
15 ters of eligibles and the updating of these registers  
16 in accordance with policies and procedures approved  
17 by the Policy Review Board.

18       The director shall implement the procedures autho-  
19 riized by this subsection with the goal to establish  
20 an efficient hiring process that meets the satisfac-  
21 tion of the agencies that the office serves;

22       5. Develop and oversee the job application pro-  
23 cess. Develop and oversee the administration of the  
24 job application process in accordance with policies  
25 and procedures approved by the Policy Review Board  
26 with the goal to establish a very efficient process  
27 that meets the needs established in subsection 4;

28       6. Work closely with state agencies. Work  
29 closely and cooperate with state agencies with re-  
30 spect to personnel matters and personnel needs of  
31 state agencies and state employees. Personnel mat-  
32 ters and personnel needs include, but are not limited  
33 to, the following:

34       A. Requests of state agencies' lists of eligible  
35 persons to fill vacant or new positions;

36       B. Requests of state agencies for  
37 reclassifications and reallocations of positions;

1           C. Requests of state employees for information  
2           about job opportunities in State Government; and

3           D. Requests of state employees for job  
4           reclassifications and reallocations.

5           The director shall, at least once a year, meet with  
6           the commissioners and directors of other state agen-  
7           cies to discuss, individually, the personnel needs  
8           and problems of each state agency and proposed solu-  
9           tions that may be offered by the various agencies.  
10          The director shall also discuss with each agency any  
11          future changes to the civil service system that the  
12          director or the Policy Review Board intend to pro-  
13          pose;

14           7. Establish and implement a job performance  
15          evaluation process. Establish and implement, in ac-  
16          cordance with policies and procedures approved by the  
17          Policy Review Board, an employee job performance  
18          evaluation process to be used by all agencies with  
19          employees in the classified service. The job per-  
20          formance evaluation procedure shall use the same form  
21          for all classified service employees and shall ex-  
22          clude numeric ratings;

23           8. Respond to requests of applicants for infor-  
24          mation concerning their qualifications for positions  
25          in State Government. Respond to requests of appli-  
26          cants and provide information to the applicants with  
27          respect to their qualifications, including their test  
28          scores, strengths of the applicants, weaknesses of  
29          the applicants, areas in need of improvement and the  
30          means by which the applicants may improve qualifica-  
31          tions;

32           9. Undertake long-term and short-term planning.  
33          Undertake long-term and short-term planning with re-  
34          spect to the needs of the civil service system within  
35          the ensuing year and in the next 5 years. The direc-  
36          tor shall focus on the types of positions, qualifica-  
37          tions and requirements for these positions, technolo-  
38          gies and types of procedures necessary to maintain an  
39          efficient, modern, comprehensive, conscientious and  
40          effective state employee labor force;

1       10. Investigate complaints. Investigate com-  
2 plaints and problems relating to the administration  
3 and operation of the civil service system and inform  
4 the joint standing committee of the Legislature hav-  
5 ing jurisdiction over State Government of any legis-  
6 lation necessary to resolve the problems;

7       11. Coordinate and use State Government ser-  
8 vices. Coordinate and use the services available to  
9 State Government to create an effective, motivated  
10 state employee labor force, including the services of  
11 the Maine Job Service; the Welfare Employment, Educa-  
12 tion and Training, WEET, program of the Department of  
13 Human Services; and any other services that are ap-  
14 propriate to the purpose of the Office of Human Re-  
15 sources;

16       12. Evaluate the operation of the civil service  
17 system. Evaluate the operation of the civil service  
18 system and report its findings to the joint standing  
19 committee of the Legislature having jurisdiction over  
20 State Government by October 15th of each year. This  
21 report shall include, at a minimum, the following:

22       A. The turnover rate in the state employee labor  
23 force for the classified and the unclassified  
24 services for the previous fiscal year;

25       B. The turnover rate for each job classification  
26 for the previous fiscal year;

27       C. The total number and disposition of job re-  
28 classification requests, which shall also indi-  
29 cate the period of time for a final decision for  
30 each request;

31       D. The number of vacancies, occurring in the  
32 previous fiscal year, which required recruitment  
33 of personnel and the length of time required to  
34 fill each vacancy. The time period shall be mea-  
35 sured from the time of notice of departure,  
36 transfer or promotion of the previous incumbent  
37 to the successor's assumption of the position;

38       E. The reason for the occurrence of each vacancy  
39 that occurred in the previous fiscal year to in-  
40 clude job promotion, problems with management and  
41 any other causes for the vacancies; and

1           F. The training programs instituted by the of-  
2           office and the number of persons completing these  
3           programs in the previous fiscal year;

4           13. Employ staff and other assistance. Employ  
5           staff who shall be employed in the classified service  
6           in accordance with the civil service law. Persons in  
7           managerial and policy-influencing positions shall be  
8           unclassified and shall serve at the pleasure of the  
9           director. The classified and unclassified employees  
10           in the Office of Human Resources shall comply with  
11           section 7056, defining the political activities in  
12           which the employees may engage. All managerial  
13           policy-influencing and professional employees in the  
14           office shall be qualified by education, training and  
15           experience in the administration of personnel sys-  
16           tems;

17           14. Prepare a budget. Prepare a budget for the  
18           administration and operation of the Office of Human  
19           Resources in accordance with the provisions of law  
20           that apply to departments of State Government;

21           15. Meet with Policy Review Board. Meet with  
22           the Policy Review Board and provide any information  
23           and assistance necessary for the operation of the  
24           board;

25           16. Adopt rules. Adopt rules in accordance with  
26           the Maine Administrative Procedure Act, chapter 375,  
27           with respect to:

28           A. Provisional, emergency, exceptional and tem-  
29           porary appointments;

30           B. Leave of absence, resignation, hours of ser-  
31           vice, vacation and sick leave;

32           C. Personnel records;

33           D. Suspension, lay off, dismissal and demotion;

34           E. Promotion in the classified service;

35           F. Probationary periods; and

36           G. Certification of payrolls;



1           17. Records. Keep a full and complete record of  
2 adjudicatory proceedings, including hearings on mat-  
3 ters of classification, reclassification or alloca-  
4 tion, in accordance with the Maine Administrative  
5 Procedure Act, sections 9059 and 9061, and to keep a  
6 record of votes taken in rule-making proceedings in  
7 accordance with the Maine Administrative Procedure  
8 Act, section 8056 and to keep full and complete min-  
9 utes of investigatory hearings. These records and  
10 minutes shall be open to public inspection unless  
11 otherwise provided by law;

12           18. Hearings. In the course of any investiga-  
13 tions under chapters 56, 60, 65, 67, 71 and this  
14 chapter, hold hearings for the purpose of gathering  
15 information. The hearings are not adjudicatory pro-  
16 ceedings under the Maine Administrative Procedure  
17 Act, chapter 375. In conjunction with the hearings,  
18 he may administer oaths and subpoena and require the  
19 attendance of witnesses and the production thereby of  
20 books, papers, public records and other documentary  
21 evidence pertinent to the investigation.

22 In case of the refusal of any person to comply with  
23 any subpoena issued under this subsection or to tes-  
24 tify to any matter regarding which he may be lawfully  
25 interrogated, the Superior Court in any county on ap-  
26 plication of the commissioner may issue an order re-  
27 quiring that person to comply with the subpoena and  
28 to testify; and any failure to obey the order of the  
29 court may be punished by the court as a contempt of  
30 the court; and

31           19. Contract and enter into agreements. Enter  
32 into contracts and agreements to achieve the purposes  
33 of this chapter.

34 §7037. Collective bargaining negotiations prohibited

35 No official or employee of the Office of Human  
36 Resources may enter into or engage in any form of  
37 collective bargaining negotiations with any organiza-  
38 tion representing state employees. No official or  
39 employee of the Office of Human Resources may be a  
40 member or employee of or a participant in any depart-  
41 ment, agency or organization of State Government that  
42 participates in, engages in or enters into collective

1 bargaining agreements with any organization repre-  
2 senting employees. No person who is an employee or  
3 official of or a participant in collective bargaining  
4 agreements with any organization representing state  
5 employees or who fails to meet the provisions of sec-  
6 tion 7056 may be an employee or official of the Of-  
7 ice of Human Resources.

8 §7038. Communications between management and employ-  
9 ees

10 The director shall be responsible for the devel-  
11 opment and monitoring of a communications' process  
12 between management and subordinate employees in each  
13 agency of State Government.

14 1. Factors to be considered. In the development  
15 of a communications' process for each agency, the di-  
16 rector shall:

17 A. Consider the uniqueness and the responsibili-  
18 ties of each agency;

19 B. Consider the valuable information that  
20 nonsupervisory employees may contribute to the  
21 operation of each agency;

22 C. Consider the means, including confidentiality  
23 of identity, by which nonsupervisory employees  
24 may communicate information about department po-  
25 licies, procedures and practices to the manage-  
26 ment without intimidation or fear of reprisal  
27 from management;

28 D. Consider the need for communication between  
29 supervisory personnel and policy-influencing per-  
30 sons which is necessary for the efficient and ef-  
31 fective implementation of department policies and  
32 procedures;

33 E. Consider employee evaluation of supervisors  
34 as a means of improving supervisory skills and  
35 management-employee relations;

36 F. Consider the means by which professional and  
37 nonprofessional employees discuss issues of mutu-  
38 al concern on a regular basis;

1 G. Emphasize an approach that promotes coopera-  
2 tion between management and nonsupervisory per-  
3 sonnel; and

4 H. Any other variable considered by the director  
5 to be important to the process.

6 2. Prohibitions. Any department policy, prac-  
7 tice or procedure that any agency of State Government  
8 adopts or implements and which discriminates against  
9 persons for reasons other than merit, special skills  
10 or job qualifications or reasons authorized under  
11 collective bargaining agreements is void.

12 3. Communication on a regular basis. Any commu-  
13 nications' process established pursuant to this sec-  
14 tion shall function on a regular basis.

15 4. Penalty for failure to comply. The Commis-  
16 sioner of Finance and Administration shall not autho-  
17 rize payment of any debts or liabilities of a depart-  
18 ment or salaries of persons in policy-influencing po-  
19 sitions in a department or agency which, upon written  
20 notification by the director, is not in compliance  
21 with this section.

22 §7039. Civil Service Law

23 The Civil Service Law shall consist of chapters  
24 56, 60, 65, 67, 71 and this chapter. Whenever refer-  
25 ence is made in statute or rule to the Civil Service  
26 Law, the chapters delineated in this section shall  
27 apply.

28 ARTICLE II

29 POLICY REVIEW BOARD

30 §7041. Policy Review Board; establishment; member-  
31 ship; compensation

32 1. Establishment. The Policy Review Board, Of-  
33 fice of Human Resources, as authorized by chapter  
34 379, is established to advise and assist the Director  
35 of Human Resources and to participate in specific  
36 policy-making activities.

1           2. Appointment and membership. The board shall  
2 consist of members appointed by the Governor. Four  
3 members shall be persons well qualified by experi-  
4 ence, training and education in personnel systems in  
5 the private sector. Four members shall be commis-  
6 sioners of departments of State Government. The 9th  
7 member shall be a public member who has demonstrated  
8 an active interest in personnel management issues and  
9 who has not been involved in a state civil service  
10 agency.

11           3. Term of office. The term of office of the  
12 private sector members and the public member shall be  
13 3 years, except for the first appointed members. Of  
14 the first appointed members, one member representing  
15 the private sector shall serve a term of one year, 2  
16 members representing the private sector shall serve  
17 an initial term of 2 years and one private sector  
18 member and the public member shall serve initial  
19 terms of 3 years. Thereafter, these members shall be  
20 appointed for 3-year terms.

21 Upon expiration of a member's term, he shall serve  
22 until his successor is qualified and appointed. Any  
23 vacancy shall be filled by appointment for the unex-  
24 pired term. Any member may be removed for cause  
25 which shall include excessive absences from meetings  
26 of the board. Excessive absence shall be defined by  
27 the board.

28           4. Meetings. The board shall meet at least once  
29 a month. Additional meetings shall be held as neces-  
30 sary to conduct the business of the board and may be  
31 convened at the call of the chairman or a majority of  
32 members. The board shall annually elect a chairman.

33           5. Compensation. Private sector members and the  
34 public sector member shall be compensated in accord-  
35 ance with chapter 379.

36           6. Quorum. A majority of the voting members of  
37 the board shall constitute a quorum. No action may  
38 be taken by the board except by affirmative vote of  
39 the majority of those present and voting.

40 §7042. Duties and responsibilities of the Policy Re-  
41 view Board

1           The Policy Review Board shall advise the director  
2 with respect to the policies and procedures adopted  
3 and implemented by the director. The board shall  
4 assist the director in monitoring and evaluating  
5 these policies and procedures. The board in conjunc-  
6 tion with the director shall undertake the following  
7 policy-making tasks:

8           1. Longevity incentives. A study of longevity  
9 incentives, including the establishment of senior  
10 nonsupervisory positions and other positions into  
11 which dependable hardworking and productive state em-  
12 ployees may be promoted after a number of years fol-  
13 lowing attainment of the highest pay step in the pay  
14 range to which their job classifications are as-  
15 signed. Other incentives for study include:

16           A. Expanded pay ranges with more steps and  
17 greater intervals between pay steps;

18           B. Increased differentials between pay ranges;  
19 and

20           C. Expanded pay ranges with the same number of  
21 steps spread out over more time;

22           2. Review job classifications with recruitment  
23 and retention problems. A review and analysis of job  
24 classifications for which the recruitment or reten-  
25 tion of employees is difficult. The Policy Review  
26 Board shall delineate the job classifications with  
27 recruitment and retention problems on an annual basis  
28 and:

29           A. Develop policies and procedures by which  
30 these classifications are made subject to direct  
31 hire by appointing authorities; and

32           B. Develop policies and procedures for removal  
33 of positions made subject to direct hire authori-  
34 ty by this section when the reasons for the re-  
35 cruitment and retention problems have been re-  
36 solved and the problems no longer exist;

37           3. Examine training and educational policies of  
38 agencies. Examine educational leave and training po-  
39 licies and procedures of each department and make

1 recommendations that will further career incentives  
2 and employee motivation in each department.

3 The recommendations pursuant to this subsection shall  
4 include an evaluation of a policy requiring each de-  
5 partment to budget in its Part I budget sufficient  
6 money for educational and training purposes that meet  
7 the objectives in this subsection;

8 4. Examine the job reclassification and reallo-  
9 cation process. Examine the job reclassification and  
10 reallocation policies and procedures with the purpose  
11 of proposing recommendations that will motivate state  
12 employees to be conscientious and enterprising.

13 The recommendations pursuant to this subsection shall  
14 include an evaluation of a policy requiring each de-  
15 partment to budget sufficient money for job  
16 reclassifications and reallocations to pay department  
17 employees immediately following a decision that  
18 upgrades their wages or salaries. This evaluation  
19 shall include a procedure by which each department  
20 shall budget sufficient money to fund job  
21 reclassifications and reallocations;

22 5. Examine the job performance evaluation pro-  
23 cess. Examine the job performance evaluation process  
24 with the purpose of proposing recommendations that  
25 will make job performance evaluation meaningful and  
26 effective. The recommendations pursuant to this sub-  
27 section shall include an evaluation of a policy that:

28 A. Establishes a standard nonnumeric rating pro-  
29 cedure that is minimally dependent upon subjective  
30 evaluation;

31 B. Establishes a simple, uncomplicated perform-  
32 ance evaluation form and procedure that applies  
33 to all state employees;

34 C. Requires managers and supervisors on a regu-  
35 lar basis to mutually discuss the job tasks and  
36 responsibilities of each job classification with  
37 each person performing the job with the purpose  
38 of creating mutual agreement about the job tasks  
39 and goals to be achieved;

1 D. Requires managers and supervisors to discuss  
2 with their subordinates the subordinates'  
3 strengths, weaknesses and areas in need of im-  
4 provement; and

5 E. Provides for evaluation of managers and su-  
6 pervisors by their subordinates to improve the  
7 quality of management and supervision in each de-  
8 partment. Any procedure recommended for the  
9 evaluation of managers and supervisors provides  
10 confidentiality to the evaluators;

11 6. Examine confidential and supervisory pay  
12 ranges. Examine the pay ranges of confidential and  
13 supervisory state employees with the purpose of pro-  
14 posing recommendations that will:

15 A. Establish proper pay ranges for these posi-  
16 tions consistent with the duties and responsibil-  
17 ities of these positions compared with the duties  
18 and responsibilities of other job classifica-  
19 tions, particularly those classifications for  
20 which persons in confidential and supervisory po-  
21 sitions act as supervisors or managers; and

22 B. Establish a mechanism by which the pay range  
23 of a confidential or supervisory classification  
24 will be adjusted whenever a job reclassification,  
25 job reallocation or a pay increase occurs which  
26 creates an inconsistency in the pay range of a  
27 confidential or supervisory position or classifi-  
28 cation;

29 7. Study acting capacity positions. Study act-  
30 ing capacity positions with the purpose of proposing  
31 recommendations that provide status, including, but  
32 not limited to, experience, pay step increases, ap-  
33 plication for the position upon the termination of  
34 the acting capacity status of the position, fringe  
35 benefits and any other factors deemed relevant by the  
36 Policy Review Board;

37 8. Rules. Advise the director with respect to  
38 rules adopted pursuant to section 7036, subsection  
39 16, and provide the director with written recommenda-  
40 tions concerning the proposed rules. The written  
41 recommendations shall also be sent to the joint

1 standing committee of the Legislature having juris-  
2 isdiction over State Government with an explanation of  
3 the reasons for the recommendations;

4 9. Report to the Legislature. Report to the  
5 joint standing committee of the Legislature having  
6 jurisdiction over State Government, on December 15th  
7 of each year with respect to:

8 A. The activities and accomplishments of the  
9 Policy Review Board;

10 B. The problems and needs of the civil service  
11 system; and

12 C. Proposed solutions to these problems and  
13 needs; and

14 10. Report findings and implementing legisla-  
15 tion. Report findings and implementing legislation  
16 relating to subsections 1 to 7, to the joint standing  
17 committee of the Legislature having jurisdiction over  
18 State Government, no later than January 1, 1987.

19 SUBCHAPTER II

20 EMPLOYMENT POLICIES, PRACTICES AND RESTRICTIONS

21 ARTICLE I

22 CITIZENSHIP, RESIDENCY, HIRING PRACTICES  
23 AND VETERANS' PREFERENCE

24 §7051. General provisions

25 The following provisions apply to the classified  
26 and unclassified services or to the specific services  
27 as specified in this section.

28 1. Citizenship. Employees holding technical or  
29 professional positions involving formulation, execu-  
30 tion or review of broad public policy shall be citi-  
31 zens of the United States. This requirement may be  
32 waived by the director on an individual basis when  
33 there exist compelling reasons for the waiver.



1           2. Maine citizens' preference. In making ap-  
2 pointments to or recruiting for any position on an  
3 open competitive basis in the classified service,  
4 preference shall be given to residents of this State.

5 When names are certified for a position in state ser-  
6 vice, Maine residents shall be certified ahead of all  
7 nonresidents. Nonresident eligibles, placed upon  
8 registers under relevant statutory provisions of this  
9 section, may be certified when there is an insuffi-  
10 cient number of qualified Maine residents.

11           3. Discrimination prohibited. In carrying out  
12 this chapter, no discrimination may be made on ac-  
13 count of political or religious opinions or affilia-  
14 tions or because of race or national origin, sex or  
15 marital status or age or physical disability, unless  
16 based upon a bona fide occupational qualification.

17           4. Hiring and promoting neutrality. The final  
18 decision of whether a person will be hired or pro-  
19 moted by the State may not be made in part or wholly  
20 by a person related to the job candidate by consan-  
21 guinity or affinity within the 4th degree. The di-  
22 rector by rules shall insure that this section will  
23 not deprive any applicant or employee of full consid-  
24 eration for hiring or promotion.

25           5. Employees in military service; substitutes.  
26 Whenever any employee, regularly employed in other  
27 than a temporary position for a period of at least 6  
28 months by the State or by any department, bureau,  
29 commission or office of the State, or by the Univer-  
30 sity of Maine, vocational-technical institutes, Maine  
31 School Building Authority, Maine Turnpike Authority,  
32 Finance Authority of Maine or any other state or  
33 quasi-state agency, or by any county, municipality,  
34 township or school district within the State shall in  
35 time of war, contemplated war, emergency or limited  
36 emergency, enlist, enroll, be called or ordered or be  
37 drafted into the Armed Forces of the United States or  
38 any branch or unit thereof, or shall be regularly  
39 drafted under federal manpower regulations, he shall  
40 not be deemed or held to have thereby resigned from  
41 or abandoned his employment, nor shall he be remov-  
42 able during the period of his service. "Temporary,"  
43 for the purpose of this section means employment

1 based on a seasonal or on-call basis or employment  
2 based on a contract of less than 6 months' duration.

3 A. An employee subject to this section, while in  
4 the Armed Forces of the United States or still  
5 employed after draft under federal manpower regu-  
6 lations, shall be considered as on leave of ab-  
7 sence without pay and, for the purpose of comput-  
8 ing time in regard to pension rights, annual and  
9 sick leave accumulation and seniority, shall be  
10 considered during the period of his federal ser-  
11 vice as in the service of the governmental agency  
12 by which he was employed at the time of his entry  
13 into federal service. The employee, if he re-  
14 ports for duty within a 90-day period from the  
15 date of separation under conditions other than  
16 dishonorable from the Armed Forces of the United  
17 States or if receiving treatment in a hospital at  
18 the time of his separation, he reports for duty  
19 within 90 days from his discharge from the hospi-  
20 tal, shall:

21 (1) If still qualified to perform the du-  
22 ties of that position, be restored to that  
23 position or to a position of like seniority,  
24 status and pay; or

25 (2) If not qualified to perform that posi-  
26 tion by reason of disability sustained dur-  
27 ing service, but qualified to perform duties  
28 of any other position in the employ of his  
29 preservice employer, be restored to such  
30 other position the duties of which he is  
31 qualified to perform as will provide him  
32 like seniority, status and pay, or the near-  
33 est approximation consistent with the cir-  
34 cumstances in his case.

35 B. Any employee restored to a position under  
36 this section shall not be discharged from that  
37 position without cause within one year after res-  
38 toration to that position.

39 C. This section shall apply to any such employee  
40 entering the Armed Forces of the United States  
41 under Public Law 759 80th Congress (Selective  
42 Service Act of 1948) or while said Public Law 759

1 or any amendment thereto or extension thereof  
2 shall be in effect.

3 D. Rights to reemployment, credits toward re-  
4 irement under the Maine State Retirement System  
5 and vacation or sick leave accumulation shall not  
6 be allowed beyond the period of the first enlist-  
7 ment or induction, but in no event beyond 4 years  
8 from the date of his original call to active duty  
9 in the Armed Forces of the United States, except  
10 if his return to active duty in the Armed Forces  
11 or the extension of his period of service beyond  
12 4 years is required by some mandatory provision  
13 and he shall present proof satisfactory to the  
14 agency concerned.

15 E. When a permanent classified employee is on  
16 extended leave, a substitute may be employed,  
17 subject to personnel rules, until return or sepa-  
18 ration of the incumbent.

19 6. Probationary period; permanent appointments.  
20 All original appointments to the classified service  
21 and all subsequent promotional appointments within  
22 the classified service shall be for a probationary  
23 period. The duration of the probationary period  
24 shall be determined by the director in consultation  
25 with the director or commissioner of the agency, but  
26 in no case may it be for less than 2 months.

27 7. Temporary and provisional appointments.  
28 Whenever it is impossible to certify eligible persons  
29 for appointment to a vacancy in the classified ser-  
30 vice, the appointing authority may nominate a person  
31 to be the director. If the nominee is found by the  
32 director to have had experience and training which  
33 appear to qualify him for the position, he may be  
34 temporarily appointed to fill the vacancy in accord-  
35 ance with policies and procedures developed by the  
36 director and the Policy Review Board.

37 A. The director may make a provisional appoint-  
38 ment to fill a technical or professional position  
39 which requires a specialized knowledge or train-  
40 ing to carry out the duties of the position, and  
41 which cannot be filled from the eligible regis-  
42 ter.

1           B. The director and Policy Review Board shall  
2           establish a policy to protect persons in tempo-  
3           rary positions from remaining in a temporary po-  
4           sition for an unreasonable period of time, not to  
5           exceed one year, as determined by the board.

6           C. The director may authorize, without requiring  
7           competitive tests, the appointment of unskilled  
8           laborers or persons engaged in custodial and do-  
9           mestic work in state institutions or departments.

10           8. Dismissal and disciplinary action. An ap-  
11           pointing authority may dismiss, suspend or otherwise  
12           discipline an employee for cause. This right is sub-  
13           ject to the right of appeal and arbitration of griev-  
14           ances set forth in sections 7081 to 7084 or by civil  
15           service rule; and sections 7081 to 7084 shall apply  
16           to any employee who has satisfactorily completed an  
17           initial probationary period. This subsection does  
18           not apply to an employee appointed to a major  
19           policy-influencing position listed in sections 932 to  
20           953.

21           Notwithstanding any other provision of law, the head  
22           of any institution under the control of the Depart-  
23           ment of Mental Health and Mental Retardation as the  
24           appointing authority may suspend with pay any employ-  
25           ee who is charged by indictment with the commission  
26           of a criminal offense involving acts alleged to have  
27           been perpetrated upon any resident or residents of  
28           any such institution. Any suspension with pay may  
29           be authorized by the appointing authority only when  
30           to permit the employee to remain on duty at the in-  
31           stitution would be against the best interest of any  
32           one or more of the residents of the institution, and  
33           authorization for suspension with pay shall apply on-  
34           ly during the pendency of the criminal proceedings in  
35           the trial court, but not longer than 30 working days.  
36           Sections 7081 to 7084 shall not apply to suspension  
37           with pay ordered by the appointing authority under  
38           this paragraph.

39           §7052. Appointments and promotions

40           Appointments to and promotions in the classified  
41           service shall be made according to merit and fitness,  
42           from eligible lists developed by the director pursu-

1 ant to procedures and policies established by the di-  
2 rector and the Policy Review Board. No person may be  
3 appointed, transferred, promoted or reduced as an of-  
4 ficer, clerk or employee or laborer in the classified  
5 service in any manner or by any means other than  
6 those prescribed by law or rule pursuant to this  
7 chapter.

8 §7053. Intermittent employees

9 It is the policy of the State to permit all em-  
10 ployees of the State to participate to the fullest  
11 extent possible in the benefits of the civil service  
12 system for classified and unclassified employees.  
13 This policy shall be extended to full-time, part-  
14 time, intermittent and all other categories of em-  
15 ployees.

16 The Director of Human Resources shall, not later  
17 than the effective date of this section, adopt rules  
18 to assure the attainment of this policy for intermit-  
19 tent employees. At a minimum, the rules shall:

20 1. Define intermittent positions. Define inter-  
21 mittent positions and shall in the definition limit  
22 the use of any position to employment for not more  
23 than 19 hours a week or 25 weeks a year;

24 2. Eligibility provisions. Provide that a per-  
25 son who has been employed in an intermittent position  
26 for more than 1,040 hours shall:

27 A. Be eligible to accrue and use vacation and  
28 sick leave days at the same rate, pro rata, as  
29 full-time state employees;

30 B. Be eligible to receive holiday pay at the  
31 same rate, pro rata, at the same rate as full-  
32 time state employees, provided that the intermit-  
33 tent employee works on the days before and after  
34 the holiday;

35 C. Be eligible to receive an increase in salary  
36 to the next step on the same basis as full-time  
37 employees, that is, after completing 2,080 hours  
38 of work;

1 D. Be considered a classified employee for the  
2 purposes of:

3 (1) Eligible registers;

4 (2) Classification of positions;

5 (3) The compensation plan;

6 (4) Promotion in the classified service;

7 (5) Provisional, emergency, exceptional and  
8 temporary appointments;

9 (6) Probationary period;

10 (7) Transfer;

11 (8) Reinstatement;

12 (9) Demotion;

13 (10) Suspension, layoff and dismissal;

14 (11) Leave of absence and resignation;

15 (12) Personnel records;

16 (13) In-service training;

17 (14) Service ratings; and

18 (15) Certification of payrolls;

19 E. Be eligible to participate on a pro rata ba-  
20 sis in the retirement program for state employ-  
21 ees; and

22 F. Be eligible to participate in health and hos-  
23 pitalization insurance programs at rates of par-  
24 ticipation reduced to reflect the less than full-  
25 time status; and

26 3. Restricted application. This section shall  
27 not apply if provided pursuant to Title 26, chapter  
28 9-B.

1     §7054. Veterans' preference

2             In making appointments to and retention in any  
3 position on an open competitive basis in the classi-  
4 fied service, preference shall be given to veterans  
5 of the Armed Forces of the United States, who have  
6 been honorably separated, or to their wives, hus-  
7 bands, widows, widowers, mothers or fathers as set  
8 forth in this section.

9             1. Definitions. As used in this section, unless  
10 the context otherwise indicates, the following terms  
11 have the following meanings.

12            A. "Armed Forces" means the United States Army,  
13 Navy, Air Force, Marine Corps or Coast Guard.

14            B. "Honorable separation" means discharge or re-  
15 lease from a continuous tour of active duty in  
16 any of the Armed Forces, the official records of  
17 which show the character of service or type of  
18 discharge to have been honorable.

19            C. "Veteran" means a person, male or female, who  
20 served on full-time active duty, exclusive of ac-  
21 tive duty for training, in the Armed Forces of  
22 the United States and who does not receive a  
23 nondisability retirement pension for Armed Forces  
24 service.

25            D. "War, campaign or expedition" means any of  
26 the following periods:

27            (1) April 6, 1917, to November 10, 1918;

28            (2) December 7, 1941, to September 1, 1945;

29            (3) June 27, 1950, to January 31, 1955; and

30            (4) August 5, 1964, to May 7, 1975.

31            2. Examination preference. Preference points  
32 shall be added to the earned qualifying rating in ex-  
33 aminations, provided that a passing grade is at-  
34 tained, of veterans applying for positions in the  
35 state service in accordance with the following, pro-

1 vided that they have not been previously employed in  
2 the classified service after obtaining preference  
3 points. A veteran who is receiving a disability pen-  
4 sion shall be entitled to preference points under  
5 this subsection, notwithstanding his previous employ-  
6 ment in the classified service after obtaining pref-  
7 erence points.

8 A. A veteran who served on active duty in any of  
9 the Armed Forces for at least 90 days consec-  
10 tively during a war, campaign or expedition and  
11 who was honorably separated shall be accorded a  
12 5-point preference.

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

16 C. A veteran who served on active duty in any of  
17 the Armed Forces for at least 90 consecutive  
18 days, at any time, was honorably separated, and  
19 who has a service-connected disability of 10% or  
20 more and receives compensation, pension or dis-  
21 ability retirement under public laws administered  
22 by the Veterans Administration or by a branch of  
23 the Armed Forces shall be accorded a 10-point  
24 preference.

25 D. The spouse of a disabled veteran as defined  
26 in paragraph C, is entitled to a 10-point prefer-  
27 ence in lieu of the veteran when his or her ser-  
28 vice-connected disability disqualifies him or her  
29 for appointment in the classified service along  
30 the general lines of his or her usual occupation.

31 E. The widow or widower, who has never remar-  
32 ried, of a veteran who lost his or her life under  
33 honorable conditions while serving on active duty  
34 in any of the Armed Forces during the war, cam-  
35 campaign or expedition, or who died as the result of  
36 service-connected disability shall be accorded a  
37 10-point preference.

38 F. The natural mother or father of a deceased  
39 veteran who lost his or her life under honorable  
40 conditions while serving on active duty in any of  
41 the Armed Forces during a war, campaign or expe-



1 dition, and who is or was married to the father  
2 or mother of the veteran on whose service he or  
3 she bases his or her claim; and who is widowed,  
4 divorced or separated; or who lives with him or  
5 her totally and permanently disabled husband or  
6 wife, either the veteran's father or mother or  
7 the husband or wife of his or her remarriage, is  
8 entitled to a 10-point preference.

9 3. Certification preference. Names of prefer-  
10 ence veterans shall be entered on appropriate regis-  
11 ters as follows.

12 A. The names of 5-point preference veterans  
13 shall be entered on appropriate registers in ac-  
14 cordance with their respective augmented ratings,  
15 but they shall be entered ahead of all  
16 nonveterans having the same rating.

17 B. The names of qualified 10-point preference  
18 veterans, who have a compensable service-con-  
19 ected disability of 10% or more, shall be placed  
20 at the top of the appropriate register in accord-  
21 ance with their respective augmented ratings, in  
22 nonprofessional and nonscientific classes below  
23 range 12 of the compensation plan.

24 4. Retention preference. In any reduction in  
25 personnel in the state service, veteran preference  
26 employees shall be retained in preference to all oth-  
27 er competing employees in the same classification  
28 with equal seniority, status and service ratings.

29 In determining qualifications for examination and ap-  
30 pointment with respect to veteran preference eligi-  
31 bles under this section, the director or other exam-  
32 ining agency may waive requirements as to age, height  
33 and weight, provided that any such requirement is not  
34 essential to the performance of the duties of the po-  
35 sition for which examination is given. The director  
36 or other examining agency, after giving due consider-  
37 ation to the recommendation of any accredited physi-  
38 cian, may waive the physical requirements in the case  
39 of any veteran, provided that the veteran is, in the  
40 opinion of the director or other examining agency,  
41 physically able to discharge efficiently the duties  
42 of the position for which the examination is given.

1 This section applies to all examinations for original  
2 positions in the State Police, Department of Inland  
3 Fisheries and Wildlife, Department of Marine Re-  
4 sources, University of Maine, vocational-technical  
5 institutes, Maine School Building Authority, Maine  
6 Turnpike Authority, Finance Authority of Maine or any  
7 other state or quasi-state agency.

8 §7055. Reopening of examinations

9 Veterans with the present existence of a service-  
10 connected disability to a compensable degree, wives  
11 and husbands of disabled veterans who qualify for  
12 10-point preference under section 7054, subsection 2,  
13 paragraph B, unmarried widows or widowers of deceased  
14 veterans who qualify for 10-point preference under  
15 section 7054, subsection 2, paragraph C, mothers and  
16 fathers, who are widowed, divorced, separated or  
17 whose wives or husbands are permanently and totally  
18 disabled, of veterans who died while in the active  
19 service of the Armed Forces during any war or who  
20 died as a result of service-connected disabilities,  
21 may file an application for and reopen an open com-  
22 petitive examination during the life of an eligible  
23 register resulting from a published announcement.

24 1. No eligible register resulting from published  
25 announcement. If no eligible register resulted from a  
26 published announcement, applicants qualified accord-  
27 ing to this section may file an application for and  
28 reopen an open competitive examination within 3 years  
29 of the closing date of the published announcement,  
30 provided that in all instances the applicant had not  
31 previously made application for the examination under  
32 conditions of the published announcement.

33 2. Positions held by other than permanent or  
34 probationary employees. In the event positions in the  
35 classified service are held other than by permanent  
36 or probationary employees, applicants qualified ac-  
37 ording to this section may file application for an  
38 examination to be announced and opened. Examinations  
39 shall be conducted for those applicants not later  
40 than the quarterly period succeeding that in which  
41 the application has been filed with the director.

42 §7056. Political activity



1 positions and classes shall be used in all personnel,  
2 accounting, budget, appropriation and financial  
3 records of all state departments, commissions and in-  
4 stitutions.

5 1. Involvement of commissioners and directors.  
6 In recording the duties and responsibilities of each  
7 position, the commissioners and directors of the de-  
8 partments and agencies of State Government shall be  
9 involved to the greatest extent possible.

10 2. Classifications of similar classifications.  
11 In developing classifications pursuant to this sec-  
12 tion, the director and the board may establish a sin-  
13 gle classification for positions which are very simi-  
14 lar in several factors, including duties, responsi-  
15 bilities, requirements and qualifications. If there  
16 is a difference in one or more of these factors that  
17 will create more difficulty than necessary with re-  
18 spect to recruitment or retention of employees for  
19 these positions, these positions shall not be in-  
20 cluded in a single classification.

21 3. Development of job classifications. Job clas-  
22 sifications created pursuant to this section shall be  
23 developed to meet the needs of each department in the  
24 most efficient and pertinent manner.

25 §7062. Registers of eligibility

26 The director, in accordance with policies and  
27 procedures established by the director and the board,  
28 shall prepare for each class of positions in the  
29 classified service registers of persons eligible for  
30 appointment to positions in each class. Each eligi-  
31 ble register shall consist of a list of all the per-  
32 sons who have shown that they possess the qualifica-  
33 tions which entitle them to be considered eligible  
34 for appointment to any position in the class for  
35 which the eligible register is to be prepared, and of  
36 employees who have resigned or been dismissed, laid  
37 off or granted leaves of absence and whose names have  
38 been restored to the eligible register in accordance  
39 with this chapter.

40 1. Placement of names on register. In estab-  
41 lishing registers of eligible persons pursuant to

1 this section, the names of all persons attaining the  
2 minimum final earned ratings established by the di-  
3 rector shall be placed on the register in order of  
4 their ratings. No rating may include a score or rat-  
5 ing for experience.

6 2. Entry level clerical and data processing  
7 classifications. Registers of eligible persons may  
8 be established for entry level clerical and data pro-  
9 cessing classifications, including Clerk I and Clerk  
10 II, Clerk-Typist I and Clerk-Typist II,  
11 Clerk-Stenographer I and Clerk-Stenographer II, Ac-  
12 count Clerk I and Account Clerk II, and similar posi-  
13 tions for data processing. These positions shall be  
14 subject to direct-hire by the commissioners or their  
15 designees and applicants may apply directly to the  
16 departments or agencies of State Government for these  
17 positions.

18 3. Job classifications for which recruitment or  
19 retention is a difficult problem. In establishing  
20 registers of eligible persons, the director and the  
21 board shall determine the job classifications for  
22 which the recruitment or retention of state employees  
23 is a difficult problem. These positions may be sub-  
24 ject to direct-hire procedures in the same manner as  
25 entry level clerical positions, as described in sub-  
26 section 1. These classifications may be removed from  
27 direct-hire procedures when employee recruitment and  
28 retention is no longer a problem with respect to  
29 these classifications.

30 4. Removal from list prohibited under certain  
31 circumstances. No person may be removed from a reg-  
32 ister of eligibles for:

33 A. Specifying the conditions under which the ap-  
34 plicant will accept employment in a classifica-  
35 tion;

36 B. Specifying a department, bureau or division  
37 in which the applicant will accept employment in  
38 a classification;

39 C. Specifying a department, bureau or division  
40 in which the applicant will not accept employment  
41 in a classification;

1 D. Failure to respond in less than 3 months'  
2 time to a written inquiry of the director or some  
3 other appointing authority relative to availabil-  
4 ity for appointment. In this case, the register  
5 may be closed in the event that the person does  
6 not respond expeditiously, but the person's name  
7 shall not be removed from the register except in  
8 accordance with this paragraph; or

9 E. Failure to be appointed to a position follow-  
10 ing certification regardless of the number of  
11 certifications an applicant has received.

12 §7063. Examinations

13 Any examinations for positions in the classified  
14 service shall relate to those matters which will  
15 fairly test the capacity and fitness of the persons  
16 examined to discharge the duties of the office or em-  
17 ployment for which they apply.

18 The director, with the advice of the board, shall  
19 determine the character, type and content of examina-  
20 tion for admission to the classified service; the  
21 time and place for holding examinations; the form of  
22 application blanks for admission to the examination  
23 to be filed by applicants; the minimum requirements  
24 for admission to the examination; and the value of  
25 each phase of the tests used in determining the aver-  
26 age rating of the applicant. The director may adjust  
27 initial test results only to eliminate questions that  
28 are proven not relevant to the purposes of the test  
29 or which have a bias that is prohibited by state or  
30 federal law. Once a minimum final earned rating is  
31 established for a particular test, it shall not be  
32 changed.

33 Public notice of every examination or test shall  
34 be given in the manner prescribed by rules drawn up  
35 by the director.

36 1. Examination content. In developing examina-  
37 tions for classifications, the examinations shall be  
38 constructed to test the most current knowledge,  
39 skills and use of equipment required in each classi-  
40 fication.

1           2. Administration of tests. The director may  
2 establish policies and procedures to allow depart-  
3 ments and agencies of State Government to administer  
4 the tests and to interview persons taking the tests.

5           3. Applicant and examination results. Any ap-  
6 plicant, upon the applicant's request, shall be pro-  
7 vided with the applicant's strengths, weaknesses and  
8 areas in need of improvement as determined from a  
9 test score or interview.

10          4. Objectives of testing. In addition to deter-  
11 mining the merit of applicants for positions in the  
12 classified service on a fair and just basis, it shall  
13 also be an objective to administer tests as often as  
14 possible to establish registers of eligible persons  
15 with sufficient numbers of names of persons who are  
16 currently interested in employment in each classifi-  
17 cation and thereby reduce to a minimum the length of  
18 time to fill positions.

19       §7064. Filling of positions

20           Positions in the classified service shall be  
21 filled by original appointment, promotion, transfer,  
22 reinstatement or demotion in accordance with policies  
23 and procedures developed by the director, with advice  
24 from the board. These policies and procedures shall  
25 provide for the direct hire of positions in the clas-  
26 sified service where appropriate.

27          1. Objective. In developing policies and proce-  
28 dures for filling positions, the director and board  
29 shall be guided by the principle of filling each po-  
30 sition as efficiently and expeditiously as possible.  
31 The director shall strive to fill each position in 30  
32 days and no later than 45 days from the date a new  
33 position becomes effective or a vacancy occurs.

34          2. Preference of candidate. In addition to any  
35 other provisions in this chapter, the names of un-  
36 classified employees shall be provided on registers  
37 of eligibles with the names of employees in the clas-  
38 sified service or as a separate register of eligibles  
39 to precede all other persons who are not state em-  
40 ployees or by any other means deemed by the director  
41 and the board to meet the intent of this subsection.





1                   EMPLOYEE BENEFITS, RECORDS AND TRAINING

2       §7068. Appointing authority obligation to inform em-  
3                   ployee

4                   Every appointing authority shall inform every em-  
5                   ployee, holding a position subject to appointment by  
6                   the appointing authority, in writing, of the follow-  
7                   ing:

8                   1. Employee's rate of pay and circumstances un-  
9                   der which rate may be changed. The employee's rate  
10                   of pay and the circumstances under which that rate  
11                   may be changed, including merit increases;

12                   2. Nature of benefits available. The nature and  
13                   costs of benefits available to the state employee  
14                   generally, the nature and costs of benefits available  
15                   to the employee and the circumstances under which the  
16                   employee's benefit eligibility or cost may be  
17                   changed. For the purposes of this subsection, the  
18                   word "benefits" means, but is not limited to:

19                   A. Vacation, holiday and sick leave;

20                   B. Insurance programs;

21                   C. Retirement programs; and

22                   D. Any other gain made available by the State to  
23                   any of its employees, whether in cash or in kind;  
24                   and

25                   3. Rights of state employees. The rights of  
26                   state employees and of the employee, including the  
27                   right of appeal decisions made with respect to his  
28                   employment.

29       §7069. Director to develop brochure or publication

30                   The director shall develop a brochure or publica-  
31                   tion by which the information in section 7068 is  
32                   clearly and simply presented. The brochure or publi-  
33                   cation shall be made available to new employees upon  
34                   arrival at their jobs and to other state employees  
35                   upon request.

1     §7070. Personnel records

2           Every appointment, transfer, promotion, demotion,  
3 dismissal, vacancy, change of salary rate, leave of  
4 absence, absence from duty and other temporary or  
5 permanent change in status of employees in both the  
6 classified service and the unclassified service of  
7 the Executive and Legislative Departments shall be  
8 reported to the director at such time, in such form  
9 and together with such supportive or pertinent infor-  
10 mation as he shall by rule prescribe.

11           The director shall maintain a perpetual roster of  
12 all officers and employees in the classified and un-  
13 classified services, showing for each person such da-  
14 ta as he and the board deem pertinent.

15           Records of the Office of Human Resources shall be  
16 public records and open to inspection of the public  
17 during regular office hours at reasonable times and  
18 in accordance with the procedure as the director may  
19 provide.

20           The following records shall be confidential and  
21 not open to public inspection, and shall not be "pub-  
22 lic records," as defined in Title 1, section 402,  
23 subsection 3:

24           1. Papers relating to examinations or evalua-  
25 tions of applicants. Working papers, research mate-  
26 rial, records and the examinations prepared for and  
27 used specifically in the examination or evaluation of  
28 applicants for positions within the classified ser-  
29 vice of State Government;

30           2. Personal information. Records containing the  
31 following, except they may be examined by the employ-  
32 ee to whom they relate when the examination is per-  
33 mitted or required by law:

34           A. Medical information of any kind, including  
35 information pertaining to diagnosis or treatment  
36 of mental or emotional disorders;

37           B. Performance evaluations and personal refer-  
38 ences submitted in confidence;

1 C. Information pertaining to the credit  
2 worthiness of a named employee;

3 D. Information pertaining to the personal histo-  
4 ry, general character or conduct of members of an  
5 employee's immediate family; and

6 E. Complaints, charges or accusations of miscon-  
7 duct, replies to those complaints, charges or ac-  
8 cusations and any other information or materials  
9 that may result in disciplinary action. If dis-  
10 ciplinary action is taken, the final written de-  
11 cision relating to that action shall no longer be  
12 confidential after it is completed; and

13 3. Other information. Other information to  
14 which access by the general public is prohibited by  
15 law.

16 §7071. Employee right to review personnel file

17 The director shall, upon written request from an  
18 employee, provide the employee, former employee or  
19 his duly authorized representative with an opportuni-  
20 ty to review his personnel file. These reviews shall  
21 take place in the Office of Human Resources and dur-  
22 ing its normal office hours. Time spent by an em-  
23 ployee in reviewing his personnel file shall not be  
24 considered as time worked. For the purposes of this  
25 section, a personnel file shall include, but not be  
26 limited to, any formal or informal employee evalua-  
27 tions and reports relating to the employee's charac-  
28 ter, credit, work habits, compensation and benefits  
29 which the director has in his possession.

30 §7072. Training and apprenticeship programs

31 The director shall devise plans for and cooperate  
32 with appointing authorities and other supervising of-  
33 icials in the development and conduct of employee  
34 training and registered apprenticeship programs to  
35 recruit and develop well qualified employees, to aid  
36 in meeting affirmative action requirements and to  
37 otherwise carry out the State's role as a responsible  
38 and effective employer.

1       The Bureau of Labor Standards shall assist the  
2 director in determining which classifications are  
3 apprenticeable and in encouraging and assisting state  
4 agencies to utilize the benefits of apprenticeship  
5 programs or other training programs.

6       Consistent with the Code of Fair Practices and  
7 other merit system and affirmative action require-  
8 ments, the State, through the Office of Human Re-  
9 sources, the Bureau of Labor Standards and its other  
10 departments and agencies, shall support the policies  
11 of the United States Job Opportunity Act of 1981.  
12 The State shall seek to meet a target of filling 10%  
13 of registered state apprenticeships established with  
14 qualified candidates who are recipients of Aid to  
15 Families with Dependent Children. The State shall  
16 make a good faith effort to expeditiously establish  
17 as many of these apprenticeships as possible.

18       1. Listing of apprenticeable classifications.  
19 With the assistance of the Bureau of Labor Standards  
20 and other state agencies, the director shall develop  
21 a list of apprenticeable classifications. The list  
22 shall be revised annually.

23       2. Agency review. The Bureau of Labor Standards  
24 and each agency utilizing apprenticeable classifica-  
25 tions shall determine where apprenticeships should be  
26 established subject to the authorization of the Di-  
27 rector of the Office of Human Resources and the State  
28 Apprenticeship and Training Council.

29       3. Annual report. The director shall include in  
30 the annual report of the Office of Human Resources  
31 the following information:

32       A. A review of the development and operation of  
33 training and apprenticeship programs;

34       B. The list of apprenticeable classifications  
35 pursuant to subsection 1;

36       C. A summary of the agencies and types of posi-  
37 tions involved;

38       D. A summary of registered apprenticeships;

1 E. The number of persons who applied for appren-  
2 ticeship positions under this chapter;

3 F. The number of persons who were accepted into  
4 the apprenticeship program under this chapter;

5 G. The number of persons, under this chapter,  
6 who successfully completed and the number of per-  
7 sons who failed to complete the program estab-  
8 lished under this chapter;

9 H. The number of persons who, following the suc-  
10 cessful completion of the program, remain em-  
11 ployed;

12 I. A summary of other training programs estab-  
13 lished; and

14 J. A breakdown of the total number of persons,  
15 defined in paragraphs E, F and G, by sex, race  
16 and any other characteristics deemed by the di-  
17 rector to be pertinent to the intent of this  
18 chapter.

19 4. Bargaining agreements. Nothing in this sec-  
20 tion may operate to invalidate or supersede the pro-  
21 visions of a collective bargaining agreement between  
22 an employee organization and the State.

23 SUBCHAPTER III

24 STATE CIVIL SERVICE APPEALS BOARD

25 §7081. Membership; term; compensation

26 The State Civil Service Appeals Board, estab-  
27 lished by section 12004, subsection 3, shall be com-  
28 posed of 5 members with experience in personnel man-  
29 agement or labor relations. No more than 3 members  
30 of the board may be of the same political party. No  
31 member may be a state employee.

32 Each member shall be appointed by the Governor,  
33 subject to review by the joint standing committee of  
34 the Legislature having jurisdiction over State Gov-  
35 ernment and to confirmation by the Legislature.

1           One member of the appeals board shall be desig-  
2 nated by the Governor as chairman. Except as other-  
3 wise provided by law, each member shall be appointed  
4 for a term of 4 years and until his successor has  
5 been appointed and qualified. Any vacancy shall be  
6 filled for the unexpired portion of the term by the  
7 Governor, subject to review by the joint standing  
8 committee of the Legislature having jurisdiction over  
9 State Government and to confirmation by the Legisla-  
10 ture.

11           The members of the board shall be compensated as  
12 provided by chapter 379.

13           §7082. Powers and duties of the State Civil Service  
14                           Appeals Board

15           The State Civil Service Appeals Board shall be an  
16 impartial board and:

17           1. Administer subchapter. Shall administer this  
18 subchapter. In exercising its authority, the board may  
19 adopt policies and procedures to administer this sub-  
20 chapter. The appeals board shall employ, subject to  
21 the Civil Service Law, assistants as may be necessary  
22 to carry out this subchapter;

23           2. Adopt rules. Shall adopt rules necessary to  
24 effectuate the purposes of this subchapter;

25           3. Report. Shall report biennially to the Gov-  
26 ernor and Legislature facts and recommendations re-  
27 lating to the administration and needs of the board;

28           4. Mediate grievances and disputes. May mediate  
29 the final settlement of all grievances and disputes  
30 between individual state employees, both classified  
31 and unclassified, and their respective state agen-  
32 cies. All complaints between a state employee and  
33 the state agency by which he is employed shall be  
34 made and heard in the manner provided by this chapter  
35 for the mediation and settlement of the complaints.  
36 During the procedure for settlement, an employee may  
37 be represented at each step by his designated repre-  
38 sentative. The decision of the appeals board shall  
39 be final and binding upon the state agency and state  
40 employees involved in the dispute, and shall super-

1 sede any prior action taken by the state agency with  
2 reference to the employment and working conditions of  
3 the employees.

4 A. In the course of any investigation under this  
5 chapter, any member of the appeals board may sub-  
6 poena and require the attendance of witnesses and  
7 the production thereby of books, papers, public  
8 records and other documentary evidence pertinent  
9 to that investigation. In the case of the refus-  
10 al of any person to comply with any subpoena is-  
11 ssued under this subsection or to testify to any  
12 matter regarding which he may be lawfully inter-  
13 rogated, the Superior Court in any county on ap-  
14 plication of any one of the members of the board  
15 may issue an order requiring that person to com-  
16 ply with the subpoena and to testify. Any failure  
17 to obey the order of the court may be punished by  
18 the court as a contempt of the court; and

19 5. Hear appeals. May hear appeals in accordance  
20 with this subchapter. Except where otherwise provided  
21 by a governing bargaining agreement, any employee or  
22 appointing authority aggrieved by the determination  
23 of the Director of Human Resources concerning the  
24 classification of positions, the allocation of new  
25 positions or the reallocation of existing positions  
26 in the classified service may appeal from the deter-  
27 mination to the State Civil Service Appeals Board.  
28 The appeal must be made within 30 days after receipt  
29 of written notice of the determination from the di-  
30 rector. The employee or appointing authority, or his  
31 representative, shall be afforded a public hearing  
32 before the appeals board. The appeals board shall  
33 examine and review the appeal and, upon the vote of  
34 at least 3 of its members, make changes in such clas-  
35 sification, allocation or reallocation as may be just  
36 and equitable. Determinations of the appeals board  
37 shall be transmitted to the State Budget Officer, the  
38 Director of Human Resources, and the employees and  
39 department heads affected by the determinations.

40 A. Any classification of a position and any al-  
41 location or reallocation of a position made by  
42 the director or the appeals board pursuant to  
43 this section shall become effective on the first  
44 day of the fiscal year following approval by the

1           State Budget Officer and the appropriation of  
2           funds for the classification, except that the  
3           State Budget Officer may, if he determines that  
4           sufficient funds exist, authorize an effective  
5           date prior to the first day of the ensuing fiscal  
6           year.

7           B. Any request for classification of positions,  
8           the allocation of new positions or the realloca-  
9           tion of existing positions in the classified ser-  
10           vice or the unclassified service shall be pro-  
11           cessed by the director and the director's deter-  
12           mination made within 25 days from the date of  
13           filing the request with the Office of Human Re-  
14           sources. Any employee or appointing authority  
15           that is a party to the request may appeal to the  
16           appeals board within 10 days after the expiration  
17           of the 25 days allotted for the process of the  
18           requests for hearing and review. The appeals  
19           board shall examine and review the appeal and  
20           make such changes as provided in this section.  
21           The appeals board's decision in the appeal shall  
22           be given within 30 days after the hearing on the  
23           appeal has been concluded.

24           C. A hearing before the appeals board is an ad-  
25           judicatory proceeding under the Maine Administra-  
26           tive Procedure Act, chapter 375, and shall be  
27           held in accordance with chapter 375, subchapter  
28           IV.

29           §7083. Procedure for settlement

30           A grievance or dispute between a state employee  
31           and the agency of the State by whom he is employed  
32           shall be entertained by the board upon the applica-  
33           tion of the employee, provided that there shall have  
34           been compliance with the following requirements:

35           1. Adjust dispute. That the employee aggrieved  
36           or his representative, or both, shall have attempted  
37           to adjust the dispute through oral communication with  
38           the employee's immediate supervisor within 7 working  
39           days of the time that the employee is aware of the  
40           grievable incident. The immediate supervisor is then  
41           required to render an oral decision to the employee  
42           within 3 working days;



1           2. Grievance in writing. If the employee is  
2 dissatisfied with the oral decision of his immediate  
3 supervisor, he or his representative, or both, may,  
4 before the end of the 10th working day following the  
5 day of the oral decision, present the grievance to  
6 his supervisor again, this time in written form. The  
7 supervisor is then required to make his decision in  
8 writing and present it to the employee within 10  
9 working days;

10           3. Appeal to the department head. If the em-  
11 ployee is dissatisfied with the supervisor's written  
12 decision, he or his representative, or both, then  
13 may, before the end of the 20th working day following  
14 receipt of the decision, appeal in writing to the de-  
15 partment head. The department head shall meet with  
16 the employee or his designated representative, or  
17 both, within 20 working days of receipt of the  
18 employee's notice of dissatisfaction and attempt to  
19 adjust the dispute. Within 5 working days, the de-  
20 partment head shall render a decision in writing to  
21 the aggrieved employee and his representative;

22           4. Appeal to Director of Human Resources. If  
23 the classified employee is dissatisfied with the  
24 written decision following the meeting with the de-  
25 partment head, he may appeal in writing to the Direc-  
26 tor of Human Resources within 7 working days of meet-  
27 ing with the department head. The director shall  
28 within 10 working days reply in writing to the ag-  
29 grieved employee, his representative and the depart-  
30 ment head involved stating his decision, based on the  
31 Civil Service Law and rules;

32           5. Submission to board. In the event the griev-  
33 ance shall not have been satisfactorily adjusted un-  
34 der subsections 1 to 4, within the time limits in  
35 those sections, the dispute may be submitted to the  
36 appeals board within 10 working days following re-  
37 ceipt of the director's written decision. The ap-  
38 peals board shall investigate the matters in contro-  
39 versy, shall hear all interested persons who come be-  
40 fore it and make a written decision, which shall be  
41 binding on the parties involved. The appeals board's  
42 written decision shall be issued within 30 working  
43 days after the hearing on the dispute is concluded,  
44 unless both parties agree that an extension of the  
45 time limit should be allowed; and

1           6. Procedure. Any member of the appeals board  
2 may administer oaths and subpoena and require the at-  
3 tendance of witnesses and the production of books,  
4 papers, public records and other relevant documentary  
5 evidence or certified copies of the evidence by the  
6 department head pertinent to the dispute and shall do  
7 so if requested in writing by any party to the dis-  
8 pute or his representative. A witness summonsed by  
9 subpoena shall be entitled to witness fees and travel  
10 allowance in the amount allowed for appearance in  
11 District Court, the costs of which shall be advanced  
12 by the party requesting the subpoena prior to issu-  
13 ance of the subpoena. A state employee subpoenaed un-  
14 der this subsection shall not lose pay to which he  
15 would otherwise be entitled.

16       §7084. Extension of time limit

17           1. Application for extension. The chairman of  
18 the appeals board may extend any time limit specified  
19 in section 7083, subsections 1 to 4, upon written ap-  
20 plication of either party on condition the applica-  
21 tion is submitted within time provided for in the ap-  
22 plicable step. Failure of an employee to pursue a  
23 grievance within prescribed time limits shall consti-  
24 tute an acceptance of the last response by the de-  
25 partment. Failure of the department to respond  
26 within stipulated time limits provided for in the ap-  
27 plicable step shall constitute an automatic waiver of  
28 that step and the employee may proceed to the next  
29 step as outlined in this section.

30           A. At least one day prior to the presentation of  
31 the employee's grievance to his supervisor, the  
32 employee's representative, if any, shall have ac-  
33 cess to the work location of the employee in-  
34 volved during the working hours for the purpose  
35 of investigating the grievance.

36           B. The department head may designate a represen-  
37 tative, with authority to take appropriate ac-  
38 tion, who shall be at the deputy or assistant de-  
39 partment head or labor specialist level to repre-  
40 sent him in section 7083, subsections 2 and 3.

41       Sec. 38. 5 MRSA §12004, sub-§3, ¶A, sub-¶(3), is  
42 repealed and the following enacted in its place:

1     (3) State Civil Service \$50/Day 5 MRSA §7081  
2         Appeals Board

3             Sec. 39. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-B)  
4 is enacted to read:

5     (1-B) Civil Service Policy Review Expenses 5 MRSA §7041  
6             Board Only

7             Sec. 40. 6 MRSA §13, 2nd ¶ from the end, as  
8 amended by PL 1979, c. 127, §41, is further amended  
9 to read:

10            The director may employ, subject to the approval  
11 of the commissioner and in accordance with the  
12 ~~Personnel~~ Civil Service Law, such personnel as may be  
13 deemed necessary to aid him in the fulfillment of his  
14 duties to administer, supervise, program, plan, coordi-  
15 nate and enforce all aspects of aviation as out-  
16 lined in this chapter or imposed upon him.

17            Sec. 41. 7 MRSA §1, as enacted by PL 1983, c.  
18 308, §§1 and 14, is amended to read:

19     §1. Department of Agriculture, Food and Rural Re-  
20         sources

21            The Department of Agriculture, Food and Rural Re-  
22 sources, as established and in this Title called the  
23 "department," shall be maintained for the improvement  
24 of agriculture and the advancement of the interests  
25 of husbandry, and shall consist of the Commissioner  
26 of Agriculture, Food and Rural Resources, in this Ti-  
27 tle called the "commissioner," and the following as  
28 created and established: The Board of Pesticide Con-  
29 trol, the Maine Dairy and Nutrition Council Commit-  
30 tee, the Maine Dairy Promotion Board, the Maine Milk  
31 Commission, the Maine Potato Commission, the Seed Po-  
32 tato Board, the Soil and Water Conservation Commis-  
33 sion, the Harness Racing Commission, the Board of  
34 Veterinary Medicine and the Animal Welfare Board. The  
35 commissioner shall be appointed by the Governor, sub-  
36 ject to review by the joint standing committee of the  
37 Legislature having jurisdiction over agriculture and  
38 to confirmation by the Legislature, and shall hold  
39 office during the pleasure of the Governor. He shall  
40 receive his actual expenses incurred in the perform-

1       ance of his official duties. He may employ such clerical  
2       labor as may be required, subject to the  
3       Personnel Civil Service Law, and he may expend such  
4       sums for postage, telephone, telegraph and other general  
5       office expenses as may be necessary in the performance  
6       of his duties, the same to be paid out of  
7       any money appropriated by the Legislature for such  
8       purpose.

9               Sec. 42. 7 MRSA §402, as repealed and replaced  
10       by PL 1979, c. 672, Pt. A, §15, is amended to read:

11       §402. Advertising of products

12               The commissioner may enter into agreements or cooperative  
13       arrangements with any person, firm or corporation for the purpose  
14       of advertising and increasing the sale and consumption of Maine  
15       farm products or disseminating information concerning Maine farm  
16       products. He may receive, administer and disburse any funds  
17       or contributions from these persons, firms or corporations,  
18       either independently or in conjunction with state funds allocated  
19       to the purpose, provided that funds so contributed shall be used  
20       only for the purposes set forth. He may employ such agents and  
21       assistants, subject to the Personnel Civil Service Law,  
22       and make such purchases as may be necessary in the proper  
23       performance of his duties.  
24  
25

26               Sec. 43. 7 MRSA §1047, sub-§2 is amended to  
27       read:

28               2. Employ qualified persons. To employ qualified  
29       persons under the Personnel Civil Service Law and to incur  
30       such expenses as may be necessary to carry out this subchapter;  
31       and

32               Sec. 44. 7 MRSA §1701 is amended to read:

33       §1701. Animal husbandry expert

34               The commissioner is authorized to employ an animal  
35       husbandry expert. He may employ such assistants as he deems  
36       necessary, subject to the Personnel Civil Service Law. Such  
37       expenses in connection therewith shall be paid as said the  
38       commissioner may approve.

1           Sec. 45. 7 MRSA §1704, as amended by PL 1977, c.  
2 78, §27, is further amended to read:

3           §1704. Agents

4           The commissioner may employ skilled veterinarians  
5 and such other agents and employees as he may deem  
6 necessary to carry into effect chapters 201, 207,  
7 301, 303 and 305, subject to the ~~Personnel~~ Civil  
8 Service Law.

9           Sec. 46. 7 MRSA §2155, sub-§1, as amended by PL  
10 1983, c. 812, §51, is further amended to read:

11           1. Administration. The Seed Potato Board shall  
12 elect a secretary, who need not be a member of the  
13 board, and the commissioner shall have authority to  
14 employ a managing director and such agents as may be  
15 necessary, subject to the ~~Personnel~~ Civil Service  
16 Law, to consummate any and all programs which it may  
17 institute, as authorized under the terms of this  
18 chapter and shall keep a record of all of its pro-  
19 ceedings, and all expenses by it incurred shall be  
20 paid out of the State Treasury, on certification of  
21 the commissioner, upon the audit and warrant of the  
22 State Controller and charged against any and all ap-  
23 propriations which may be annually made available for  
24 its use as stipulated. The board shall be subject to  
25 the provisions of Title 5, chapter 379.

26           Sec. 47. 7 MRSA §2952, 3rd ¶, as amended by PL  
27 1979, c. 731, §19, is further amended to read:

28           The members of the commission shall elect a  
29 chairman. With the approval of the commission, the  
30 Commissioner of Agriculture, Food and Rural Resources  
31 may employ, subject to the ~~Personnel~~ Civil Service  
32 Law, a secretary and such officers, clerks, assist-  
33 ants and other employees as shall be deemed neces-  
34 sary. The commission may employ such expert, profes-  
35 sional or other assistance as the commission deems  
36 necessary. Legal services and the services of ex-  
37 perts in other lines shall be performed as far as  
38 possible by the existing state departments, including  
39 the Department of Agriculture, Food and Rural Re-  
40 sources, the Department of Human Services and the De-  
41 partment of the Attorney General.

1           Sec. 48. 8 MRSA §144, last ¶, as amended by PL  
2 1983, c. 553, §46, is amended to read:

3           The Commissioner of Business, Occupational and  
4 Professional Regulation shall employ, subject to the  
5 ~~Personnel~~ Civil Service Law, the personnel that he  
6 deems necessary to discharge the duties of the commis-  
7 sion, and shall, with the advice of the commis-  
8 sion, outline their duties and fix their compensa-  
9 tion, subject to the ~~Personnel~~ Civil Service Law.

10           Sec. 49. 8 MRSA §264, as amended by PL 1979, c.  
11 731, §19, is further amended to read:

12           §264. Assistants

13           The ~~Commissioner~~ Commissioner of Agriculture, Food  
14 and Rural Resources, subject to the ~~Personnel~~ Civil  
15 Service Law, is authorized to employ such personnel  
16 as he may deem necessary to provide adequate policing  
17 and to carry out the purposes of this chapter. The  
18 Commissioner of Agriculture, Food and Rural Resources  
19 may fix the compensation of ~~said~~ the employees on a  
20 per diem basis, subject to the ~~Personnel~~ Civil  
21 Service Law.

22           Sec. 50. 8 MRSA §323, as amended by PL 1983, c.  
23 553, §46, is further amended to read:

24           §323. Assistants

25           The Commissioner of ~~the Department of~~ Business,  
26 Occupational and Professional Regulation is autho-  
27 rized to employ such personnel as he may deem neces-  
28 sary to provide adequate policing and to carry out  
29 the purposes of this chapter at such compensation on  
30 a per diem basis as ~~said~~ the commissioner may pre-  
31 scribe, subject to the ~~Personnel~~ Civil Service Law.

32           Sec. 51. 8 MRSA §354, sub-§1, ¶B, as repealed  
33 and replaced by PL 1977, c. 674, §10, is amended to  
34 read:

35           B. Act as the chief administrative officer, hav-  
36 ing general charge of the office and records and  
37 to employ such personnel as may be necessary to  
38 fulfill the purposes of this chapter. The person-

1 nel shall be employed with the approval of the  
2 commission and subject to the ~~Personnel~~ Civil  
3 Service Law, except for the deputy director who  
4 shall be appointed by and serve at the pleasure  
5 of the director;

6 Sec. 52. 9-A MRSA §6-104, sub-§1, ¶G, as amended  
7 by PL 1983, c. 553, §46, is further amended to read:

8 G. With the approval of the Commissioner of the  
9 ~~Department of~~ Business, Occupational and Profes-  
10 sional Regulation, appoint any necessary hearing  
11 examiners, clerks and other employees and agents  
12 and fix their compensation, subject to the  
13 ~~Personnel~~ Civil Service Law; and

14 Sec. 53. 9-B MRSA §212-A, sub-§1, as enacted by  
15 PL 1985, c. 389, §5, is amended to read:

16 1. Securities administrator and other personnel.  
17 The superintendent may appoint, subject to the  
18 ~~Personnel~~ Civil Service Law, an Administrator of the  
19 Securities Division and one or more professionals who  
20 shall, under the direction of the superintendent,  
21 have charge of the enforcement of the Maine Securi-  
22 ties Act and make any necessary investigations under  
23 that Act. The salaries and expenses of the Adminis-  
24 trator of the Securities Division and staff and all  
25 expenses of administration and enforcement shall be  
26 paid out of such amounts as the Legislature may ap-  
27 propriate.

28 Sec. 54. 10 MRSA §8003, sub-§§1 and 2, as re-  
29 pealed and replaced by PL 1983, c. 553, §13, are  
30 amended to read:

31 1. Division of Administrative Services. There  
32 is created a Division of Administrative Services,  
33 which shall constitute a division within the depart-  
34 ment, to provide assistance to the commissioner and  
35 to the agencies within the department in personnel  
36 civil service matters, budgeting and financial mat-  
37 ters, purchasing, and clerical and support services,  
38 and to perform such other duties as the commissioner  
39 may designate. The commissioner may employ a Direc-  
40 tor of Administrative Services and such clerical and  
41 technical assistants as are necessary to discharge

1 the duties of the division, and shall outline their  
2 duties and fix their compensation, subject to the  
3 Personnel Civil Service Law.

4 2. Division of Licensing and Enforcement. There  
5 is created a Division of Licensing and Enforcement,  
6 which shall constitute a division within the depart-  
7 ment, to provide assistance to the commissioner and  
8 to the agencies within the department in complaint  
9 investigation, disciplinary actions and enforcement,  
10 and in licensing examinations, and to perform such  
11 other duties as the commissioner may designate. The  
12 commissioner may employ a Director of Licensing and  
13 Enforcement and such clerical and technical assist-  
14 ants as are necessary to discharge the duties of the  
15 division, and shall outline their duties and fix  
16 their compensation, subject to the Personnel Civil  
17 Service Law.

18 A. Within the Division of Licensing and Enforce-  
19 ment there shall be a computer services section.  
20 It shall be the responsibility of the computer  
21 services section to process and issue original  
22 and renewal licenses for the department and for  
23 those bureaus, boards and commissions within the  
24 department as the commissioner may direct. The  
25 licenses shall be processed and issued only upon  
26 authorization of the appropriate bureau, board or  
27 commission, or upon the authorization of the com-  
28 missioner in the case of those licenses granted  
29 directly by the department. The computer ser-  
30 vices section shall maintain a central register  
31 containing the name and address of each person or  
32 firm licensed by profession, occupation or indus-  
33 try and such other information as the commis-  
34 sioner may direct for administration, information or  
35 planning purposes. The commissioner, with the  
36 advice of the respective bureaus, boards and  
37 commissions, may determine the type and form of  
38 licenses issued by all agencies within the de-  
39 partment. The computer services section shall  
40 perform such other administrative services for  
41 the agencies within the department as the commis-  
42 sioner may direct.

43 Sec. 55. 10 MRSA §9004, sub-§2, as amended by PL  
44 1983, c. 553, §46, is further amended to read:



1           2. Employees. The executive director, with the  
2 advice of the board and the commissioner, may employ,  
3 subject to the Personnel Civil Service Law, persons  
4 necessary to carry out this chapter. Any person so  
5 employed shall be an employee of the Department of  
6 Business, Occupational and Professional Regulation,  
7 except that they shall be under the direction and su-  
8 pervision of the executive director of the board.

9           Sec. 56. 12 MRSA §212, sub-§2, as amended by PL  
10 1979, c. 541, Pt. A, §116, is further amended to  
11 read:

12           2. Professional soil scientists. The commission  
13 may employ professional soil scientists, subject to  
14 the Personnel Civil Service Law, to perform soils  
15 mapping in Maine. The commission may contract with  
16 other state or federal agencies as appropriate to ac-  
17 complish necessary soils mapping within this State.

18           Sec. 57. 12 MRSA §542, sub-§3, as enacted by PL  
19 1977, c. 360, §6, is amended to read:

20           3. Employees. The survey may employ or retain  
21 such professional and other employees, subject to the  
22 Personnel Civil Service Law, as are necessary to car-  
23 ry out the purposes of this chapter, within the lim-  
24 its of the funds available.

25           Sec. 58. 12 MRSA §543, sub-§2, ¶B, as enacted by  
26 PL 1977, c. 360, §6, is amended to read:

27           B. The director shall appoint and remove the  
28 staff of the survey, subject to the Personnel  
29 Civil Service Law, and prescribe their duties as  
30 may be necessary to implement the purposes of  
31 this chapter.

32           Sec. 59. 12 MRSA §553, sub-§3, ¶B, as enacted by  
33 PL 1975, c. 339, §6, is amended to read:

34           B. Appoint and remove the staff of the bureau,  
35 subject to the Personnel Civil Service Law, and  
36 prescribe their duties as may be necessary to im-  
37 plement the purposes of this chapter;

38           Sec. 60. 12 MRSA §602, sub-§10, as amended by PL  
39 1973, c. 460, §19, is further amended to read:

1           10. Employees. To fix the duties of and to em-  
2           ploy permanently or part time such employees and oth-  
3           er personnel, subject to the Personnel Civil Service  
4           Law, as the bureau may from time to time deem neces-  
5           sary in the discharge of its duties under this chap-  
6           ter; and to accept gifts and bequests of money or  
7           other personal property to be used in advancing the  
8           recreational and conservation interests in state  
9           parks.

10           Sec. 61. 12 MRSA §677, as amended by PL 1973, c.  
11           460, §17, is further amended to read:

12           §677. Employees

13           The bureau shall fix the duties of and employ  
14           permanently or part-time such employees and other  
15           personnel, subject to the Personnel Civil Service  
16           Law, as the bureau may from time to time deem neces-  
17           sary in the discharge of its duties under this chap-  
18           ter.

19           Sec. 62. 12 MRSA §904, as amended by PL 1965, c.  
20           226, §19, is further amended to read:

21           §904. Agents and representatives

22           The Baxter State Park Authority shall appoint  
23           agents or representatives to carry out this subchap-  
24           ter. All appointed agents or representatives shall  
25           hold office under the rules of the Personnel Civil  
26           Service Law. They shall be sworn to the faithful dis-  
27           charge of their duties and a certificate thereof  
28           shall be returned and filed in the office of the  
29           chairman of the authority. They shall be appointed  
30           by the authority in accordance with the Personnel  
31           Civil Service Law and may be allowed actual necessary  
32           expenses of travel.

33           Sec. 63. 12 MRSA §5013, last ¶, as amended by PL  
34           1977, c. 360, §22, is further amended to read:

35           Every person appointed as a bureau director, a  
36           director of administrative services or of planning  
37           and program services, or in another supervisory ca-  
38           pacity in the department shall have experience and  
39           skill in the field of the functions of such position.

1 So far as is practicable in the judgment of the com-  
2 missioner, appointments to such positions shall be  
3 made by promoting employees of the State serving in  
4 positions which are classified and in every instance  
5 when a person is promoted from a classified position  
6 upon termination of his service in such classified  
7 supervisory position, the employee shall, if he shall  
8 so request, be restored to the classified position  
9 from which he shall have been promoted or to a posi-  
10 tion equivalent thereto in salary grade in the same  
11 state agency, without impairment of his personnel  
12 status or the loss of seniority, retirement or other  
13 rights to which uninterrupted service in the classi-  
14 fied position would have entitled him, provided that  
15 if his service in such unclassified supervisory posi-  
16 tion shall have been terminated for cause, his right  
17 to be so restored shall be determined by the  
18 Personnel State Civil Service Appeals Board.

19 Sec. 64. 12 MRSA §6022, sub-§3, as amended by PL  
20 1983, c. 489, §8, is further amended to read:

21 3. Organization and personnel. The commissioner  
22 shall organize the department into the administrative  
23 units which he decides are necessary to carry out its  
24 duties. The commissioner shall hire all necessary em-  
25 ployees of the department subject to the Personnel  
26 Civil Service Law, except that persons in the follow-  
27 ing positions shall be appointed by and serve at the  
28 pleasure of the commissioner: Deputy Commissioner;  
29 Chief, Bureau of Marine Patrol; and Assistant to the  
30 Commissioner. The Chief of the Bureau of Marine Pa-  
31 trol shall be appointed from among the patrol person-  
32 nel of the bureau with the rank of sergeant or high-  
33 er. In the event that the Chief of the Bureau of Ma-  
34 rine Patrol is not reappointed, he shall have the  
35 right to be restored to the classified position from  
36 which he shall have been promoted or to a position  
37 equivalent thereto in salary grade without impairment  
38 of his personnel status or the loss of seniority, re-  
39 tirement or other rights to which uninterrupted ser-  
40 vice in the classified position would have entitled  
41 him. If his service in the position of Chief of the  
42 Bureau of Marine Patrol shall be terminated for  
43 cause, his right to be so restored shall be deter-  
44 mined by the Personnel State Civil Service Appeals  
45 Board.

1           Sec. 65. 12 MRSA §6022, sub-§4, as amended by PL  
2 1979, c. 541, Pt. B, §73, is further amended to read:

3           4. Warden code. The commissioner shall prepare a  
4 written code governing the operating procedures of  
5 the Bureau of Marine Patrol services for submission  
6 to the ~~Commissioner of Personnel~~ Director of Human  
7 Resources. The code shall become effective when ap-  
8 proved by the ~~Commissioner of Personnel~~ Director of  
9 Human Resources.

10           Sec. 66. 12 MRSA §6025, sub-§1, as amended by PL  
11 1979, c. 541, Pt. B, §14, is further amended to read:

12           1. Appointment. Applicants for the position of a  
13 marine patrol officer who qualify under the officer's  
14 code and pass the examination administered by the ~~De-~~  
15 ~~partment of Personnel,~~ Office of Human Resources may  
16 be appointed by the commissioner to hold office under  
17 Title 5, chapters 51 to 67 and under the officer's  
18 code.

19           Sec. 67. 12 MRSA §6251-A, sub-§6, as enacted by  
20 PL 1985, c. 481, Pt. A, §39, is amended to read:

21           6. Staff. Subject to appropriation or alloca-  
22 tion and in accordance with the ~~Personnel~~ Civil  
23 Service Law, staff may be hired to carry out the work  
24 of the commission. Hiring and management of the  
25 staff shall be the responsibility of the Commissioner  
26 of Inland Fisheries and Wildlife.

27           Sec. 68. 12 MRSA §7034, sub-§2-A, as amended by  
28 PL 1985, c. 369, §2, is further amended to read:

29           2-A. Employment of personnel. The commissioner  
30 shall employ, subject to the ~~Personnel~~ Civil Service  
31 Law, such employees as are necessary to carry out the  
32 duties of his organization, except that persons in  
33 the following positions shall be appointed by and  
34 serve at the pleasure of the commissioner: Deputy  
35 Commissioner; Game Warden Colonel; and Assistant to  
36 the Commissioner for Public Information.

37 The Game Warden Colonel shall be appointed from among  
38 the game wardens of the department with the rank of  
39 sergeant or higher. In the event that the Game War-

1 den Colonel is not reappointed, he shall have the  
2 right to be restored to the classified position from  
3 which he shall have been promoted or to a position  
4 equivalent thereto in salary grade in an agency,  
5 without impairment of his personnel status or the  
6 loss of seniority, retirement or other rights to  
7 which uninterrupted service in the classified posi-  
8 tion would have entitled him. If his service in that  
9 unclassified supervisory position shall have been  
10 terminated for cause, his right to be so restored  
11 shall be determined by the ~~Personnel~~ State Civil Ser-  
12 vice Appeals Board.

13 Sec. 69. 12 MRSA §7034, sub-§4, as enacted by PL  
14 1979, c. 420, §1, is amended to read:

15 4. Code of operating procedure of warden ser-  
16 vice. The commissioner shall prepare a written code  
17 covering the operating procedure of the warden ser-  
18 vice which becomes effective when approved by the  
19 ~~Personnel~~ State Civil Service Appeals Board.

20 Sec. 70. 12 MRSA §7051, sub-§1, as amended by PL  
21 1983, c. 440, §2, is further amended to read:

22 1. Qualifications. The commissioner shall ap-  
23 point as game wardens persons who have qualified un-  
24 der the written code prepared by the commissioner and  
25 approved by the ~~Commissioner of Personnel~~ Director of  
26 Human Resources.

27 Sec. 71. 12 MRSA §7052, sub-§2, as enacted by PL  
28 1979, c. 420, §1, is amended to read:

29 2. Compensation. The compensation of the wardens  
30 shall be determined under the ~~Personnel~~ Civil Service  
31 Law.

32 Sec. 72. 12 MRSA §8003, sub-§3, ~~¶B~~, as enacted  
33 by PL 1979, c. 545, §3, is amended to read:

34 B. The director is empowered to appoint and re-  
35 move the staff of the bureau, subject to the  
36 ~~Personnel~~ Civil Service Law, and prescribe their  
37 duties so as to implement the purposes of this  
38 Part.

1           Sec. 73. 12 MRSA §8429, sub-§1, as amended by PL  
2 1981, c. 278, §11, is further amended to read:

3           1. Position created. There is established within  
4 the Bureau of Forestry the position of Forest Insect  
5 Manager, which shall be funded by the General Fund or  
6 any other funds available. This position is not sub-  
7 ject to the Personnel Civil Service Law. The manager  
8 shall be appointed by the director with the approval  
9 of the Commissioner of Conservation and may be re-  
10 moved by the director with the approval of the com-  
11 missioner. The manager shall be directly responsible  
12 for the development, coordination and implementation  
13 of management programs.

14           Sec. 74. 12 MRSA §8602, as enacted by PL 1979,  
15 c. 545, §3, is amended to read:

16           §8602. Foresters

17           The director may appoint foresters, subject to  
18 the Personnel Civil Service Law, who shall provide  
19 technical guidance and service to small woodland own-  
20 ers, municipalities and wood processors in order to  
21 bring about improvement in the growing, harvesting,  
22 marketing and utilization of forest products, as well  
23 as such other duties as the director prescribes.

24           Sec. 75. 12 MRSA §8901, sub-§1, as amended by PL  
25 1985, c. 108, §2, is further amended to read:

26           1. Appointment. The Director of the Bureau of  
27 Forestry shall appoint forest rangers and a state su-  
28 pervisor, subject to the Personnel Civil Service Law.

29           Sec. 76. 17 MRSA §1051-B, as enacted by PL 1983,  
30 c. 308, §§7 and 14, is amended to read:

31           §1051-B. Executive director; other employees

32           The commissioner may employ with the approval of  
33 the board, subject to the Personnel Civil Service  
34 Law, an executive director and such other employees  
35 as are necessary to assist the board in carrying out  
36 its duties and responsibilities. The board shall ap-  
37 point part-time humane agents who shall serve as  
38 agents of the board in the enforcement of this chap-

1 ter and as otherwise provided by law. These part-time  
2 agents shall be unclassified employees whose stan-  
3 dards of employment, training, compensation and hours  
4 of employment will be determined by the board. The  
5 jurisdiction of each part-time humane agent shall ex-  
6 tend throughout the State. In connection with its en-  
7 forcement responsibilities, the board shall be enti-  
8 tled to and shall receive the assistance of the At-  
9 torney General and of the several district attorneys  
10 and may apply to the Commissioner of Agriculture,  
11 Food and Rural Resources for the assistance of state  
12 veterinarians.

13 Sec. 77. 20-A MRSA §253, sub-§§2 and 6, as en-  
14 acted by PL 1981, c. 693, §§5 and 8, are amended to  
15 read:

16 2. Hiring. The commissioner may hire personnel  
17 deemed necessary to fulfill the duties of the depart-  
18 ment. These personnel shall be subject to the  
19 ~~Personnel~~ Civil Service Law, except as provided in  
20 section 203.

21 6. Agricultural education consultant. The com-  
22 missioner shall appoint, subject to the ~~Personnel~~  
23 Civil Service Law, an Education Specialist II or ag-  
24 ricultural education consultant to be responsible for  
25 supervision of agricultural technical education, in-  
26 cluding agribusiness and agriculture's relation to  
27 the environment.

28 Sec. 78. 20-A MRSA §405, sub-§5, ¶G, as enacted  
29 by PL 1981, c. 693, §§5 and 8, is amended to read:

30 G. It may appoint and employ, under the  
31 ~~Personnel~~ Civil Service Law, personnel to carry  
32 out the duties imposed on it by this subsection.

33 (1) It may fix the duties of these employ-  
34 ees.

35 (2) It may make funds available to pay for  
36 their salaries and expenses.

37 (3) It may use other state board employees  
38 to carry out this subsection.

1           Sec. 79. 20-A MRSA §7503, sub-§4, ¶A, as enacted  
2 by PL 1981, c. 693, §§5 and 8, is amended to read:

3           A. May employ officers, teachers and other em-  
4 ployees, subject to the ~~Personnel~~ Civil Service  
5 Law; and

6           Sec. 80. 20-A MRSA §13006, sub-§3, as enacted by  
7 PL 1981, c. 693, §§5 and 8, is amended to read:

8           3. Clerical assistants. The commissioner may  
9 employ clerical and other assistants, subject to the  
10 ~~Personnel~~ Civil Service Law. They shall perform  
11 their duties under the general supervision of the  
12 commissioner.

13           Sec. 81. 22 MRSA §1, 3rd ¶, as amended by PL  
14 1983, c. 729, §5, is further amended to read:

15           The commissioner may employ any bureau and divi-  
16 sion heads, deputies, assistants and employees who  
17 may be necessary to carry out the work of the depart-  
18 ment. All personnel of the department shall be under  
19 the immediate supervision, direction and control of  
20 the commissioner. These personnel shall be employed  
21 subject to the ~~Personnel~~ Civil Service Law, except  
22 the: Deputy Commissioner; Director, Bureau of Social  
23 Services; Director, Bureau of Maine's Elderly; Direc-  
24 tor, Bureau of Health; Director, Bureau of Rehabili-  
25 tation; Director, Bureau of Income Maintenance; Di-  
26 rector, State Health Planning and Development Agency;  
27 Director, Bureau of Medical Services; and Assistant  
28 Deputy Commissioners.

29           Sec. 82. 22 MRSA §384, as enacted by PL 1983, c.  
30 579, §10, is amended to read:

31           §384. Executive director and staff

32           The commission shall appoint an executive direc-  
33 tor, who shall have had experience in the organiza-  
34 tion, financing or delivery of health care and who  
35 shall perform the duties delegated to him by the com-  
36 mission. The executive director shall serve at the  
37 pleasure of the commission and his salary shall be  
38 set by the commission within the range established by  
39 Title 2, section 6-B. The executive director shall



1 appoint a deputy director, who shall perform the du-  
2 ties delegated to him by the executive director. The  
3 deputy director shall serve at the pleasure of the  
4 executive director and his salary shall be set by the  
5 executive director within the range established by  
6 Title 2, section 6-B. The commission may employ such  
7 other staff as it deems necessary. The appointment  
8 and compensation of such other staff shall be subject  
9 to the ~~Personnel~~ Civil Service Law.

10 Sec. 83. 22 MRSA §1393, as enacted by PL 1985,  
11 c. 373, §1, is amended to read:

12 §1393. Staff

13 The director of the program may employ personnel  
14 to fulfill the purpose of this chapter. All person-  
15 nel in the program shall be subject to the ~~Personnel~~  
16 Civil Service Law.

17 Sec. 84. 22 MRSA §1962, as enacted by PL 1977,  
18 c. 516, is amended to read:

19 §1962. Director

20 The Commissioner of Human Services shall appoint  
21 a Director of Public Health Nursing, subject to the  
22 ~~Personnel~~ Civil Service Law, who shall be licensed as  
23 a registered nurse in the State and shall have educa-  
24 tion and experience in community health nursing.

25 Sec. 85. 22 MRSA §2094, last ¶, as enacted by  
26 P&SL 1975, c. 90, §A, is amended to read:

27 The director may employ, subject to the ~~Personnel~~  
28 Civil Service Law and within the limits of available  
29 funds, competent professional personnel and other  
30 staff necessary to carry out the purposes of this  
31 chapter. The director shall prescribe the duties of  
32 staff and assign a sufficient number of staff to the  
33 office to achieve its powers and duties.

34 Sec. 86. 22 MRSA §2162, last ¶ is amended to  
35 read:

36 The commissioner may employ such agents and as-  
37 sistants, subject to the ~~Personnel~~ Civil Service Law,

1 and make such purchases as may be necessary in the  
2 performance of his duties.

3           Sec. 87. 22 MRSA §2701, sub-§1, as amended by PL  
4 1975, c. 293, §4, is further amended to read:

5           1. Registrar. The Commissioner of Human Services  
6 shall appoint a State Registrar of Vital Statistics,  
7 who shall be qualified in accordance with the stan-  
8 dards of education and experience prescribed by the  
9 State Department of Personnel Office of Human  
10 Resources.

11           Sec. 88. 22 MRSA §3022, first ¶, as amended by  
12 PL 1975, c. 771, §219, is further amended to read:

13           There is created, in the Department of the Attor-  
14 ney General, the Office of Chief Medical Examiner for  
15 the State of Maine. The Chief Medical Examiner of  
16 the State of Maine shall be appointed by the Governor  
17 for a term of 7 years and until his successor is ap-  
18 pointed and qualified. The Chief Medical Examiner  
19 shall possess a degree of doctor of medicine or doc-  
20 tor of osteopathy, be licensed to practice in the  
21 State of Maine and be certified in the specialty of  
22 forensic pathology by either the American Board of  
23 Pathology or the American Osteopathic Board of Pa-  
24 thology. Any vacancy in the Office of the Chief Medi-  
25 cal Examiner shall be filled by appointment by the  
26 Governor for a full term of 7 years. The Chief Medi-  
27 cal Examiner is authorized to hire, subject to the  
28 Personnel Civil Service Law, necessary office and  
29 laboratory personnel in order to carry out the proper  
30 functioning of his office.

31           Sec. 89. 22 MRSA §3173, first ¶, as repealed and  
32 replaced by PL 1979, c. 127, §144, is amended to  
33 read:

34           The department is authorized to administer pro-  
35 grams of aid, medical or remedial care and services  
36 for medically indigent persons. It is empowered to  
37 employ, subject to the Personnel Civil Service Law,  
38 such assistants as may be necessary to carry out this  
39 program and to coordinate their work with that of the  
40 other work of the department.

1           Sec. 90. 22 MRSA §3500, as amended by PL 1975,  
2 c. 293, §4, is further amended to read:

3           §3500. Division of Eye Care

4           The Division of Eye Care, as heretofore estab-  
5 lished within the Department of Human Services and  
6 hereafter in this chapter called the "division,"  
7 shall be under the jurisdiction of the Director of  
8 the Division of Eye Care, hereafter in this chapter  
9 called the "director." The commissioner shall appoint  
10 the director, subject to the ~~Personnel~~ Civil Service  
11 Law.

12           Sec. 91. 22 MRSA §4084, sub-§10, as enacted by  
13 PL 1985, c. 441, §3, is amended to read:

14           10. Staff. The board may employ, pursuant to  
15 the ~~Personnel~~ Civil Service Law, an executive secre-  
16 tary and a clerical assistant as necessary full or  
17 part time.

18           Sec. 92. 22 MRSA §5105, last ¶, as repealed and  
19 replaced by PL 1973, c. 793, §6, is amended to read:

20           The director may employ, subject to the ~~Personnel~~  
21 Civil Service Law and within the limits of available  
22 funds, competent professional personnel and other  
23 staff necessary to carry out the purposes of this  
24 Part. He shall prescribe the duties of staff and as-  
25 sign a sufficient number of staff full time to the  
26 bureau to achieve its powers and duties. He may ar-  
27 range to house staff or assign staff who are respon-  
28 sible to him to an area agency designated pursuant to  
29 section 5116, subsection 1, paragraph B. Such staff  
30 shall report solely and directly to the director.  
31 Staff shall not be housed in or assigned to any other  
32 organizational unit of the department, except as pro-  
33 vided by sections 5104-A and 5111.

34           Sec. 93. 22 MRSA §5111, 2nd ¶, as repealed and  
35 replaced by PL 1973, c. 793, §11, is amended to  
36 read:

37           The committee is authorized to employ, subject to  
38 the ~~Personnel~~ Civil Service Law, such staff as is  
39 necessary to carry out its objectives. The committee

1 is authorized to employ consultants and contract for  
2 such projects as it deems necessary. The commissioner  
3 and the director, to the extent feasible and reasonable,  
4 shall make available to the committee such  
5 staff, facilities, equipment, supplies, information  
6 and other assistance as it may reasonably require to  
7 carry out its activities.

8       Sec. 94. 22 MRSA §5308, 2nd ¶, as enacted by PL  
9 1973, c. 793, §12, is amended to read:

10       It is the intent of this Part that the bureau  
11 shall function as a central office administrative  
12 unit of the department with the advice of the council  
13 and that the powers, duties, authority and responsibility  
14 of the bureau shall not be delegated, decentralized  
15 or assigned to regional, local or other  
16 units of the department, except as provided in this  
17 section, section 5316 and section 6108. Regarding  
18 any portion of this Part and Part 2 which relate to  
19 provision of services directly to eligible people  
20 through staff employed subject to the ~~Personnel~~ Civil  
21 Service Law by the department or other organizational  
22 units of State Government, the bureau may carry out  
23 its powers and duties through regional or other administrative  
24 units of the department or State Government.  
25

26       Sec. 95. 22 MRSA §5309, last ¶, as enacted by PL  
27 1973, c. 793, §12, is amended to read:

28       The director may employ, subject to the ~~Personnel~~  
29 Civil Service Law and within the limits of available  
30 funds, competent professional personnel and other  
31 staff necessary to carry out the purposes of this  
32 Part and Part 2. He shall prescribe the duties of the  
33 staff and assign a sufficient number of staff full  
34 time to the bureau to achieve its powers and duties.  
35 Regarding the provision of human services by the bureau  
36 directly to eligible people, the director may  
37 arrange to house staff or assign staff who are responsible  
38 to him to regional or other units of the department  
39 or State Government. Regarding the development,  
40 execution and monitoring of agreements, the  
41 director shall not house nor assign staff to any other  
42 unit of the department or State Government. Such  
43 staff shall report solely and directly to him. The

1 director shall assign staff to the council as pro-  
2 vided in sections 5305 and 5315.

3 Sec. 96. 22 MRSA §5315, 2nd ¶, as amended by PL  
4 1983, c. 409, §5, is further amended to read:

5 The council may employ, subject to the ~~Personnel~~  
6 Civil Service Law, such staff as is necessary to car-  
7 ry out its objectives. The council may employ consul-  
8 tants and contract for such projects as it deems nec-  
9 essary. State agencies, to the extent feasible and  
10 reasonable, shall make available to the council such  
11 staff, facilities, equipment, supplies, information  
12 and other assistance as it may reasonably require to  
13 carry out its activities.

14 Sec. 97. 22 MRSA §7105, first and last ¶¶, as  
15 amended by PL 1983, c. 464, §6, are further amended  
16 to read:

17 The Office of Alcoholism and Drug Abuse Preven-  
18 tion shall be administered by a director, who shall  
19 be appointed, subject to the ~~Personnel~~ Civil Service  
20 Law, under the classified service by the commis-  
21 sioner. The director shall be a person qualified by  
22 training and experience with drug abuse, or alcohol-  
23 ism and intoxication, or who has had satisfactory ex-  
24 perience of a comparable nature in the direction, or-  
25 ganization and administration of prevention or treat-  
26 ment programs for persons affected by drug abuse or  
27 drug dependency.

28 The director may employ, subject to the ~~Personnel~~  
29 Civil Service Law and within the limits of funds  
30 available, competent professional personnel and other  
31 staff necessary to carry out the purposes of this  
32 chapter. He shall prescribe the duties of staff and  
33 assign a sufficient number of staff full time to the  
34 office to achieve its powers and duties. He may ar-  
35 range to house staff or assign staff who are respon-  
36 sible to him and who are to provide direct service to  
37 individuals or small groups of individuals needing  
38 drug abuse treatment, to operating units of the de-  
39 partment, which are responsible for similar func-  
40 tions.

41 Sec. 98. 22 MRSA §7133, last ¶, as enacted by PL  
42 1983, c. 464, §19, is amended to read:

1           The planning director may employ, subject to the  
2 ~~Personnel~~ Civil Service Law and within the limits of  
3 funds available, competent professional personnel and  
4 other staff necessary to carry out the purposes of  
5 this chapter. He shall prescribe the duties of staff  
6 and assign sufficient staff to the planning committee  
7 to perform its powers and duties.

8           Sec. 99. 23 MRSA §152, 5th ¶, as amended by PL  
9 1983, c. 553, §23, is further amended to read:

10           The board shall maintain an office in Kennebec  
11 County. The Commissioner of Finance and Administra-  
12 tion shall appoint, subject to the ~~Personnel~~ Civil  
13 Service Law, a clerk of the board to keep its records  
14 and to perform such other duties as the board shall  
15 prescribe. The clerk shall have authority to certify  
16 to all official acts of the board, administer oaths,  
17 issue subpoenas, and issue all processes, notices,  
18 orders or other documents necessary to the perform-  
19 ance of the duties of the board.

20           Sec. 100. 23 MRSA §152, 6th ¶, as amended by PL  
21 1983, c. 553, §24, is further amended to read:

22           The Commissioner of Finance and Administration  
23 shall appoint and fix the compensation of a reporter  
24 to the board, and shall review and approve all  
25 charges made by such reporter for transcripts of the  
26 record of hearings before the board. The Commissioner  
27 of Finance and Administration may appoint, subject  
28 to the ~~Personnel~~ Civil Service Law, such clerical as-  
29 sistants for the board as he may deem necessary.

30           Sec. 101. 23 MRSA §201, as amended by PL 1981,  
31 c. 45, §1, is further amended to read:

32           §201. Appointment

33           The commissioner shall, subject to the ~~Personnel~~  
34 Civil Service Law, appoint a civil engineer as chief  
35 engineer.

36           Sec. 102. 23 MRSA §1925, as repealed and re-  
37 placed by PL 1981, c. 318, §4, is amended to read:

38           §1925. Administration of chapter

1 The commissioner shall administer this chapter  
2 with the advice of the Travel Information Advisory  
3 Council. The commissioner may employ, subject to the  
4 ~~Personnel~~ Civil Service Law, clerical and other as-  
5 sistants required for the administration of this  
6 chapter. The commissioner may delegate to personnel  
7 of the Department of Transportation the authority to  
8 administer this chapter. The commissioner may promul-  
9 gate rules to administer the various provisions of  
10 this chapter that are consistent with the provisions  
11 thereof. The commissioner may execute contracts and  
12 other agreements to carry out the purposes of this  
13 chapter.

14 Sec. 103. 23 MRSA §4206, sub-§4, as amended by  
15 PL 1983, c. 489, §11, is further amended to read:

16 4. Personnel. The commissioner may appoint such  
17 deputies, directors, assistants, general counsel and  
18 other officers and employees as may be needed for the  
19 performance of his duties. These appointments shall  
20 be subject to the ~~Personnel~~ Civil Service Law, except  
21 for the following who shall serve at the pleasure of  
22 the commissioner: Deputy Commissioners of Transporta-  
23 tion; Chief Counsel, Bureau of Legal Services; As-  
24 sistant to the Commissioner; and Assistant to the  
25 Commissioner for Public Information.

26 Sec. 104. 24-A MRSA §206, sub-§1, as amended by  
27 PL 1983, c. 553, §46, is further amended to read:

28 1. The superintendent, with the approval of the  
29 Commissioner of the Department of Business, Occupa-  
30 tional and Professional Regulation, may employ, sub-  
31 ject to the ~~Personnel~~ Civil Service Law, a first dep-  
32 uty superintendent and may employ one or more addi-  
33 tional deputies.

34 Sec. 105. 24-A MRSA §207, as amended by PL 1973,  
35 c. 585, §12, is further amended to read:

36 §207. Staff

37 Subject to the ~~Personnel~~ Civil Service Law, the  
38 superintendent may appoint and dismiss for cause such  
39 personnel as conduct of his office may require.

1           Sec. 106. 25 MRSA §1501, 3rd ¶, as amended by PL  
2           1983, c. 489, §12, is further amended to read:

3           Subject to the approval of the Commissioner of  
4           Public Safety, the chief may appoint 2 commissioned  
5           officers of the State Police to act as his deputies  
6           and serve at his pleasure. Subject to the ~~Personnel~~  
7           Civil Service Law, the Chief of the State Police may  
8           enlist suitable persons as members of the State Po-  
9           lice to enforce the law and employ such other employ-  
10          ees as may be necessary. The Chief of the State Po-  
11          lice shall make rules, subject to the approval of the  
12          ~~Personnel~~ State Policy Review Board, for the disci-  
13          pline and control of the State Police. If a deputy  
14          chief is removed or fails to be reappointed for any  
15          reason other than malfeasance of office and, at that  
16          time, does not have at least 20 years of service with  
17          the State Police, he shall be reinstated at the com-  
18          missioned rank held at the time of the appointment  
19          with all the rights and privileges as provided by law  
20          and personnel rules.

21          Sec. 107. 25 MRSA §1504, first ¶, as amended by  
22          PL 1975, c. 771, §263, is further amended to read:

23          The Governor shall determine the salary of the  
24          chief and deputy chief. The compensation of the other  
25          members of the State Police shall be determined under  
26          the ~~Personnel~~ Civil Service Law.

27          Sec. 108. 25 MRSA §1541, sub-§2, as enacted by  
28          PL 1975, c. 763, §4, is amended to read:

29          2. Personnel. The Chief of the State Police may  
30          delegate members of the State Police to serve in the  
31          bureau upon request of the commanding officer. The  
32          commanding officer shall have the authority to hire  
33          such civilian personnel, subject to the ~~Personnel~~  
34          Civil Service Law and the approval of the Chief of  
35          the State Police, as he may deem necessary.

36          Sec. 109. 25 MRSA §2396, first ¶, as amended by  
37          PL 1975, c. 579, §4, is further amended to read:

38          The office of State Fire Marshal is hereby estab-  
39          lished as a bureau within the Department of Public  
40          Safety. The Commissioner of Public Safety shall ap-



1 point, as State Fire Marshal, a person experienced in  
2 fire prevention work, who may be removed for cause by  
3 the commissioner. The State Fire Marshal shall ap-  
4 point, subject to the Personnel Civil Service Law,  
5 such inspectors and other employees as may be neces-  
6 sary to carry out the duties assigned to his office.  
7 The State Fire Marshal shall carry out all of the du-  
8 ties and responsibilities assigned to his office and  
9 such other duties as may be prescribed or delegated  
10 by the Commissioner of Public Safety and he shall de-  
11 vote his full time to the duties of his office.

12       Sec. 110. 25 MRSA §2804-A, last ¶, as enacted by  
13 PL 1975, c. 579, §9, is amended to read:

14       The director shall employ, within the limits of  
15 funds available, with the approval of the board and  
16 the commissioner and subject to the Personnel Civil  
17 Service Law, such personnel as may be reasonably nec-  
18 essary to carry out the purposes of the academy.

19       Sec. 111. 25 MRSA §2902, last ¶, as enacted by  
20 PL 1983, c. 489, §13, is amended to read:

21       Unless specified otherwise by statute, department  
22 personnel shall be appointed subject to the Personnel  
23 Civil Service Law. Persons holding major  
24 policy-influencing positions under Title 5, section  
25 711, subsection 2, paragraph A, shall be appointed by  
26 and serve at the pleasure of the commissioner, except  
27 as otherwise provided by law.

28       Sec. 112. 25 MRSA §2908, first ¶, as enacted by  
29 PL 1977, c. 138, §3, is amended to read:

30       The Commissioner of Public Safety is authorized  
31 and empowered to appoint and employ, subject to the  
32 Personnel Civil Service Law, security officers who  
33 shall have the powers of arrest of a sheriff in the  
34 Capitol Area, parks, grounds, buildings and appurte-  
35 nances owned or leased by the State at the seat of  
36 government.

37       Sec. 113. 26 MRSA §41, as amended by PL 1981, c.  
38 168, §§5 and 26, is further amended to read:

39       §41. Director; personnel; salaries; expenses

1           A Bureau of Labor Standards within the Department  
2 of Labor, as heretofore established and hereinafter  
3 in this Title called the "bureau," shall be main-  
4 tained under the direction of an officer whose title  
5 shall be Director of ~~the Bureau of~~ Labor Standards  
6 and state factory inspector, hereinafter in this Ti-  
7 tle, except in chapter 13, called the "director." He  
8 shall be appointed by the Commissioner of Labor and  
9 shall hold office at the pleasure of the commission-  
10 er. He shall have an office in the State Capitol. He  
11 shall appoint, subject to the ~~Personnel~~ Civil Service  
12 Law, such employees as may be necessary and a deputy  
13 who shall be clerk of the bureau and deputy state  
14 factory inspector.

15           Sec. 114. 26 MRSA §802, 3rd ¶, as enacted by PL  
16 1983, c. 176, Pt. A, §9, is amended to read:

17           The committee may employ, subject to the  
18 ~~Personnel~~ Civil Service Law, such staff as is neces-  
19 sary to carry out its objectives. The committee may  
20 employ consultants and contract for such projects as  
21 it deems necessary. To the extent feasible and rea-  
22 sonable, the committee shall have such staff, facili-  
23 ties, equipment, supplies, information and other as-  
24 sistance as it may reasonably require to carry out  
25 its activities.

26           Sec. 115. 26 MRSA §979-D, sub-§1, ¶E, as amended  
27 by PL 1985, c. 289, is further amended to read:

28           E. To confer and negotiate in good faith:

29           (1) To confer and negotiate in good faith  
30 with respect to wages, hours, working condi-  
31 tions and contract grievance arbitration,  
32 except that by such obligation neither party  
33 shall be compelled to agree to a proposal or  
34 be required to make a concession. All mat-  
35 ters relating to the relationship between  
36 the employer and employees shall be the sub-  
37 ject of collective bargaining, except those  
38 matters which are prescribed or controlled  
39 by public law. Such matters appropriate for  
40 collective bargaining to the extent they are  
41 not prescribed or controlled by public law  
42 include but are not limited to:

- 1 (a) Wage and salary schedules to the  
2 extent they are inconsistent with rates  
3 prevailing in commerce and industry for  
4 comparable work within the State;
- 5 (b) Work schedules relating to as-  
6 signed hours and days of the week;
- 7 (c) Use of vacation or sick leave, or  
8 both;
- 9 (d) General working conditions;
- 10 (e) Overtime practices;
- 11 (f) Rules ~~and regulations~~ for person-  
12 nel administration, except the follow-  
13 ing: Rules ~~and regulations~~ relating to  
14 applicants for employment in state ser-  
15 vice and classified employees in an  
16 initial probationary status, including  
17 any extensions thereof, provided such  
18 rules ~~and regulations~~ are not discrimi-  
19 natory by reason of an applicant's  
20 race, color, creed, sex or national or-  
21 igin;
- 22 (g) Compensation system for state em-  
23 ployees, which is defined as:
- 24 (i) Guide charts, if any, and job  
25 evaluation factors, including fac-  
26 tor language and factor weights,  
27 used to evaluate jobs for pay pur-  
28 poses;
- 29 (ii) Job point to pay grade con-  
30 version tables;
- 31 (iii) The number of and spread  
32 between pay steps within pay  
33 grades;
- 34 (iv) The number of and spread be-  
35 tween pay grades within the sys-  
36 tem; and

1 (v) Temporary payment of recruit-  
2 ment and retention stipends, pro-  
3 vided the stipends are allowed un-  
4 der ~~Personnel~~ Civil Service Law;

5 (h) The nature of and procedures gov-  
6 erning appeals of the allocation or re-  
7 allocation of job classifications to  
8 pay grades resulting from any revisions  
9 to the compensation system; and

10 (i) Implementation of any revisions to  
11 the compensation system.

12 (2) Subparagraph (1), shall not be con-  
13 strued to be in derogation of or contravene  
14 the spirit and intent of the merit system  
15 principles and personnel laws.

16 (3) Cost items shall be submitted for in-  
17 clusion in the Governor's next operating  
18 budget within 10 days after the date on  
19 which the agreement is ratified by the par-  
20 ties. If the Legislature rejects any of the  
21 cost items submitted to it, all cost items  
22 submitted shall be returned to the parties  
23 for further bargaining.

24 (4) Collective bargaining over the subjects  
25 described in subparagraph (1), divisions  
26 (g), (h) and (i), is subject to the follow-  
27 ing.

28 (a) Subparagraph (1), division (g),  
29 shall not be construed to authorize any  
30 more than one system for evaluating  
31 jobs of state employees in bargaining  
32 units recognized under this chapter.

33 (b) Either the public employer or the  
34 bargaining agents may compel the other  
35 party to bargain collectively over the  
36 subjects described in subparagraph (1),  
37 divisions (g), (h) and (i), provided  
38 that bargaining over those subjects may  
39 not be compelled by either the public  
40 employer or the bargaining agents soon-

1 er than 10 years after the parties'  
2 last agreement to revise the compensa-  
3 tion system made pursuant to a demand  
4 to bargain.

5 (c) During the periods of time de-  
6 scribed in division (b), when the sub-  
7 jects described in subparagraph (l),  
8 divisions (g), (h) and (i), are not  
9 mandatory subjects of bargaining, they  
10 shall be permissive subjects of bar-  
11 gaining.

12 (d) Bargaining over the subjects de-  
13 scribed in subparagraph (l), divisions  
14 (g), (h) and (i), shall be conducted  
15 separately and apart from bargaining  
16 with individual bargaining agents over  
17 all other negotiable subjects and shall  
18 be conducted within a committee com-  
19 posed of representatives of management  
20 and of the bargaining units recognized  
21 under this chapter.

22 (e) The labor representatives on the  
23 committee shall consist of equal num-  
24 bers of representatives from each of  
25 the bargaining units recognized under  
26 this chapter. Each bargaining unit  
27 shall have one vote, regardless of the  
28 number of representatives, on any mat-  
29 ter addressed by the committee. The  
30 labor position on any matter addressed  
31 by the committee shall be established  
32 by majority vote of the units recog-  
33 nized under this chapter. A majority  
34 vote of the units is necessary to ini-  
35 tiate bargaining over the matters de-  
36 scribed in subparagraph (l), divisions  
37 (g), (h) and (i).

38 (f) Notwithstanding the time frame  
39 provided in subparagraph (3), cost  
40 items resulting from revisions to the  
41 compensation system may only be submit-  
42 ted to the Legislature for funding af-  
43 ter all appeals from the allocation or

1 reallocation of job classifications un-  
2 der the revised system have been final-  
3 ly decided. The cost items relating to  
4 an individual bargaining unit shall be  
5 submitted to the Legislature for fund-  
6 ing as part of the next legislation  
7 submitted pursuant to subparagraph (3)  
8 to fund a collective bargaining agree-  
9 ment between the State and that bar-  
10 gaining unit.

11 (g) Bargaining over the subjects de-  
12 scribed in subparagraph (1), divisions  
13 (g), (h) and (i), shall be subject to  
14 the dispute resolution procedures of  
15 subsections 2, 3 and 4. For purposes  
16 of subsection 4, paragraph D, contro-  
17 versies over the subjects described in  
18 subparagraph (1), divisions (g), (h)  
19 and (i), shall be deemed "controversies  
20 over salaries."

21 (5) Nothing in this chapter may be con-  
22 strued to exclude from the scope of collec-  
23 tive bargaining the subjects described in  
24 subparagraph (1), divisions (g), (h) and  
25 (i).

26 Sec. 116. 26 MRSA §979-K, as amended by PL 1981,  
27 c. 289, §12, is further amended to read:

28 §979-K. Grievance arbitration

29 An agreement between a bargaining agent and the  
30 public employer may provide for binding arbitration  
31 as the final step of a grievance procedure, provided  
32 that any such grievance procedure shall be exclusive  
33 and shall supersede any otherwise applicable grievance  
34 procedure provided by law. If no such provision  
35 is contained in the collective bargaining agreement,  
36 the parties shall submit their differences for resolu-  
37 tion by the State ~~Personnel~~ Civil Service Appeals  
38 Board.

39 Sec. 117. 26 MRSA §979-Q is enacted to read:

40 §979-Q. Separation of roles

1           1. Officers and employees. No officer or em-  
2 ployee of the Governor's Office of Employee Relations  
3 may be an employee or officer of the Office of Human  
4 Resources. No officer or employee of the Governor's  
5 Office of Employee Relations may engage in any of the  
6 duties, responsibilities or tasks assigned to or un-  
7 dertaken by the Office of Human Resources.

8           2. Location. The Governor's Office of Employee  
9 Relations shall not be located within the offices of  
10 the Office of Human Resources. Both agencies shall be  
11 located in separate geographical locations.

12           Sec. 118. 26 MRSa §1082, sub-§4, as amended by  
13 PL 1983, c. 351, §10, is further amended to read:

14           4. Personnel. Subject to other provisions of  
15 this chapter, the Commissioner of Labor is authorized  
16 to appoint and prescribe the duties and powers of,  
17 and fix the compensation of, such officers, account-  
18 ants, attorneys, experts and other persons as may be  
19 necessary in the performance of his duties, subject  
20 to the Personnel Civil Service Law. The commissioner  
21 may delegate to any such person so appointed such  
22 power and authority as is reasonable and proper for  
23 the effective administration of this chapter, and may  
24 in his discretion bond any person handling moneys or  
25 signing checks under this chapter. On request of the  
26 commissioner, the Attorney General shall represent  
27 the department, the commission and the State in any  
28 court action relating to this chapter or to its ad-  
29 ministration and enforcement. Special counsel may be  
30 retained by the commissioner in accordance with Title  
31 5, section 196, whose service and expenses shall be  
32 paid from the funds provided for the administration  
33 of this chapter. The commissioner shall not employ or  
34 pay any person who is an officer or committee member  
35 of any political party organization.

36           Sec. 119. 26 MRSa §1401, sub-§2, as repealed and  
37 replaced by PL 1983, c. 650, §4, is amended to read:

38           2. Personnel. Appoint to serve at his pleasure:

39           A. Assistant to the Commissioner;

40           B. Assistant to the Commissioner for Public Af-  
41           fairs;

- 1 C. Director, Planning and Program Services;
- 2 D. Director, Bureau of Labor Standards;
- 3 E. Executive Director, Bureau of Employment Se-
- 4 curity;
- 5 F. Director, Maine Job Training Council;
- 6 G. Executive Secretary, Maine Occupational In-
- 7 formation Coordinating Committee; and
- 8 H. Executive Director, Bureau of Employment and
- 9 Training Programs.

10 The commissioner may appoint, subject to the  
11 ~~Personnel~~ Civil Service Law, such other personnel as  
12 may be necessary to carry out the functions of the  
13 department. The commissioner may transfer personnel  
14 within the department to insure the efficient utili-  
15 zation of department personnel;

16 Sec. 120. 26 MRSA §1454, first ¶, as enacted by  
17 PL 1981, c. 705, Pt. O, §1, is amended to read:

18 The chairman shall nominate an executive director  
19 for appointment by the committee, who shall serve at  
20 the committee's pleasure. With the committee's ap-  
21 proval, the executive director may appoint, subject  
22 to the ~~Personnel~~ Civil Service Law, such personnel as  
23 are necessary and who are authorized.

24 Sec. 121. 27 MRSA §1, 2nd ¶, as amended by PL  
25 1971, c. 610, §13, is further amended to read:

26 The librarian may employ, subject to the  
27 ~~Personnel~~ Civil Service Law and the approval of the  
28 Commissioner of Educational and Cultural Services, a  
29 deputy state librarian, and such assistants as the  
30 business of the office may require.

31 Sec. 122. 27 MRSA §85, sub-§2, as amended by PL  
32 1971, c. 610, §16, is further amended to read:

33 2. Administration. To administer the office of  
34 Museum Director. In exercising his administration,  
35 the Museum Director shall promulgate operating poli-



1 cies, establish organizational and operational proce-  
2 dures, and exercise supervision of museum activities.  
3 He shall employ, subject to the Personnel Civil  
4 Service Law and the approval of the Commissioner of  
5 Educational and Cultural Services, such assistants as  
6 may be necessary to carry out the purposes of this  
7 chapter. The Museum Director shall adopt a seal for  
8 use in the official business of the museum;

9       Sec. 123. 27 MRSA §505, sub-§1, as enacted by PL  
10 1979, c. 21, is amended to read:

11       1. Appointment. The Maine Historic Preservation  
12 Commission may appoint a director, with the approval  
13 of the Commissioner of Educational and Cultural Ser-  
14 vices, who shall be qualified by special training or  
15 experience in the field of historic preservation and  
16 who shall also serve as the State Historic Preserva-  
17 tion Officer upon appointment by the Governor and  
18 shall be subject to removal for cause under the  
19 Personnel Civil Service Law.

20       Sec. 124. 28 MRSA §58, 2nd ¶, as enacted by PL  
21 1975, c. 741, §4, is amended to read:

22       The Director of the Bureau of Alcoholic Beverages  
23 shall have general charge of the office and records  
24 and shall employ, with the approval of the Commis-  
25 sioner of Finance and Administration and the State  
26 Liquor Commission, subject to the Personnel Civil  
27 Service Law, such personnel and make expenditures as  
28 may be necessary to fulfill the purposes of this Ti-  
29 tle.

30       Sec. 125. 28 MRSA §59, sub-§1, as amended by PL  
31 1985, c. 506, Pt. A, §52, is further amended to read:

32       1. Bureau of Liquor Enforcement. The enforcement  
33 division of the State Liquor Commission shall be the  
34 Bureau of Liquor Enforcement within the Department of  
35 Public Safety, as heretofore created. The Commis-  
36 sioner of Public Safety shall appoint as Director of the  
37 Bureau of Liquor Enforcement a person experienced in  
38 law enforcement or enforcement of liquor laws, who  
39 may be removed for cause by the commissioner. The di-  
40 rector, subject to the Personnel Civil Service Law,  
41 may appoint as many liquor enforcement officers as

1 may be found necessary. The liquor enforcement offi-  
2 cers shall be under the direct supervision and con-  
3 trol of the director.

4 Notwithstanding any other provisions of law, the De-  
5 partment of Public Safety shall be responsible for  
6 the enforcement of the liquor laws and the rules of  
7 the commission.

8 All business and financial records of licensees shall  
9 be confidential.

10 Sec. 126. 29, §2713, sub-§3, as amended by PL  
11 1985, c. 350, §1, is further amended to read:

12 3. Use of funds. Subject to the ~~Personnel~~ Civil  
13 Service Law, money in the fund may be expended to  
14 hire employees and to defray other costs authorized  
15 by law for the several agencies as follows.

16 A. There shall be allocated to the Department of  
17 Public Safety for State Police up to \$1,100,000  
18 annually from the fund to carry out the statutory  
19 duties of the bureau imposed by this chapter and  
20 Title 35 and for related activities.

21 C. Any balance in the fund in excess of that re-  
22 quired for the purposes of paragraph A may be al-  
23 located in the same manner and for the same pur-  
24 poses as moneys in the Highway Fund, but with  
25 special emphasis on matters relating to transpor-  
26 tation safety. Any allocation of this balance  
27 shall be identified as to source.

28 Sec. 127. 32 MRSA §63-A, sub-§5, as enacted by  
29 PL 1985, c. 233, §6, is amended to read:

30 5. Employees. With the advice of the board, the  
31 commissioner may appoint, subject to the ~~Personnel~~  
32 Civil Service Law, such employees as may be necessary  
33 to carry out this chapter. Any person so employed  
34 shall be located in the department and under the ad-  
35 ministrative and supervisory direction of the commis-  
36 sioner.

37 Sec. 128. 32 MRSA §351, sub-§3, as amended by PL  
38 1977, c. 604, §9, is further amended to read:

1           3. Employees. The board shall employ, subject to  
2 the Personnel Civil Service Law, an executive secre-  
3 tary. The salary of the executive secretary shall be  
4 determined by the State Personnel Board Office of Hu-  
5 man Resources and shall be paid from funds received  
6 under this chapter. The executive secretary of the  
7 board shall keep a record of all proceedings, certifi-  
8 cates of registration and licenses; issue all no-  
9 tices, except those required to be issued by the Ad-  
10 ministrative Court Judge under Title 4, chapter 25;  
11 attest all such papers and orders as the board shall  
12 direct; make sanitary inspections at least twice a  
13 year of shops and other establishments subject to li-  
14 cense under this chapter as directed by the board,  
15 and shall, on or before August 1st of each year, sub-  
16 mit a report to the Commissioner of Business, Occupa-  
17 tional and Professional Regulation, for the preceding  
18 fiscal year ending June 30th, giving a full statement  
19 of all receipts and expenditures and a statement of  
20 the work performed by the board during the year, to-  
21 gether with such recommendations as deemed necessary.  
22 The board shall employ, subject to the Personnel Civ-  
23 il Service Law, inspectors who may be registered bar-  
24 bers and who shall, under the direction of the execu-  
25 tive secretary, make inspections of shops and other  
26 establishments subject to license. The salary of such  
27 inspectors shall be determined by the State Personnel  
28 Board Office of Human Resources and shall be paid  
29 from funds received under this chapter. The board  
30 shall have the right to dismiss, for cause, the exec-  
31 utive secretary or the inspectors.

32           Sec. 129. 32 MRSA §1152, first ¶, as amended by  
33 PL 1983, c. 553, §46, is further amended to read:

34           The Commissioner of Business, Occupational and  
35 Professional Regulation, with the advice and consent  
36 of the board, shall be empowered to appoint, subject  
37 to the Personnel Civil Service Law, such employees as  
38 may be necessary to carry out this chapter. Any per-  
39 son so employed shall be located in the Department of  
40 Business, Occupational and Professional Regulation  
41 and under the administrative and supervisory direc-  
42 tion of the Commissioner of Business, Occupational  
43 and Professional Regulation.

1           Sec. 130. 32 MRSA §1601, sub-§3, as amended by  
2 PL 1983, c. 553, §46, is further amended to read:

3           3. Employees. The board shall employ, subject to  
4 the Personnel Civil Service Law, an executive secre-  
5 tary. The salary of the executive secretary shall be  
6 determined by the State Personnel Board Office of Hu-  
7 man Resources and shall be paid from funds received  
8 under this chapter. The executive secretary of the  
9 board shall keep a record of all proceedings, certifi-  
10 cates of registration and licenses; issue all no-  
11 tices, except those required to be issued by the Ad-  
12 ministrative Court Judge under Title 4, chapter 25;  
13 attest all papers and orders as the board shall di-  
14 rect; make sanitary inspections at least twice a year  
15 of shops and other establishments subject to a li-  
16 cense under this chapter as directed by the board,  
17 and shall report annually on or before August 1st of  
18 each year to the Commissioner of Business Regulation,  
19 for the preceding fiscal year ending June 30th, giv-  
20 ing a full statement of all receipts and expenditures  
21 and a statement of the work performed by the board  
22 during the year, together with recommendations as  
23 deemed necessary. The board shall employ, subject to  
24 the Personnel Civil Service Law, inspectors who may  
25 be registered cosmetologists and who shall, under the  
26 direction of the executive secretary, make inspec-  
27 tions of shops and other establishments subject to  
28 license. The salary of such inspectors shall be de-  
29 termined by the State Personnel Board Office of Human  
30 Resources and shall be paid from funds received under  
31 this chapter. The board shall have the right to dis-  
32 miss, for cause, the executive secretary or the in-  
33 spectors.

34           Sec. 131. 32 MRSA §1660-B, sub-§10, as amended  
35 by PL 1983, c. 413, §84, is further amended to read:

36           10. Appoint employees. To appoint or employ  
37 subordinate employees, subject to the Personnel Civil  
38 Service Law; and

39           Sec. 132. 32 MRSA §2275, sub-§2, as enacted by  
40 PL 1983, c. 746, §2, is amended to read:

41           2. Employees. With the advice of the board, the  
42 commissioner may appoint, subject to the Personnel

1 Civil Service Law, such employees as may be necessary  
2 to carry out this chapter. Any person so employed  
3 shall be located in the department and under the ad-  
4 ministrative and supervisory direction of the commis-  
5 sioner.

6 Sec. 133. 32 MRSA §2352, first ¶, as amended by  
7 PL 1983, c. 553, §46, is further amended to read:

8 The Commissioner of Business, Occupational and  
9 Professional Regulation, with the advice and consent  
10 of the board, shall be empowered to appoint, subject  
11 to the ~~Personnel~~ Civil Service Law, such employees as  
12 may be necessary to carry out this chapter. Any per-  
13 sons so employed shall be located in the Department  
14 of Business, Occupational and Professional Regulation  
15 and under the administrative and supervisory direc-  
16 tion of the Commissioner of Business, Occupational  
17 and Professional Regulation. In addition, the board  
18 may enter into contracts to carry out its responsi-  
19 bilities under this chapter.

20 Sec. 134. 32 MRSA §2853, first ¶ is amended to  
21 read:

22 The board shall be empowered to appoint and re-  
23 move, subject to the ~~Personnel~~ Civil Service Law, a  
24 drug inspector to enforce this chapter and Title 22,  
25 chapter 551, subchapter II and chapter 557 and the  
26 rules and regulations of the board.

27 Sec. 135. 32 MRSA §3112, sub-§5, ¶J, as amended  
28 by PL 1983, c. 553, §46, is further amended to read:

29 J. To furnish advice and consent to the Commis-  
30 sioner of Business, Occupational and Professional  
31 Regulation, who shall be empowered to appoint,  
32 subject to the ~~Personnel~~ Civil Service Law, such  
33 employees as may be necessary to carry out this  
34 chapter. Any person so employed shall be located  
35 in the Department of Business, Occupational and  
36 Professional Regulation and under the commis-  
37 sioner's supervision; and

38 Sec. 136. 32 MRSA §3402, first ¶, as amended by  
39 PL 1985, c. 389, §18, is further amended to read:

1 The commissioner, with the advice and consent of  
2 the board, may appoint, subject to the ~~Personnel~~ Civ-  
3 il Service Law, such employees as may be necessary to  
4 carry out this chapter. Any person so employed shall  
5 be located in the department and under the adminis-  
6 trative and supervisory direction of the commission-  
7 er.

8 Sec. 137. 32 MRSA §4051-C, sub-§1, as amended by  
9 PL 1983, c. 553, §46, is further amended to read:

10 1. Appointment. The Commissioner of Business,  
11 Occupational and Professional Regulation, with the  
12 advice of the Real Estate Commission and subject to  
13 the ~~Personnel~~ Civil Service Law, shall appoint a di-  
14 rector of the commission.

15 Sec. 138. 32 MRSA §4053-A, as enacted by PL  
16 1981, c. 359, §9, is amended to read:

17 §4053-A. Employees

18 The director may employ a deputy and such clerical  
19 assistants, technical assistants and investiga-  
20 tors as deemed necessary to discharge the duties im-  
21 posed by this chapter and shall outline their duties  
22 and fix their compensation, subject to the ~~Personnel~~  
23 Civil Service Law.

24 Sec. 139. 32 MRSA §4855, 3rd ¶, as enacted by PL  
25 1975, c. 477, §4, is amended to read:

26 The commissioner shall have authority, subject to  
27 the ~~Personnel~~ Civil Service Law, to employ such per-  
28 sonnel as may be deemed necessary to carry out the  
29 purposes of this chapter.

30 Sec. 140. 32 MRSA §4904, as repealed and re-  
31 placed by PL 1979, c. 89, §1, is amended to read:

32 §4904. Corporations, partnerships, associations and  
33 government agencies

34 This chapter does not prohibit one or more  
35 geologists or soil scientists from practicing through  
36 the medium of a sole proprietorship, partnership,  
37 corporation or government agency. In such partnership

1 or corporation whose primary activity consists of ge-  
2 ological services, or in a government agency in which  
3 geological work is done, at least one partner, offi-  
4 cer or employee shall be a certified geologist. In  
5 such partnership or corporation whose primary activi-  
6 ty consists of soil science services, or in a govern-  
7 ment agency in which soil science work is done, at  
8 least one partner, officer or employee shall be a  
9 certified soil scientist. In the case of an agency of  
10 State Government, the ~~Department of Personnel~~ Office  
11 of Human Resources shall classify officers and em-  
12 ployees under the Personnel Civil Service Law in a  
13 manner that ensures that at least one certified geol-  
14 ogist or soil scientist shall work for each agency in  
15 which, as the case may be, geological or soil science  
16 work is done and that any officer or employee who is  
17 engaged in the practice of geology or soil science  
18 and who is uncertified works as a subordinate to a  
19 certified geologist or soil scientist, as the case  
20 may be, and does not have responsible charge of work  
21 or evaluation.

22 Sec. 141. 32 MRSA §4908, sub-§3, as amended by  
23 PL 1983, c. 553, §46, is further amended to read:

24 3. Employees. The Commissioner of Business, Oc-  
25 cupational and Professional Regulation, with the ad-  
26 vice and consent of the board, shall be empowered to  
27 appoint, subject to the Personnel Civil Service Law,  
28 such employees as may be necessary to carry out this  
29 chapter. Any person employed shall be located in the  
30 Department of Business, Occupational and Professional  
31 Regulation and under the administrative and supervi-  
32 sory direction of the Commissioner of Business, Occu-  
33 pational and Professional Regulation.

34 Sec. 142. 32 MRSA §5011-C, as amended by PL  
35 1983, c. 553, §46, is further amended to read:

36 §5011-C. Employees

37 The Commissioner of Business, Occupational and  
38 Professional Regulation, with the advice and consent  
39 of the board, shall be empowered to appoint, subject  
40 to the Personnel Civil Service Law, such employees as  
41 may be necessary to carry out this chapter. Any per-  
42 son so employed shall be located in the Department of

1 Business, Occupational and Professional Regulation  
2 and under the administrative and supervisory direc-  
3 tion of the Commissioner of Business, Occupational  
4 and Professional Regulation.

5 Sec. 143. 32 MRSA §9704, sub-§7, as enacted by  
6 PL 1985, c. 288, §3, is amended to read:

7 7. Employees. With the advice of the board, the  
8 commissioner may appoint, subject to the ~~Personnel~~  
9 Civil Service Law, such employees as may be necessary  
10 to carry out this chapter. Any person so employed  
11 shall be located in the department and under the ad-  
12 ministrative and supervisory direction of the commis-  
13 sioner.

14 Sec. 144. 32 MRSA §9905, sub-§1, as enacted by  
15 PL 1985, c. 389, §28, is amended to read:

16 1. Employees. With the advice of the board, the  
17 commissioner may appoint, subject to the ~~Personnel~~  
18 Civil Service Law, such employees as may be necessary  
19 to carry out this chapter. Any person so employed  
20 shall be located in the department and under the ad-  
21 ministrative and supervisory direction of the commis-  
22 sioner.

23 Sec. 145. 32 MRSA §10005, sub-§2, as enacted by  
24 PL 1985, c. 496, Pt. A, §2, is amended to read:

25 2. Employees. With the advice of the board, the  
26 commissioner may appoint, subject to the ~~Personnel~~  
27 Civil Service Law, such employees as may be necessary  
28 to carry out this chapter. Any person so employed  
29 shall be located in the department and under the ad-  
30 ministrative and supervisory direction of the commis-  
31 sioner.

32 Sec. 146. 34 MRSA §1591, 2nd ¶, as amended by PL  
33 1979, c. 217, §1, is further amended to read:

34 The Division of Probation and Parole shall be un-  
35 der the direction of the Director of Probation and  
36 Parole, in this chapter called the "director," who  
37 shall be appointed by the commissioner upon the rec-  
38 ommendation of the Director of Corrections, subject  
39 to the ~~Personnel~~ Civil Service Law.



1           Sec. 147. 34 MRSA §1592, sub-§2, as amended by  
2 PL 1971, c. 528, §5, is further amended to read:

3           2. Appointees. Appoint, subject to the ~~Personnel~~  
4 Civil Service Law, district probation and parole su-  
5 pervisors, field probation and parole officers and  
6 such other employees as may be required to carry out  
7 adequate supervision of all probationers and of all  
8 parolees from the penal and correctional institu-  
9 tions, and prescribe their powers and duties;

10           Sec. 148. 34-A MRSA §1209, sub-§4, ¶C, as en-  
11 acted by PL 1983, c. 581, §§10 and 59, is amended to  
12 read:

13           C. The department may employ a full-time juve-  
14 nile justice specialist, subject to the approval  
15 of the group, and such additional staff as neces-  
16 sary.

17           (1) The professional staff shall be unclas-  
18 sified.

19           (2) Clerical staff shall be employed sub-  
20 ject to the ~~Personnel~~ Civil Service Law.

21           Sec. 149. 34-A MRSA §1403, sub-§2, ¶A, as en-  
22 acted by PL 1983, c. 459, §6, is amended to read:

23           A. The commissioner may appoint, subject to the  
24 ~~Personnel~~ Civil Service Law and except as other-  
25 wise provided, any employees who may be neces-  
26 sary.

27           Sec. 150. 34-A MRSA §3005, sub-§2, as enacted by  
28 PL 1983, c. 459, §6, is amended to read:

29           2. Compensation. Any personnel transferred are  
30 entitled to receive compensation as required by the  
31 ~~Personnel~~ Civil Service Law, rules and contract  
32 terms.

33           Sec. 151. 34-A MRSA §3009, sub-§2, as enacted by  
34 PL 1983, c. 459, §6, is amended to read:

35           2. Special police officers. The chief adminis-  
36 trative officers of correctional facilities may ap-

1 point and employ, subject to the Personnel Civil  
2 Service Law, special police officers for the purpose  
3 of enforcing rules promulgated under subsection 1.

4 A. The special police officers shall:

5 (1) Patrol all the public ways and parking  
6 areas subject to this section;

7 (2) Enforce rules promulgated under this  
8 section; and

9 (3) Arrest and prosecute violators of the  
10 rules.

11 B. The State Police, sheriffs, deputy sheriffs,  
12 police officers and constables who have jurisdic-  
13 tion over the areas in which the correctional fa-  
14 cilities are located shall, insofar as possible,  
15 cooperate with the special police officers in the  
16 enforcement of the rules promulgated under sub-  
17 section 1.

18 Sec. 152. 34-A MRSA §3231, sub-§1, ¶A, as en-  
19 acted by PL 1983, c. 459, §6, is amended to read:

20 A. The warden's appointment shall be subject to  
21 the Personnel Civil Service Law.

22 Sec. 153. 34-A MRSA §3232, sub-§1, as enacted by  
23 PL 1983, c. 459, §6, is amended to read:

24 1. Appointment. The warden shall appoint deputy  
25 wardens subject to the Personnel Civil Service Law.

26 Sec. 154. 34-A MRSA §3402, sub-§3, ¶A, as en-  
27 acted by PL 1983, c. 459, §6, is amended to read:

28 A. The superintendent may appoint 2 assistant  
29 superintendents, subject to the Personnel Civil  
30 Service Law. An assistant superintendent desig-  
31 nated by the superintendent has the powers, du-  
32 ties, obligations and liabilities of the superin-  
33 tendent when the superintendent is absent from  
34 the center location or is unable to perform the  
35 duties of the office.

1           Sec. 155. 34-A MRSA §3603, sub-§3, as enacted by  
2 PL 1983, c. 459, §6, is amended to read:

3           3. Powers. In addition to other powers granted  
4 in this Title, the director may appoint one assistant  
5 director, subject to the Personnel Civil Service Law,  
6 and the assistant director has the powers, duties,  
7 obligations and liabilities of the director when the  
8 director is absent or unable to perform his duties.

9           Sec. 156. 34-A MRSA §3804-A, first ¶, as enacted  
10 by PL 1983, c. 581, §§46 and 59, is amended to read:

11           The superintendent may appoint 2 assistant super-  
12 intendants, subject to the Personnel Civil Service  
13 Law.

14           Sec. 157. 34-A MRSA §3903, sub-§3, as enacted by  
15 PL 1983, c. 861, §1, is amended to read:

16           3. Powers. In addition to other powers granted  
17 in this Title, the director may appoint one assistant  
18 director, subject to the Personnel Civil Service Law,  
19 and the assistant director has the powers, duties,  
20 obligations and liabilities of the director when the  
21 director is absent or unable to perform his duties.

22           Sec. 158. 34-A MRSA §5402, sub-§1, as enacted by  
23 PL 1983, c. 459, §6, is amended to read:

24           1. Appointment. The commissioner shall appoint  
25 the Director of Probation and Parole, subject to the  
26 Personnel Civil Service Law.

27           Sec. 159. 34-A MRSA §5402, sub-§2, ¶B, as en-  
28 acted by PL 1983, c. 459, §6, is amended to read:

29           B. Appoint, subject to the Personnel Civil  
30 Service Law, district probation and parole super-  
31 visors, field probation and parole officers and  
32 such other employees as may be required to carry  
33 out adequate supervision of all probationers and  
34 of all parolees from the correctional facilities;

35           Sec. 160. 34-B MRSA §1204, sub-§2, ¶A, as en-  
36 acted by PL 1983, c. 459, §7, is amended to read:

1           A. The commissioner may appoint, subject to the  
2           ~~Personnel~~ Civil Service Law and except as other-  
3           wise provided, any employees who may be neces-  
4           sary.

5           Sec. 161. 34-B MRSA §1405, sub-§2, as enacted by  
6           PL 1983, c. 459, §7, is amended to read:

7           2. Compensation. Any personnel transferred are  
8           entitled to receive compensation as required by the  
9           ~~Personnel~~ Civil Service Law, rules and contract  
10          terms.

11          Sec. 162. 34-B MRSA §1411, sub-2, as enacted by  
12          PL 1983, c. 459, §7, is amended to read:

13          2. Special police officers. The chief adminis-  
14          trative officers of state institutions may appoint  
15          and employ, subject to the ~~Personnel~~ Civil Service  
16          Law, special police officers for the purpose of en-  
17          forcing rules promulgated under subsection 1.

18          A. The special police officers shall:

19                   (1) Patrol all the public ways and parking  
20                   areas subject to this section;

21                   (2) Enforce rules promulgated under this  
22                   section; and

23                   (3) Arrest and prosecute violators of the  
24                   rules.

25          B. The State Police, sheriffs, deputy sheriffs,  
26          police officers and constables who have jurisdic-  
27          tion over the areas in which the institutions are  
28          located shall, insofar as possible, cooperate  
29          with the special police officers in the enforce-  
30          ment of the rules promulgated under subsection 1.

31          Sec. 163. 35 MRSA §1, as amended by PL 1985, c.  
32          481, Pt. A, §65, is further amended to read:

33          §1. Members; terms; vacancies; seal; clerks; office  
34          and equipment; salary; expenses

1 The Public Utilities Commission, as heretofore  
2 established, shall consist of 3 members appointed by  
3 the Governor, subject to review by the legislative  
4 committee having jurisdiction over public utilities  
5 and to confirmation by the Legislature from time to  
6 time upon the expiration of the terms of the several  
7 members, for terms of 6 years and all 3 members of  
8 the commission shall devote full time to their du-  
9 ties. Each term shall end on March 31st of the 6th  
10 year of the term. A commissioner may continue to  
11 serve beyond the end of his term until a duly quali-  
12 fied successor is appointed. Any vacancy occurring  
13 in said commission shall be filled by appointment for  
14 the unexpired portion of the term in which such va-  
15 cancy occurs. One member of the commission shall be  
16 designated by the Governor as chairman. The basic  
17 policies of the Public Utilities Commission are to be  
18 set by the commission. Each commissioner is entitled  
19 to full access to the Public Utilities Commission  
20 staff and to any information available at the commis-  
21 sion. The chairman shall be the principal executive  
22 officer of the commission in carrying out its poli-  
23 cies and shall preside at meetings of the commission.  
24 The chairman shall be responsible for the expedient  
25 organization of the work of the commission. When ab-  
26 sent one working day or more, the chairman shall name  
27 another commissioner to act as chairman. For any par-  
28 ticular hearing or series of hearings before the com-  
29 mission, the chairman may assign a commissioner, in-  
30 cluding the chairman, to attend. The commission  
31 shall adopt and have a seal and be provided with of-  
32 fice space. The commission shall appoint an adminis-  
33 trative director, a director of finance and a direc-  
34 tor of technical analysis. It shall appoint, with  
35 the approval of the Attorney General, a general coun-  
36 sel. It shall appoint, subject to the Personnel Civil  
37 Service Law, an assistant to the administrative di-  
38 rector. The administrative director shall keep a full  
39 and minute record of the proceedings of the commis-  
40 sion which shall be open to public inspection at all  
41 times. The assistant director shall assist the direc-  
42 tor in the performance of his duties, and in the ab-  
43 sence of the director shall have the same powers as  
44 the director. The administrative director shall have  
45 authority to certify to all official acts of the com-  
46 mission, administer oaths, issue subpoenas and issue  
47 all processes, notices, orders or other documents

1 necessary to the performance of the duties of the  
2 commission. The commission may delegate to its staff  
3 such powers and duties as the commission finds prop-  
4 er. All delegations existing as of the effective date  
5 of this section shall remain valid.

6 The salaries of the other subordinate officials  
7 and employees of that commission, other than those of  
8 the general counsel, the Administrative Director, the  
9 director of finance and the director of technical  
10 analysis, staff attorney, financial analyst and chief  
11 utility accountant positions, shall be subject to the  
12 ~~Persenne~~ Civil Service Law. The general counsel,  
13 the Administrative Director, the Director of Finance  
14 and the Director of Technical Analysis shall serve at  
15 the pleasure of the commission and their salaries  
16 shall be set by the commission within the range es-  
17 tablished by Title 2, section 6-A. After successful  
18 completion of a probationary period, the employees  
19 occupying the staff attorney, financial analyst and  
20 chief utility accountant positions may be dismissed,  
21 suspended or otherwise disciplined only for cause.  
22 The compensation of staff attorney, financial analyst  
23 and chief utility accountant positions shall be  
24 fixed by the commission with the approval of the Gov-  
25 ernor, but the compensations shall not in the aggre-  
26 gate exceed the total amount appropriated or allo-  
27 cated in the commission's budget. The commissioners  
28 and all employees shall receive actual expenses when  
29 traveling on official business.

30 Sec. 164. 35 MRSA §1-A, sub-§3, as repealed and  
31 replaced by PL 1981, c. 586, is amended to read:

32 3. Service. The professional employees of the  
33 Public Advocate shall serve during the pleasure of  
34 the Public Advocate; all other employees of the Pub-  
35 lic Advocate shall be subject to the ~~Persenne~~ Civil  
36 Service Law.

37 Sec. 165. 35 MRSA §302 is amended to read:

38 §302. Record of proceedings

39 A full and complete record shall be kept of all  
40 proceedings had before the commission and of any in-  
41 vestigation or formal public hearing and all testimo-

1 ny shall be taken by a hearings reporter to be ap-  
2 pointed by the commission subject to the Personnel  
3 Civil Service Law.

4 Sec. 166. 36 MRS §112, sub-§2, as enacted by PL  
5 1981, c. 364, §7, is amended to read:

6 2. Organization. The State Tax Assessor may em-  
7 ploy such deputies, assistants and employees, subject  
8 to the Personnel Civil Service Law, as are necessary,  
9 and distribute the duties given to him or to the Bu-  
10 reau of Taxation among such persons or divisions in  
11 that bureau as he deems necessary for economy and ef-  
12 ficiency in administration. An officer within each  
13 division of the bureau shall be designated by the  
14 State Tax Assessor as director of that division. The  
15 State Tax Assessor, for enforcement and administra-  
16 tive purposes, may divide the State into a reasonable  
17 number of districts in which branch offices may be  
18 maintained.

19 Sec. 167. 36 MRS §4379 is amended to read:

20 §4379. Administration; rulings and regulations

21 The administration of this chapter is vested in  
22 the State Tax Assessor. All forms necessary and prop-  
23 er for the enforcement of this chapter shall be pre-  
24 scribed and furnished by the State Tax Assessor. The  
25 State Tax Assessor shall appoint such agents, clerks,  
26 stenographers and other assistants as he may deem  
27 necessary for effecting the purpose of this chapter,  
28 subject to the Personnel Civil Service Law. The State  
29 Tax Assessor may prescribe regulations and rulings,  
30 not inconsistent with law, to carry into effect this  
31 chapter, which regulations and rulings, when reason-  
32 ably designed to carry out the intent and purpose of  
33 this chapter, shall be prima facie evidence of its  
34 proper interpretation. The State Tax Assessor shall,  
35 at least annually, and oftener in his discretion,  
36 publish for distribution all regulations prescribed  
37 and such rulings as appear to him to be of general  
38 interest.

39 Sec. 168. 36 MRS §4503, last ¶, as enacted by  
40 PL 1983, c. 573, §5, is amended to read:

1           The members of the board shall elect a chairman.  
2           The commissioner may employ a director and such  
3           clerks and assistants as he may deem necessary and  
4           may prescribe their duties and fix their compensa-  
5           tion, subject to the ~~Personnel~~ Civil Service Law.

6           Sec. 169. 36 MRSA §4523, 4th ¶, as enacted by PL  
7           1983, c. 573, §13, is amended to read:

8           The members of the council shall elect a chair-  
9           man. The commissioner may employ such personnel for  
10          the council as he deems necessary, subject to the  
11          ~~Personnel~~ Civil Service Law.

12          Sec. 170. 36 MRSA §4563, sub-§5, as repealed and  
13          replaced by PL 1971, c. 428, §1, is amended to read:

14          5. Administration. The commission is authorized  
15          to select and employ an executive director to admin-  
16          ister the policies established by the commission, and  
17          to fix his salary and term of employment. The execu-  
18          tive director, with the consent of the commission, is  
19          authorized to engage sufficient clerical personnel  
20          and other employees for the efficient performance of  
21          his duties. Neither the employment of the executive  
22          director by the commission nor the employment of oth-  
23          er employees by the executive director shall be sub-  
24          ject to the ~~Personnel~~ Civil Service Law.

25          Sec. 171. 36 MRSA §4693, 3rd ¶, as amended by PL  
26          1983, c. 812, §281, is further amended to read:

27          The members of the council shall be compensated  
28          according to the provisions of Title 5, chapter 379.  
29          They are authorized to select and employ an executive  
30          director-advertising and merchandising manager to ad-  
31          minister the advertising, merchandising, research and  
32          development program, in concurrence with the Commis-  
33          sioner of Marine Resources, and fix his salary. The  
34          council is authorized to consult with the Commis-  
35          sioner of Agriculture, Food and Rural Resources consist-  
36          ent with Title 32, chapter 61. The executive direc-  
37          tor, with the consent of the council, is authorized,  
38          subject to the ~~Personnel~~ Civil Service Law, to engage  
39          sufficient clerical personnel and other employees for  
40          the efficient performance of his duties.



1           Sec. 172. 37-B MRSA §503, sub-§1, as enacted by  
2 PL 1983, c. 460, §3, is amended to read:

3           1. Employment of personnel. The director may  
4 employ, subject to the Personnel Civil Service Law,  
5 the personnel necessary to administer this chapter.  
6 All full-time permanent employees, except clerical  
7 employees, shall be persons who served on active duty  
8 in the United States Armed Forces during any federal-  
9 ly recognized period of conflict, as defined in sec-  
10 tion 504, subsection 4, paragraph A, subparagraph  
11 (3).

12           Sec. 173. 37-B MRSA §704, 2nd ¶, as enacted by  
13 PL 1983, c. 460, §3, is amended to read:

14           The director may employ technical, clerical,  
15 stenographic, administrative and operative assistants  
16 and other personnel, subject to the Personnel Civil  
17 Service Law, and make expenditures, with approval of  
18 the Adjutant General, which are necessary to carry  
19 out the purposes of this chapter.

20           Sec. 174. 37-B MRSA §785, as enacted by PL 1983,  
21 c. 460, §3, is amended to read:

22           §785. State Civil Service Appeals Board services

23           Local civil emergency preparedness agencies or-  
24 ganized pursuant to this subchapter may accept the  
25 services of the State Personnel Board Office of Human  
26 Resources and adopt board rules for the purpose of  
27 qualifying for federal funds. The State Personnel  
28 Board Office of Human Resources may enter into agree-  
29 ments with the civil emergency preparedness agencies  
30 for the purpose of furnishing merit system coverage  
31 for civil emergency preparedness employees or employ-  
32 ees of other agencies and departments assigned full  
33 time to civil emergency preparedness duties. The  
34 State Personnel Board Office of Human Resources may  
35 charge for services rendered. The fee shall be con-  
36 sistent with the cost of coverage per state employee  
37 multiplied by the number of local, interjurisdic-  
38 tional, county or regional employees covered. Fees  
39 received by the board shall be credited to the Gener-  
40 al Fund.

1           Sec. 175. 38 MRSA §342, sub-§2, as enacted by PL  
2 1971, c. 618, §8, is amended to read:

3           2. Employment of personnel. He may employ, sub-  
4 ject to the Personnel Civil Service Law, such person-  
5 nel and prescribe the duties of such employees, in-  
6 cluding bureau directors, as he deems necessary, to  
7 fulfill the duties of the department and of the Board  
8 of Environmental Protection.

9           Sec. 176. 38 MRSA §549, as amended by PL 1985,  
10 c. 496, Pt. A, §12, is further amended to read:

11 §549. Personnel and equipment

12           The department shall establish and maintain at  
13 such ports within the State, and other places as it  
14 shall determine, such employees and equipment as in  
15 its judgment may be necessary to carry out this sub-  
16 chapter. The commissioner, subject to the Personnel  
17 Civil Service Law, may employ such personnel as may  
18 be necessary to carry out the purposes of this sub-  
19 chapter, and shall prescribe the duties of those em-  
20 ployees. The salaries of those employees and the cost  
21 of that equipment shall be paid from the Maine Coast-  
22 al and Inland Surface Oil Clean-up Fund established  
23 by this subchapter. The department and the Maine  
24 Mining Bureau shall periodically consult with each  
25 other relative to procedures for the prevention of  
26 oil discharges into the coastal waters of the State  
27 from offshore drilling production facilities. Inspec-  
28 tion and enforcement employees of the department in  
29 their line of duty under this subchapter shall have  
30 the powers of a constable.

31           Sec. 177. 38 MRSA §570-B, as enacted by PL 1985,  
32 c. 496, Pt. A, §14, is amended to read:

33 §570-B. Personnel and equipment

34           The department shall establish and maintain at  
35 such locations as it shall determine to be appropri-  
36 ate, such employees and equipment as in its judgment  
37 may be necessary to carry out this subchapter. The  
38 commissioner, subject to the Personnel Civil Service  
39 Law, may employ such personnel as may be necessary to  
40 carry out the purposes of this subchapter and shall

1 prescribe the duties of those employees. The salaries  
2 of those employees and the cost of that equipment  
3 shall be paid from the Ground Water Oil Clean-up Fund  
4 established by this subchapter.

5 Sec. 178. 39 MRSA §92, sub-§2, as repealed and  
6 replaced by PL 1985, c. 63, Pt. G, and c. 65, §2, is  
7 repealed and the following enacted in its place:

8 2. Employees. The chairman shall appoint an as-  
9 stant to the chairman, who shall serve at his plea-  
10 sure. Subject to the Civil Service Law, the chairman  
11 shall appoint a Director of Administrative Services,  
12 full-time or part-time reporters and such legal, pro-  
13 fessional and clerical assistants as may be neces-  
14 sary.

15 Sec. 179. 39 MRSA §92, sub-§6, as amended by PL  
16 1985, c. 65, §3, and c. 372, Pt. A, §30, is repealed  
17 and the following enacted in its place:

18 6. Office of Employee Assistants. The chairman  
19 shall provide adequate funding for an Office of Em-  
20 ployee Assistants and shall, subject to the Civil  
21 Service Law, appoint the assistants to staff the Au-  
22 gusta office and district offices. Assistants are  
23 not attorneys, but should demonstrate a level of ex-  
24 pertise roughly equivalent to that of insurance  
25 claims' analysts. The purpose of employee assistants  
26 is to provide advice and assistance to employees un-  
27 der this Act, and particularly to assist employees in  
28 preparing for and assisting at informal conferences  
29 under section 94-B. In addition, if an employer ap-  
30 peals a decision of the commission or institutes any  
31 proceeding against an employee under this Act, the  
32 Office of Employee Assistants shall, upon request,  
33 advise an employee how to best prepare for and pro-  
34 ceed with his case.

35 No employee of the Office of Employee Assistants may  
36 represent before the commission any insurer, self-  
37 insurer, group self-insurer, adjusting company or  
38 self-insurance company for a period of 2 years after  
39 terminating employment with the office.

40 The chairman shall appoint 6 employee assistants. The  
41 chairman may appoint up to 4 additional assistants

1 if, in the chairman's judgment, the additional as-  
2 stantants are necessary to effectuate the purposes of  
3 this subsection.

4 Employee assistant's shall be paid a salary equal to  
5 that paid to state employees in professional and  
6 technical range 21.

7       Sec. 180. 39 MRSA §92, sub-§8, as enacted by PL  
8 1985, c. 372, Pt. A, §31, is amended to read:

9       8. Office of Employment Rehabilitation. The  
10 chairman shall provide adequate funding for an Office  
11 of Employment Rehabilitation and shall appoint a Re-  
12 habilitation Administrator under section 82. The  
13 chairman shall, subject to the ~~Personnel~~ Civil  
14 Service Law, appoint such personnel as are necessary  
15 to carry out the functions of the office.

16       Sec. 181. 39 MRSA §92, sub-§9, ¶A, as enacted by  
17 PL 1985, c. 372, Pt. A, §31, is amended to read:

18       A. He shall, subject to the ~~Personnel~~ Civil  
19 Service Law, appoint at least 2 abuse investiga-  
20 tors for this unit. Investigators must be quali-  
21 fied by experience and training to perform their  
22 duties.

23       Sec. 182. Transition provision. The Governor  
24 shall appoint the Policy Review Board prior to June  
25 16, 1986. The Policy Review Board shall begin to un-  
26 dertake the studies and analyses as defined in this  
27 Act no later than July 17, 1986. During this transi-  
28 tion period, the Policy Review Board shall receive  
29 staff assistance from the Department of Personnel.  
30 Any expenses of the Policy Review Board shall be paid  
31 from the Department of Personnel and the departments  
32 represented on the board.

33       1. Funds transferred. Notwithstanding the Maine  
34 Revised Statutes, Title 5, sections 1585 and 1586,  
35 all accrued expenditures, assets, liabilities, bal-  
36 ances, appropriations or allocations, transfers, rev-  
37 enues or other available funds in any account or sub-  
38 division of an account of the Department of Personnel  
39 shall be reallocated to the Office of Human Re-  
40 sources.

1           2. Personnel transferred. Nonsupervisory and  
2 nonprofessional employees of the Department of Per-  
3 sonnel shall be transferred to the Office of Human  
4 Resources. The accrued fringe benefits, including  
5 vacation and sick leave, health and life insurance  
6 and retirement of these personnel shall remain with  
7 these personnel.

8           3. Provisions of law, rules, agreements contrary  
9 to provisions of this Act. Any provisions of law,  
10 rules, agreements, contracts that are in violation of  
11 the provisions of this Act shall be deemed null and  
12 void on the effective dates of this Act.

13           4. Rules and procedures. All rules and proce-  
14 dures currently in effect and operation pertaining to  
15 the Department of Personnel and to the State Person-  
16 nel Board and which are in compliance with the revi-  
17 sions of this Act shall be transferred to the Office  
18 of Human Resources and the State Personnel Board, re-  
19 spectively, and shall remain in effect until re-  
20 scinded or amended by the Office of Human Resources  
21 or the State Civil Service Appeals Board.

22           5. Equipment and property transferred. All  
23 equipment and property of the State used by employees  
24 and officials of the Department of Personnel shall be  
25 transferred to the Office of Human Resources.

26           6. Contracts and agreements. All contracts and  
27 agreements currently in effect with the Department of  
28 Personnel shall remain in effect following the effec-  
29 tive date of this Act until rescinded, terminated or  
30 modified by the Office of Human Resources.

31           7. Organization and operation of department.  
32 Notwithstanding any other provision of law, any ap-  
33 pointment required by this Act and preparation work  
34 may be made or occur prior to the effective date of  
35 this Act, but shall not become binding until the ef-  
36 fective date of this Act.

37           8. Members of State Personnel Board. Members of  
38 the State Personnel Board who have been appointed to  
39 terms extending beyond the effective date of this Act  
40 shall continue to serve in their appointed terms of  
41 office under the State Civil Service Appeals Board

1 and shall serve until their successors are appointed  
2 and qualified.

3 9. Policy Review Board review. The Policy Re-  
4 view Board shall review the provisions of this Act  
5 during the transition period for the purpose of pro-  
6 posing recommendations relating to the structure and  
7 operation of the number of personnel in, and the nec-  
8 essary money for the Office of Human Resources. The  
9 Policy Review Board shall report any necessary imple-  
10 menting legislation to the First Regular Session of  
11 the 113th Legislature to provide for a smooth and ex-  
12 peditious transition to the Office of Human Re-  
13 sources.

14 **Sec. 183. Effective dates.** The provisions of  
15 the Maine Revised Statutes, Title 5, chapter 372,  
16 subchapter I, Article II; and subchapter III shall  
17 become effective 90 days after the adjournment of the  
18 Legislature. The remaining provisions of this Act  
19 shall become effective on July 1, 1987.

20 STATEMENT OF FACT

21 This bill establishes the Office of Human Re-  
22 sources to replace the Department of Personnel. The  
23 Office of Human Resources will act as a service agen-  
24 cy to other state agencies and will not be part of  
25 any department or agency of State Government. The  
26 Director of Human Resources will not be a member of  
27 the Governor's cabinet.

28 The emphasis of the Office of Human Resources  
29 will be on motivating and encouraging state employees  
30 to realize their potential and thereby enable state  
31 agencies to provide a high quality of service. The  
32 office will operate on the basis that state employees  
33 are a valuable resource to the State.

34 The Office of Human Resources will be directed  
35 and staffed by persons well qualified by education,  
36 training and experience in the management of person-  
37 nel systems. In addition, the director and staff of  
38 the office will be subject to the political restric-  
39 tions that currently apply to classified state em-

1 ployees. The office will be prohibited from engaging  
2 in collective bargaining, and no person employed in  
3 the Governor's Office of Employee Relations or simi-  
4 lar organization may be employed or serve in the Of-  
5 fice of Human Resources.

6 The Director of Human Resources will be assisted  
7 by a Policy Review Board which will act in an advis-  
8 ory capacity in some matters and serve in a policy-  
9 making function in other areas. The Policy Review  
10 Board specifically will:

11 1. Address longevity incentives to encourage  
12 state employees to be conscientious and remain in  
13 State Government;

14 2. Review job classifications with employee re-  
15 cruitment and retention problems on an annual basis  
16 and develop policies and procedures to recognize and  
17 resolve this problem;

18 3. Examine training and educational policies of  
19 agencies and evaluate the adoption of a policy re-  
20 quiring each department to budget adequate funds for  
21 the training and education of state employees;

22 4. Examine the job reclassification and reallo-  
23 cation process and develop procedures and policies  
24 with the purpose of proposing recommendations to mo-  
25 tivate state employees to be conscientious and  
26 enterprising. Included in this task is an evaluation  
27 of the adoption of a policy to require departments to  
28 budget funds for job reclassifications and  
29 reallocations that may be funded immediately follow-  
30 ing a decision authorizing the reclassification;

31 5. Examine the job performance evaluation pro-  
32 cess and develop policies and procedures to implement  
33 an effective process. This will include a nonnumeric  
34 performance rating, the use of a simple and  
35 uncomplicated evaluation form and a requirement of  
36 mutual discussion between managers and subordinates  
37 concerning job performance and the evaluation; and

38 6. Examine pay ranges, particularly confidential  
39 and supervisory pay ranges, with respect to the de-  
40 gree of appropriateness of the various pay ranges

1 compared to other pay ranges, especially those for  
2 nonsupervisory employees.

3 In addition to managing the civil service system,  
4 the Director of Human Resources will:

5 1. Meet, at least once a year with the commis-  
6 sioners and directors of each state agency to discuss  
7 individually, with each agency manager, the personnel  
8 needs and problems of each agency;

9 2. Develop training programs;

10 3. Develop career information and an explanation  
11 of the civil service system for state employees;

12 4. Undertake short-term and long-term planning  
13 with respect to the positions, qualifications and  
14 technologies required in the civil service system in  
15 the short terms and long terms; and

16 5. Be responsible for overseeing the development  
17 and implementation of communications between manage-  
18 ment and agency employees which will take into ac-  
19 count the uniqueness of each agency.

20 The Joint Standing Committee on State Government  
21 also proposes to transform the State Personnel Board  
22 into the State Civil Service Appeals Board which will  
23 serve only in an adjudicatory capacity to hear ap-  
24 peals with respect to job classifications and  
25 reclassifications, disciplinary action, and other ap-  
26 pealable issues.

27 The proposal to establish an Office of Human Re-  
28 sources includes:

29 1. Involving department and agency people to the  
30 greatest extent possible in the development of job  
31 descriptions, duties and responsibilities of each job  
32 classification with the purpose of meeting the needs  
33 of departments in the most efficient and pertinent  
34 manner;

35 2. Opening all entry level clerical positions  
36 and data processing positions in direct-hire status;



