

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of S.P. 832, L.D. 2106)
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 2392

S.P. 954 In Senate, April 12, 1986

Reported by Senator Andrews of Cumberland from the Committee on State Government and printed under Joint Rule 2. Original bill sponsored by President Pray of Penobscot. Cosponsored by Representative Diamond of Bangor, Senator Gill of Cumberland and Representative Carter of Winslow.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

AN ACT to Reorganize the Department of
Finance and Administration and the
Department of Personnel.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the reorganization of the Department of Finance and Administration into the Department of Finance and the Department of Administration and the reorganization of the Department of Personnel into the Department of Administration will have a significant impact upon the State's accounting procedures; and

Whereas, the 90-day period following the adjournment of the Legislature will occur roughly 2 weeks following the commencement of the 1986-87 fiscal year of State Government; and

1 Commissioner of Business, Occupational and Pro-
2 fessional Regulation;
3 Commissioner of Labor;
4 Commissioner of Personnel;
5 Commissioner of Agriculture, Food and Rural Re-
6 sources;
7 Commissioner of Inland Fisheries and Wildlife;
8 Commissioner of Marine Resources; and
9 Commissioner of Corrections.

10 Sec. 2. 2 MRSA §6, sub-§1, as amended by PL
11 1983, c. 553, §46, is further amended to read:

12 1. Range 91. The salaries of the following
13 state officials and employees shall be within salary
14 range 91:

15 Commissioner of Transportation;
16 Commissioner of Conservation;
17 Director of State Development Office;
18 Commissioner of Finance and Administration;
19 Commissioner of Educational and Cultural Ser-
20 vices;
21 Commissioner of Environmental Protection;
22 Commissioner of Human Services;
23 Commissioner of Mental Health and Mental Retarda-
24 tion;
25 Commissioner of Public Safety;
26 Commissioner of Business, Occupational and Pro-
27 fessional Regulation;
28 Commissioner of Labor;

1 Commissioner of Personnel;
2 Commissioner of Agriculture, Food and Rural Re-
3 sources;
4 Commissioner of Inland Fisheries and Wildlife;
5 Commissioner of Marine Resources; and
6 Commissioner of Corrections.

7 Sec. 3. 3 MRSA §507, sub-§9, ¶B as repealed and
8 replaced by PL 1983, c. 819, Pt. A, §3, is amended to
9 read:

10 B. The evaluations and analyses of the justifi-
11 cation reports for the programs of the following
12 Group E-2 departments shall be reviewed by the
13 Legislature no later than June 30, 1989:

- 14 (1) Department of Finance and
15 Administration;
- 16 (2) (Office of) Treasurer of State; and
- 17 (3) Department of Audit; and
- 18 (4) Department of Administration.

19 Sec. 4. 3 MRSA §551, as amended by PL 1977, c.
20 564, §11-B, is further amended to read:

21 §551. Analysis of proposed bond issues

22 The Commissioner of Finance and Administration,
23 together with the Treasurer of State, shall advise
24 the Legislature and the Governor in a timely manner
25 and in written form as to the effect on the state's
26 bonded debt of any bond issue or issues proposed.
27 Specifically, the analysis provided shall indicate
28 the relationship of the issue or issues proposed to
29 the limit on the aggregate level of outstanding state
30 debt established by this chapter and to the future
31 debt service requirements on the State. The analysis
32 shall be comprehensive in nature and shall include
33 consideration of the outstanding debt, bonds autho-
34 rized but unissued, and proposed issues enacted by

1 the Legislature and awaiting ratification or rejection by the electors.

3 Sec. 5. 5 MRSA §17, as enacted by PL 1977, c.
4 78, §6, is amended to read:

5 §17. Payroll deduction for Maine Warden Service Relief Association
6

7 The Commissioner of Finance and Administration is
8 authorized to permit payroll deductions from the salaries
9 of state employees for membership dues for the
10 Maine Warden Service Relief Association and to transmit
11 the funds so collected to the Maine Warden Service
12 Relief Association under the appropriate departmental
13 regulations concerning payroll deductions.

14 Sec. 6. 5 MRSA §135, first ¶, as amended by PL
15 1985, c. 501, Pt. B, §14, is further amended to
16 read:

17 The Treasurer of State may deposit the moneys,
18 including trust funds of the State, in any of the
19 banking institutions or trust companies or state or
20 federal savings and loan associations or mutual savings
21 banks organized under the laws of this State or
22 in any national bank or banks or state or federal
23 savings and loan associations located therein. When
24 there are excess moneys in the State Treasury which
25 are not needed to meet current obligations he may,
26 with the concurrence of the State Controller or the
27 Commissioner of Finance and Administration and with
28 the consent of the Governor, invest such amounts in
29 bonds, notes, certificates of indebtedness or other
30 obligations of the United States of America which
31 mature not more than 24 months from the date of investment
32 or in repurchase agreements secured by obligations
33 of the United States of America which mature
34 within the succeeding 24 months, prime commercial paper
35 or banker's acceptances. The Treasurer of State
36 may participate in the securities loan market by
37 loaning state-owned bonds, notes or certificates of
38 indebtedness of the Federal Government, provided that
39 the loans are fully collateralized by treasury bills
40 or cash. The Treasurer of State shall seek competitive
41 bids for investments except when, after a reasonable
42 investigation, it appears that an investment

1 of the desired maturity is procurable by the State
2 from only one source. Interest earned on such in-
3 vestments of moneys shall be credited to the respec-
4 tive funds, except that interest earned on invest-
5 ments of special revenue funds shall be credited to
6 the General Fund of the State. Interest earned on
7 funds of the Department of Inland Fisheries and Wild-
8 life shall be credited to that fund. Interest earned
9 on funds of the Baxter State Park Authority shall be
10 credited to the Baxter State Park Fund. This section
11 shall not prevent the deposit for safekeeping or cus-
12 todial care of the securities of the several funds of
13 the State in banks or safe deposit companies in this
14 State or any other state, nor the deposit of such
15 state funds as may be required by the terms of custo-
16 dial contracts or agreements as may be hereafter ne-
17 gotiated in accordance with the laws of this State.
18 All custodial contracts and agreements shall be sub-
19 ject to the approval of the Governor.

20 Sec. 7. 5 MRSA §138, first ¶, as amended by PL
21 1979, c. 127, §20, is further amended to read:

22 The Treasurer of State, with the approval of the
23 Commissioner of Finance and Administration, the Bank
24 Superintendent and the Attorney General, shall invest
25 all permanent funds held in trust by the State in
26 such securities as are legal investments for savings
27 banks under Title 9-B. This section shall not apply
28 to the fund of the Employees' Retirement System or
29 the fund arising from the lands reserved for public
30 uses.

31 Sec. 8. 5 MRSA §138, 3rd ¶, as amended by PL
32 1977, c. 78, §7, is further amended to read:

33 The Treasurer of State, with the approval of the
34 Commissioner of Finance and Administration, the Bank
35 Superintendent and the Attorney General, shall have
36 the power to enter into contracts or agreements ap-
37 proved by the Governor with any national bank, trust
38 company or safe deposit company located in New
39 England or New York City for custodial care and ser-
40 vicing of the securities belonging to the permanent
41 trust funds of this State. Such services shall con-
42 sist of the safekeeping of said those securities,
43 collection of interest and dividends, periodical

1 checks of the portfolio deposited for safekeeping to
2 determine all calls for redemption, in whole or in
3 part, of any bonds owned by such funds, and any other
4 fiscal service which is normally covered in a custo-
5 dial contract or agreement. In performing services
6 under any such contract or agreement, the contracting
7 bank shall have all of the powers and duties pre-
8 scribed for trust companies by Title 9-B, section
9 623.

10 Sec. 9. 5 MRSA §138, last ¶, as amended by PL
11 1973, c. 585, §11, is further amended to read:

12 The Treasurer of State shall be empowered to
13 withdraw or deposit securities from or with the cus-
14 todian as circumstances may require, all withdrawal
15 orders or delivery instructions to bear the approval
16 in writing of the Bank Superintendent and that of ei-
17 ther or both the Attorney General and the Commis-
18 sioner of Finance and Administration.

19 Sec. 10. 5 MRSA §139, first ¶, as amended by PL
20 1979, c. 127, §21, is further amended to read:

21 The Treasurer of State, with the approval of the
22 Commissioner of Finance and Administration, the Bank
23 Superintendent and the Commissioner of Educational
24 and Cultural Services, shall invest and reinvest the
25 principal of all funds derived or that may be derived
26 from the sale and lease of lands reserved for public
27 uses in accordance with the laws of the State govern-
28 ing the investment of funds of savings banks, as enu-
29 merated in Title 9-B.

30 Sec. 11. 5 MRSA §139, 2nd ¶, as amended by PL
31 1977, c. 78, §8, is further amended to read:

32 The Treasurer of State, with the approval of the
33 Commissioner of Finance and Administration, the Bank
34 Superintendent and the Commissioner of Educational
35 and Cultural Services, shall have the power to enter
36 into a contract or agreement approved by the Governor
37 with any national bank, trust company or safe deposit
38 company located in New England or New York City for
39 custodial care and servicing of the securities be-
40 longing to any trust fund created from funds derived
41 or that may be derived from the sale and lease of

1 lands reserved for public uses. Such services shall
2 consist of the safekeeping of said those securities,
3 collection of interest and dividends, periodical
4 checks of the portfolio deposited for safekeeping to
5 determine all calls for redemption, in whole or in
6 part, of any bonds owned by such funds, and any other
7 fiscal service which is normally covered in a custo-
8 dial contract or agreement. In performing services
9 under any such contract or agreement, the contracting
10 bank shall have all of the powers and duties pre-
11 scribed for trust companies by Title 9-B, section
12 623.

13 Sec. 12. 5 MRSA §139, last ¶, as amended by PL
14 1973, c. 585, §11, is further amended to read:

15 The Treasurer of State shall be empowered to
16 withdraw or deposit securities from or with the cus-
17 todian as circumstances may require, all withdrawal
18 orders or delivery instructions to bear the approval
19 in writing of the Bank Superintendent and that of ei-
20 ther or both the Commissioner of Educational and Cul-
21 tural Services and the Commissioner of Finance and
22 Administration.

23 Sec. 13. 5 MRSA §139-A, first ¶, as amended by
24 PL 1973, c. 585, §11, is further amended to read:

25 The Treasurer of State, with the approval of the
26 Commissioner of Finance and Administration, the Bank
27 Superintendent and the Attorney General, shall have
28 the power to enter into contracts or agreements ap-
29 proved by the Governor, with any national bank, trust
30 company or safe deposit company located in New
31 England or New York City, for custodial care and ser-
32 vicing of any securities deposited with the treasurer
33 as a guaranty fund required by statutes.

34 Sec. 14. 5 MRSA §142, 4th ¶, as amended by PL
35 1973, c. 585, §11, is further amended to read:

36 The Treasurer of State shall be empowered to
37 withdraw or deposit securities from or with the cus-
38 todian as circumstances may require, all withdrawal
39 orders or delivery instructions to bear the approval
40 in writing of the Bank Superintendent and that of ei-
41 ther or both the Governor and the Commissioner of Fi-
42 nance and Administration.

1 Sec. 15. 5 MRSA §144, as amended by PL 1973, c.
2 625, §17, is further amended to read:

3 §144. Form of unregistered bonds

4 Unregistered bonds issued under the laws of the
5 State shall bear the signature, or the facsimile of
6 the signature, of the Governor, and shall be signed
7 by the Treasurer of State or his deputy and attested
8 by the Commissioner of Finance ~~and Administration~~, or
9 such agent as he may designate. The seal of the State
10 may be a facsimile.

11 Sec. 16. 5 MRSA §145, as amended by PL 1973, c.
12 625, §18, is further amended to read:

13 §145. Registered bonds

14 The Treasurer of State may issue registered
15 bonds, transferable by assignment, in pieces of not
16 less than \$1,000, and of any multiple of 1,000, in
17 exchange for, and in place of, any coupon bonds is-
18 sued under the laws of this State, bearing the same
19 rate of interest and maturing at the same time as the
20 bonds which he may receive therefor in exchange. The
21 place of payment prescribed therein shall be the
22 State Treasury. Said bonds shall bear the facsimile
23 of the signature of the Governor and shall be signed
24 by the Treasurer of State or his deputy and attested
25 by the Commissioner of Finance ~~and Administration~~, or
26 such agent as he may designate.

27 Sec. 17. 5 MRSA §145-A, 2nd ¶, as enacted by PL
28 1979, c. 560, is amended to read:

29 The minibonds shall bear the facsimile of the
30 signature of the Governor and shall be signed by the
31 Treasurer of State, or his deputy, and attested by
32 the Commissioner of Finance ~~and Administration~~, or
33 such agent as he may designate.

34 Sec. 18. 5 MRSA §145-B, sub-§2, as enacted by PL
35 1983, c. 745, is amended to read:

36 2. Signatures. Registered bonds shall bear the
37 facsimile signatures of the Governor and the Treasur-
38 er of State, or his deputy, and shall be attested by

1 the facsimile signature of the Commissioner of Fi-
2 nance ~~and Administration~~ or such agents as he may
3 designate. Whenever signatures on registered bonds
4 of other state officials are required, their facsimi-
5 le signatures may be used.

6 Sec. 19. 5 MRSA §148, as repealed and replaced
7 by PL 1981, c. 100, is amended to read:

8 §148. Cremation of old bonds

9 The Treasurer of State, in the presence of the
10 Commissioner of Finance ~~and Administration~~ and the
11 State Auditor, or such agents as they may designate,
12 may cremate any state bonds and coupons, on the
13 premises of the state bond and coupon paying agent,
14 which have matured and have been paid after the paid
15 certification has been received by the Treasurer of
16 State and the State Auditor. This paid certification
17 shall bear the additional sworn certification of the
18 auditor of the bank paying agent employed by the
19 Treasurer of State. A cremation certificate, signed
20 under oath by the state officers named in this sec-
21 tion and the bank paying agent auditor identifying
22 the bonds and coupons destroyed, shall be filed in
23 the office of the Treasurer of State.

24 Sec. 20. 5 MRSA §244, as amended by PL 1979, c.
25 541, Pt. A, §22, is further amended to read:

26 §244. Records and reports

27 The State Auditor shall keep no accounts in the
28 Department of Audit, but he shall conduct a continous
29 postaudit of the accounts, books, records and other
30 evidences of financial transactions kept in the De-
31 partment of Finance ~~and Administration~~ or in the oth-
32 er departments and agencies of the State Government.
33 He shall prepare and publish a report for each fiscal
34 year, setting forth the essential facts of such audit
35 in summary form, within the following fiscal year af-
36 ter the books of the State Controller have been offi-
37 cially closed. If he shall find in the course of his
38 audit evidences of improper transactions, or of in-
39 competence in keeping accounts or handling funds or
40 of any other improper practice of financial adminis-
41 tration, he shall report the same to the Governor and

1 the Legislature immediately. If he shall find evi-
2 dences of illegal transactions, he shall forthwith
3 report such transactions both to the Governor and to
4 the Attorney General. All such evidences shall be in-
5 cluded in the annual reports of the State Auditor and
6 he may, at his discretion, make them public at any
7 time during the fiscal year.

8 Sec. 21. 5 MRSAs §281, as amended by PL 1975, c.
9 771, §51, is repealed and the following enacted in
10 its place:

11 §281. Department of Finance; commissioner

12 The Department of Finance is established as the
13 principal fiscal department of State Government and
14 shall exercise such powers and perform such duties as
15 are provided by law.

16 The department shall be under the supervision and
17 control of the Commissioner of Finance appointed by
18 the Governor, subject to review by the joint stand-
19 ing committee of the Legislature having jurisdiction
20 over appropriations and financial affairs and to con-
21 firmation by the Legislature. The commissioner shall
22 serve at the pleasure of the Governor.

23 Sec. 22. 5 MRSAs §282, first ¶, as repealed and
24 replaced by PL 1983, c. 489, §1, is amended to read:

25 The commissioner may, with the approval of the
26 Governor, appoint a deputy commissioner, who shall be
27 the chief of one of the department bureaus and shall
28 perform the duties of the commissioner during the
29 commissioner's absence, in addition to his regular
30 duties. The compensation and expense of the deputy
31 commissioner shall be paid from any available funds
32 appropriated for the use of the bureau of which he is
33 chief. ~~With the exception of the Director of Central~~
34 ~~Computer Services, the~~ The commissioner may appoint
35 and employ the bureau chiefs and the assistant to the
36 commissioner to be under his immediate supervision,
37 direction and control, and to serve at his pleasure
38 and perform such duties as he may prescribe, except
39 as otherwise provided by law.

40 Sec. 23. 5 MRSAs §282, sub-§§4-A and 4-B are en-
41 acted to read:

1 4-A. Engage in planning. To engage in short-
2 term and long-term planning with respect to:

3 A. The structure and operation of the depart-
4 ment;

5 B. The fiscal needs of State Government; and

6 C. The means by which the collection of revenues
7 and payment of State Government obligations may
8 be most efficiently realized;

9 4-B. Assist other departments. To meet with
10 other departments and agencies of State Government at
11 least 2 times a year to discuss fiscal problems and
12 needs of each agency and department;

13 Sec. 24. 5 MRSA §283, first ¶ is amended to
14 read:

15 The commissioner shall organize the Department of
16 Finance and ~~Administration~~ into bureaus, as follows:

17 Sec. 25. 5 MRSA §283, sub-§3 is repealed.

18 Sec. 26. 5 MRSA §283, sub-§4, as repealed and
19 replaced by PL 1977, c. 674, §4, is repealed.

20 Sec. 27. 5 MRSA §283, sub-§6, as enacted by PL
21 1971, c. 615, §3, is amended to read:

22 6. Bureau of Alcoholic Beverages. The Bureau of
23 Alcoholic Beverages, the head of which shall be the
24 State Director of Alcoholic Beverages; and

25 Sec. 28. 5 MRSA §283, sub-§8, as enacted by PL
26 1975, c. 322, §1, is repealed.

27 Sec. 29. 5 MRSA §283, sub-§9 is enacted to read:

28 9. Bureau of Lottery. The Bureau of Lottery,
29 the head of which shall be the State Lottery Direc-
30 tor.

31 Sec. 30. 5 MRSA §285, sub-§2, as amended by PL
32 1985, c. 295, §2, is further amended to read:

1 2. Coverage. Each state employee to whom this
2 section applies shall be eligible for group accident
3 and sickness or health insurance as provided in Title
4 24-A, sections 2802 to 2812, including major medical
5 benefits. The provisions of such group insurance
6 policy or policies shall be determined, insofar as
7 such provisions are not inconsistent with terms and
8 conditions contained in collective bargaining agree-
9 ments negotiated pursuant to Title 26, chapter 9-B,
10 by a board of trustees consisting of 5 members, 2 of
11 whom shall be appointed by the employee organization
12 certified to represent the majority of employees; one
13 of whom shall be a retired state employee selected by
14 a majority vote of the Presidents of the Chapters of
15 the Retired State Employees Association; and 2 state
16 employees who shall be appointed by the Governor. The
17 board of trustees, as authorized by chapter 379,
18 shall hold office for 3 years, with initial appoint-
19 ments to be made as follows: One member appointed by
20 the Governor for 3 years and one member appointed by
21 the Governor for 2 years; one member appointed by the
22 Maine State Employees Association for 3 years and one
23 member appointed by the Maine State Employees Associ-
24 ation for 2 years; and one member, appointed by the
25 Maine State Retirees, for one year. The master policy
26 for such group insurance shall be held by the Commis-
27 sioner of ~~Finance~~ and Administration who shall be ex
28 officio a member of the board of trustees. Said group
29 insurance shall be administered by the board of
30 trustees herein provided.

31 Sec. 31. 5 MRSA §285, sub-§5, as enacted by PL
32 1967, c. 543, is amended to read:

33 5. Purchase of policies. The board of trustees
34 shall purchase, by competitive bidding, from one or
35 more insurance companies or nonprofit organizations,
36 or both, a policy or policies of group accident and
37 sickness or health insurance, including major medical
38 insurance, to provide the benefits specified by this
39 section. Notwithstanding the first sentence of this
40 subsection, with the consent of the policyholder and
41 of the insurer, and at the sole discretion of the
42 board of trustees, existing policies of insurance
43 covering at least 1,000 of the employees defined as
44 eligible by this section may be amended to provide
45 the benefits specified by this section and assigned

1 to the Commissioner of Finance and Administration for
2 the benefit of all those eligible under this section.
3 Such company or companies or nonprofit organizations
4 must be licensed under the laws of the State of
5 Maine. The policy provisions shall be subject to and
6 as provided for by the insurance laws of this State.
7 The board of trustees may have the right to retain
8 such professional consultants as it deems necessary
9 to effect and administer said agreement or contracts.

10 Sec. 32. 5 MRSA §287-A, as enacted by PL 1977,
11 c. 564, §13-A, is amended to read:

12 §287-A. Department of Administration designated as
13 state agency to receive and distribute fed-
14 eral surplus property

15 The Department of Finance and Administration is
16 designated as the state agency to receive and dis-
17 tribute federal surplus property which may become
18 available for distribution to eligible recipients
19 within this State. The department is authorized and
20 empowered, through the Bureau of Purchases, to ac-
21 quire, warehouse, allocate and distribute surplus
22 government property to all recipients within Maine
23 who have been or who may later be designated as eli-
24 gible to receive such surplus property by the Con-
25 gress of the United States or any other federal offi-
26 cial empowered to make such determination. The com-
27 missioner is authorized and empowered to enter into
28 cooperative agreements with any duly authorized fed-
29 eral official to carry out the purposes of this sec-
30 tion.

31 Upon transfer of surplus property to an eligible
32 recipient, the commissioner shall charge and receive
33 from said recipient money sufficient to cover the ac-
34 quisition, warehousing, handling, administrative and
35 delivery costs chargeable to said property. The de-
36 partment shall employ and assign such supervisory and
37 clerical personnel as may be necessary to carry out
38 this section, subject to the Personnel Law.

39 Sec. 33. 5 MRSA §293, as amended by PL 1983, c.
40 812, §14, is further amended to read:

41 §293. Internship committee

1 The State Government Internship Program Advisory
2 Committee, established by section 12004, subsection
3 10, shall serve to further the purposes of the pro-
4 gram and to provide for broad representation of in-
5 stitutions of higher learning within Maine and of
6 State Government. The State Government Internship
7 Program Advisory Committee shall be comprised of the
8 President of the Senate and Speaker of the House or
9 their designated representatives; the Governor or his
10 designated representative; the Commissioner of Per-
11 sonnel; and the Director, of the Bureau of Public Ad-
12 ministration. In addition, one faculty member from
13 each of 4 accredited, degree-granting institutions of
14 higher learning in the State shall be appointed by
15 the Director of the Bureau of Public Administration
16 for 4-year terms, providing that the initial appoint-
17 ments under this chapter shall be for one, 2, 3 and
18 4-year terms. No faculty member shall be eligible to
19 succeed himself if he has served a full 4-year term,
20 nor shall a faculty member be succeeded by another
21 from the same institution. Vacancies shall be filled
22 by the director for the unexpired term. The members
23 of the internship committee shall organize by elect-
24 ing a chairman and vice-chairman and shall be compen-
25 sated as provided in chapter 379 and as authorized by
26 the Bureau of Public Administration.

27 Sec. 34. 5 MRSA §307, as amended by PL 1979, c.
28 734, §3, is further amended to read:

29 §307. Interest in contracts prohibited

30 In addition to the limitations of section 18, no
31 employee of the Department of ~~Finance and~~ Administra-
32 tion or member of the commission shall be interested
33 directly or indirectly in any contract or contracts
34 calling for the construction or improvements of fa-
35 cilities, buildings and grounds in the Capitol Area
36 in the City of Augusta as described in Title 1, sec-
37 tion 814.

38 Sec. 35. 5 MRSA §350, as amended by PL 1983, c.
39 812, §17, is further amended to read:

40 §350. Statement of purpose; Advisory Committee on
41 State Telecommunications

1 The Department of ~~Finance and~~ Administration, as
2 the principal administrative and fiscal department of
3 the State Government, has responsibilities for the
4 general administration of state telecommunications
5 services, including, but not limited to, telephone
6 services, radio, teletype, microwave and data trans-
7 mission links. It is recognized that the department
8 should serve to provide needed coordination between
9 state agencies utilizing telecommunications services
10 in such areas as engineering assistance, systems
11 maintenance, frequency allocation, systems planning,
12 and the purchase of services and equipment. The Ad-
13 visory Committee on State Telecommunications, estab-
14 lished by section 12004, subsection 10, shall assist
15 the Department of ~~Finance and~~ Administration in pro-
16 viding for the coordination of state telecommunica-
17 tions services.

18 Sec. 36. 5 MRSA §351, as amended by PL 1975, c.
19 497, §3, is further amended to read:

20 §351. Committee membership; organization

21 The commissioners of the departments of Conserva-
22 tion; ~~Finance and~~ Administration; Inland Fisheries
23 and Wildlife; Marine Resources; Public Safety; and
24 Transportation shall each designate a member of their
25 departments to be a member of the Advisory Committee
26 on State Telecommunications. The Adjutant General
27 shall designate a member of the Bureau of the Mili-
28 tary and a member of the Bureau of Civil Emergency
29 Preparedness to be members of the committee. ~~The Ex-~~
30 ~~ecutive Direeter of the Maine Law Enforcement Plan-~~
31 ~~ning and Assistance Agency or his designee shall be a~~
32 ~~member of the committee.~~

33 The designee of the Commissioner of ~~Finance and~~
34 Administration shall be the chairman of the commit-
35 tee. The committee shall meet at the call of the
36 chairman or upon the request of a majority of the
37 committee members. The committee shall meet at least
38 quarterly.

39 Sec. 37. 5 MRSA §352, as enacted by PL 1975, c.
40 281, is amended to read:

41 §352. Duties

1 The Advisory Committee on State Telecommunica-
2 tions shall advise the Department of ~~Finance and~~ Ad-
3 ministration in regard to the carrying out of the de-
4 partment's general administrative responsibilities
5 for state telecommunications services. The committee
6 shall advise and assist the department in providing
7 for the coordination of engineering assistance, sys-
8 tems maintenance, frequency allocation, systems plan-
9 ning, and the purchase of services and equipment re-
10 lated to state telecommunications services.

11 Sec. 38. 5 MRSA §552, sub-§3, as amended by PL
12 1979, c. 541, Pt. B, §2, is further amended to read:

13 3. Classified service. "Classified service"
14 means all offices and positions of trust and employ-
15 ment in the state service except those placed in the
16 unclassified service by chapters 51 to ~~67~~ 71.

17 Sec. 39. 5 MRSA §883, as enacted by PL 1973, c.
18 491, is amended to read:

19 §883. Administration

20 Administration of a deferred compensation program
21 within state agencies, departments, boards, commis-
22 sions or institutions shall be under the direction of
23 the Department of ~~Finance and Administration~~. Each
24 county, city, town or other political subdivision may
25 designate an officer to administer a deferred compen-
26 sation program. Payroll deductions shall be made in
27 each instance by the appropriate payroll officer.

28 Sec. 40. 5 MRSA §884, as amended by PL 1983, c.
29 812, §22, is further amended to read:

30 §884. Advisory Council on Deferred Compensation

31 An Advisory Council on Deferred Compensation
32 Plans, established by section 12004, subsection 10,
33 shall consist of 7 members, who shall be the Commis-
34 sioner of ~~Finance and Administration~~, ex officio, or
35 his designee; the Insurance Superintendent, ex offi-
36 cio, or his designee; the Superintendent of Banking,
37 ex officio, or his designee; and 4 state employees to
38 be appointed by the Governor, who shall be appointed
39 for terms of 3 years, except that of the first ap-

1 pointments one shall be for one year, 2 for 2 years
2 and one for 3 years. Members of the advisory council
3 shall be compensated as provided in chapter 379. The
4 council shall meet at least once a year and shall re-
5 view the operations of the deferred compensation pro-
6 gram and advise the Department of Finance ~~and~~
7 ~~Administration~~ on matters of policy relating to the
8 activities thereunder. The Commissioner of Finance
9 ~~and Administration~~, or his designee, shall be the
10 chairman of the advisory council.

11 **Sec. 41.** 5 MRSA §893, as enacted by PL 1983, c.
12 791, §2, is amended to read:

13 §893. Administration

14 Payroll deductions shall be made by the appropri-
15 ate payroll officer of each county, municipality or
16 other political subdivision. The Commissioner of Fi-
17 nance ~~and Administration~~ shall be responsible for the
18 administration of this chapter as it applies to state
19 employees. Any costs incurred by the Commissioner of
20 Finance ~~and Administration~~ to administer the state
21 program shall be borne equally by state employee par-
22 ticipants, and these costs may be compensated by
23 means of payroll deductions.

24 **Sec. 42.** 5 MRSA §931, sub-§1, ¶I, as amended by
25 PL 1985, c. 481, Pt. A, §8, is further amended to
26 read:

27 I. Deputies, assistants, staff attorneys, re-
28 search assistants and the secretary to the Attor-
29 ney General of the Department of Attorney Gener-
30 al; ~~and~~

31 **Sec. 43.** 5 MRSA §931, sub-§1, ¶J as enacted by
32 PL 1985, c. 481, Pt. A, §9, is amended to read:

33 J. Staff attorney, financial analyst and chief
34 utility accountant positions at the Public Utili-
35 ties Commission-;

36 **Sec. 44.** 5 MRSA §931, sub-§1, ¶¶L and M are en-
37 acted to read:

1 L. The executive director, deputy director, gen-
2 eral counsel and staff attorneys of the Maine
3 Health Care Finance Commission; and

4 M. Other positions in the Executive Branch made
5 unclassified by law which fall within a bargain-
6 ing unit.

7 Sec. 45. 5 MRSA §931, sub-§2 is enacted to read:

8 2. Employees appointed to major policy - influ-
9 encing positions. Except where a term is otherwise
10 provided by law, the appointing authority of the de-
11 partment or agency in which a major
12 policy-influencing position is located may appoint
13 and remove persons to and from these positions at his
14 pleasure.

15 A. In the event that any position is subject to
16 the Personnel Law on the effective date of any
17 Act making the position a major policy - influ-
18 encing position, the incumbent of the position or
19 person on leave of absence from the position on
20 that day may retain his appointment subject to
21 the Personnel Law.

22 B. Any person currently occupying an unclassi-
23 fied position which is made a major policy - in-
24 fluencing position on the effective date of this
25 paragraph shall be subject to the appropriate
26 laws and policies pertaining to the unclassified
27 service.

28 C. Any person permanently appointed to a classi-
29 fied position who accepts an appointment to a ma-
30 ior policy-influencing position shall have the
31 right, for 12 months subsequent to appointment to
32 the major policy-influencing position, to be re-
33 stored to the classified position from which he
34 was promoted or to a position equivalent thereto
35 in salary grade in any agency without impairment
36 of his personnel status or the loss of seniority,
37 retirement or other rights to which uninterrupted
38 service in the classified position would entitle
39 him.

1 D. If a person's service in a major
2 policy-influencing position is terminated for
3 cause, his right to be restored to a position
4 pursuant to paragraph C shall be determined by
5 the Civil Service Appeals Board.

6 E. During the 12-month period defined in para-
7 graph C, the appointing authority may temporarily
8 appoint a person to the position under the Per-
9 sonnel Law, provided that funds are available for
10 the appointment and that the appointment is con-
11 sistent with the law.

12 Sec. 46. 5 MRSA §939, as enacted by PL 1983, c.
13 729, §4, is amended to read:

14 §939. Department of Finance

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

- 21 A. State Controller;
- 22 B- ~~State Purchasing Agent,~~
- 23 C. State Tax Assessor;
- 24 D- ~~Director, Bureau of Public Improvements,~~
- 25 E. Director, Bureau of Alcoholic Beverages;
- 26 F. State Budget Officer;
- 27 G. Assistant to the Commissioner; and
- 28 H- ~~Director, Risk Management.~~
- 29 I. Director of State Lottery.

30 Sec. 47. 5 MRSA §947-A is enacted to read:

31 §947-A. Department of Administration

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

7 A. Deputy Commissioner for Information Services;

8 B. State Purchasing Agent;

9 C. Director of Public Improvements;

10 D. Director of Human Resources;

11 E. Director of Employee Relations;

12 F. Assistant Deputy Commissioners;

13 G. Director of State Employee Health;

14 H. Director of Risk Management; and

15 I. Director of Data Processing.

16 Sec. 48. 5 MRSA §1504, as amended by PL 1975, c.
17 771, §65, is further amended to read:

18 §1504. Charging off accounts due State

19 The State Controller shall charge off the books
20 of account of the State or any department, institu-
21 tion or agency thereof, such accounts receivable, in-
22 cluding all taxes for the assessment or collection of
23 which the State is responsible, and all impounded
24 bank accounts, as shall be certified to him as im-
25 practical of realization by or for ~~said~~ the State,
26 department, institution or agency. Such certifica-
27 tion shall be by the Attorney General, the Commis-
28 sioner of Finance ~~and Administration~~ and the head of
29 the department, institution or agency responsible for
30 such account, subject to the approval of the Govern-
31 nor. In each such case, the charging off of such ac-
32 counts shall be recommended by the head of the de-
33 partment, institution or agency originally responsi-
34 ble for such account.

1 Sec. 49. 5 MRSA §1505 is amended to read:

2 §1505. Petty Cash Funds

3 A Petty Cash Fund shall be allowed by the Commis-
4 sioner of Finance ~~and Administration~~ to each state
5 department or agency, which shall in his opinion re-
6 quire such a fund. ~~Said~~ The fund so established shall
7 be reimbursed only upon statements and bills audited
8 by the State Controller.

9 Sec. 50. 5 MRSA §1506, as amended by PL 1975, c.
10 771, §66, is further amended to read:

11 §1506. Return of working capital advances

12 Whenever a working capital advance, or any part
13 thereof, is no longer required for the purpose for
14 which it was made, such amount shall be returned to
15 the state fund from which the advance was made. Such
16 return shall be made only on the recommendation of
17 the ~~Department~~ or agency head having jurisdiction
18 over the advance and with the approval of the Commis-
19 sioner of Finance ~~and Administration~~ and the Gover-
20 nor.

21 Sec. 51. 5 MRSA §1508, as amended by PL 1975, c.
22 771, §68, is further amended to read:

23 §1508. State funds eliminated

24 Unless the Legislature shall otherwise direct,
25 the Commissioner of Finance ~~and Administration~~, with
26 the approval of the Governor, shall have authority to
27 discontinue any or all special expendable state funds
28 with the exception of the sinking funds and trust
29 funds, and to merge the balance or balances of such
30 fund or funds so discontinued with the General Fund.

31 Sec. 52. 5 MRSA §1541, first ¶ is amended to
32 read:

33 The Department of Finance ~~and Administration~~,
34 through the Bureau of Accounts and Control, shall
35 have authority:

36 Sec. 53. 5 MRSA §1541, sub-§13, as amended by PL
37 1983, c. 209, is further amended to read:

1 13. Travel expense reimbursement. The State Con-
2 troller, with the approval of the Commissioner of Fi-
3 nance ~~and Administration~~, may establish policies for
4 travel expense reimbursement and carrying out this
5 chapter. Those policies determining which expenses
6 shall be reimbursable and levels of reimbursement
7 shall be deemed rules, and shall be adopted, modified
8 and repealed, only in accordance with procedures set
9 forth in the Maine Administrative Procedure Act, Ti-
10 tle 5, chapter 375.

11 A. Notwithstanding any other provision of law, a
12 state agency, as defined in section 8002, sub-
13 section 2, may not authorize reimbursement for
14 travel by any person at a rate greater than the
15 rate established in section 8 for state employ-
16 ees.

17 Sec. 54. 5 MRSA §1552, sub-§2, as enacted by PL
18 1983, c. 655, is amended to read:

19 2. Commissioner. "Commissioner" means the Com-
20 missioner of Finance ~~and Administration~~.

21 Sec. 55. 5 MRSA §1653, sub-§2, as enacted by PL
22 1983, c. 716, §2, is amended to read:

23 2. Commissioner. "Commissioner" means the Com-
24 missioner of ~~the~~ Department of Finance ~~and~~
25 ~~Administration~~.

26 Sec. 56. 5 MRSA §1657, sub-§1, as enacted by PL
27 1983, c. 716, §2, is amended to read:

28 1. Department of Audit. Nothing in this chapter
29 may be construed to affect or limit any previously
30 existing power or duty of the Department of Audit or
31 the Department of Finance ~~and Administration~~.

32 Sec. 57. 5 MRSA §1662, first ¶ is amended to
33 read:

34 The Department of Finance ~~and Administration~~,
35 through the Bureau of the Budget, shall have the duty
36 and authority:

1 Sec. 58. 5 MRS §1662, sub-§5, as amended by PL
2 1985, c. 174, Pt. J, §1, is further amended to read:

3 5. Rules. To make rules, subject to the approval
4 of the Commissioner of Finance and Administration,
5 for the carrying out of chapters 145 and 149; and

6 Sec. 59. 5 MRS §1668, first ¶, as enacted by PL
7 1975, c. 771, §77-A, is amended to read:

8 Whenever it appears to the Commissioner of Fi-
9 nance and Administration that the anticipated income
10 and other available funds of the State will not be
11 sufficient to meet the expenditures authorized by the
12 Legislature, he shall so report in writing to the
13 Governor, and shall send a copy of the report to the
14 President of the Senate and the Speaker of the House
15 and the majority and minority leaders of the Senate
16 and House. After receiving the report, the Governor
17 may temporarily curtail allotments equitably so that
18 expenditures will not exceed the anticipated income
19 and other available funds. No allotment shall may be
20 terminated pursuant to this section. Any curtailment
21 of allotments shall, insofar as practicable, be made
22 consistent with the intent of the Legislature in au-
23 thORIZING these expenditures.

24 Sec. 60. 5 MRS §1674, first ¶, as enacted by PL
25 1985, c. 195, §§1 and 2, is amended to read:

26 Each department or agency of State Government,
27 which is authorized to expend more than \$25,000 on a
28 single project in any fiscal year on the construc-
29 tion, repair or improvement of state-owned real prop-
30 erty, shall prepare and submit a departmental indi-
31 rect cost allocation proposal to the Commissioner of
32 Finance and Administration prior to that expenditure.
33 These proposals shall be on file in the Department of
34 Finance and Administration.

35 Sec. 61. 5 MRS §1725-A, sub-§1, as enacted by
36 PL 1983, c. 349, §4, is amended to read:

37 1. Creation and authority. The Department of
38 Finance and Administration is designated as the agen-
39 cy through which this chapter shall be administered
40 and the Commissioner of Finance and Administration,

1 in this chapter called the "commissioner," is empow-
2 ered with such authority as may be necessary to carry
3 out its purposes.

4 There is created within the Department of ~~Finance and~~
5 Administration a Risk Management Division, in this
6 chapter called the "division." The division shall be
7 under the administrative control of the commissioner
8 and under the direct supervision of the Director of
9 Risk Management.

10 Sec. 62. 5 MRSA §1732, as amended by PL 1983, c.
11 349, §14, is further amended to read:

12 §1732. Administration

13 The fund shall be administered by the Commission-
14 er of ~~Finance and~~ Administration. The commissioner
15 shall deposit the fund with the Treasurer of State
16 for investment. All proceeds of such investment shall
17 accrue to the fund.

18 Sec. 63. 5 MRSA §1742, first ¶ is amended to
19 read:

20 The Department of ~~Finance and~~ Administration,
21 through the Bureau of Public Improvements, shall have
22 authority:

23 Sec. 64. 5 MRSA §1742, sub-§2, as amended by PL
24 1975, c. 771, §78, is further amended to read:

25 2. Inspection. To regularly inspect state-owned
26 and leased buildings in the State and report to the
27 controlling department head whatever construction,
28 repairs, alterations and improvements are deemed nec-
29 essary. If the Commissioner of ~~Finance and~~ Adminis-
30 tration considers it advisable, he shall make a simi-
31 lar report to the Governor;

32 Sec. 65. 5 MRSA §1742, sub-§4 is amended to
33 read:

34 4. Review. To review the operation and mainte-
35 nance of state owned and leased buildings and proper-
36 ty and to make recommendations with respect thereto
37 to the Commissioner of ~~Finance and~~ Administration and
38 controlling department or agency head concerned;

1 Sec. 66. 5 MRSA §1742, sub-§20, as amended by PL
2 1985, c. 501, Pt. B, §§15 and 16, is repealed.

3 Sec. 67. 5 MRSA §1742, sub-§20-A is enacted to
4 read:

5 20-A. Utility services. To purchase or contract
6 or approve the purchasing or contracting for tele-
7 phone, telegraph, electric, water, sewage and gas
8 services for any and all departments and agencies of
9 State Government and:

10 A. To employ or engage outside technical and
11 professional services that may be necessary for
12 telecommunications purposes;

13 B. To establish, through the Bureau of Accounts
14 and Control, an Internal Telecommunications Fund
15 Account. This fund shall include, but not be lim-
16 ited to, appropriations made to the program,
17 funds transferred to the program from within the
18 Department of Administration and funds received
19 for telecommunications services rendered to sys-
20 tem users;

21 C. To levy charges, according to a rate schedule
22 approved by the Commissioner of Administration,
23 against all units utilizing telecommunications
24 services; and

25 D. To submit a budget of estimated revenues and
26 costs to be incurred by the program in the same
27 manner as required for the General Fund in chap-
28 ters 145 and 149;

29 Sec. 68. 5 MRSA §1742, sub-§21, as amended by PL
30 1985, c. 481, Pt. A, §11, is further amended to read:

31 21. Rules. To make rules, subject to the approv-
32 al of the Commissioner of Finance and Administration
33 for the purposes of carrying out this subchapter;
34 and

35 Sec. 69. 5 MRSA §1743, as repealed and replaced
36 by PL 1977, c. 303, §1, is amended to read:

37 §1743. Competitive bids

1 Any contract for any public improvement in which
2 the State or any of its agencies hold in fee or by
3 lease hold interest, except contracts for profession-
4 al, architectural and engineering services, shall be
5 awarded by the Department of Finance and Administra-
6 tion through the Bureau of Public Improvements, under
7 a system of competitive bidding in accordance with
8 chapters 141 to 155 and such other conditions and re-
9 strictions as the Governor may from time to time pre-
10 scribe.

11 Sec. 70. 5 MRSA §1811, first ¶ is amended to
12 read:

13 The Department of Finance and Administration,
14 through the Bureau of Purchases, shall have authori-
15 ty:

16 Sec. 71. 5 MRSA §1811, sub-§§5 and 7 are amended
17 to read:

18 5. Storerrooms. To establish and operate, with
19 the approval of the Commissioner of Finance and Ad-
20 ministration, such storerooms which, in the judgment
21 of the State Purchasing Agent, are deemed necessary
22 for the storage and distribution of supplies, materi-
23 als and equipment required for use by the State Gov-
24 ernment or any department or agency thereof;

25 7. Central mailing room. To establish and con-
26 duct a central mailing room for the state departments
27 and agencies at the seat of government; and

28 Sec. 72. 5 MRSA §1812, as amended by PL 1975, c.
29 739, §1, is further amended to read:

30 §1812. Scope of purchasing authority

31 The terms "services," "supplies," "materials" and
32 "equipment" as used in this chapter, shall be held to
33 mean any and all services, articles or things which
34 shall be used by or furnished to the State or any de-
35 partment or agency thereof, and any and all printing,
36 binding, publication of laws, journals and reports.
37 Except as provided in chapters 141 to 155, any and
38 all services, supplies, materials and equipment
39 needed by one or more departments or agencies of the

1 State Government shall be directly purchased or contracted for by the State Purchasing Agent, as may be
2 determined from time to time by rules adopted pursuant
3 to chapters 141 to 155, which rules the Department
4 of Finance and Administration is authorized and
5 empowered to make. It is the intent and purpose of
6 this chapter, that the State Purchasing Agent shall
7 purchase collectively all services, supplies, materials
8 and equipment for the State or any department or
9 agency thereof in a manner that will best secure the
10 greatest possible economy consistent with the grade
11 or quality of the services, supplies, materials and
12 equipment best adapted for the purposes for which
13 they are needed. Whenever supplies and materials are
14 available for purchase which are composed in whole or
15 in part of recycled materials and are shown by the
16 seller, supplier or manufacturer to be equal in quality
17 and are competitively priced, the State Purchasing
18 Agent shall purchase such recycled supplies and
19 materials. For the purposes of this section,
20 recycled materials means materials that are composed
21 in whole or in part of elements that are reused or
22 reclaimed.
23

24 The trustees of the University of Maine may authorize the Department of Finance and Administration
25 to act for them in any purchases.
26

27 The word "services," when used in this chapter,
28 shall be held to mean any and all window cleaning
29 services, elevator repair and maintenance services,
30 laundry service, linen supply service, dry cleaning
31 service, janitor service, floor maintenance service,
32 rubbish and garbage disposal service, tree surgeon
33 service, all types of office machine repair and maintenance
34 service, exterminator service, refrigerator
35 repair and maintenance service and oil burner repair
36 and maintenance service when any such service is performed
37 by an independent contractor. The State Purchasing
38 Agent may, with the approval of the Commissioner of Finance
39 and Administration add to or eliminate from the various
40 types of service set forth in this paragraph such services
41 performed by independent contractors as may be deemed by
42 him to be in the best interests of the State.
43

44 Sec. 73. 5 MRSA §1813, first ¶ is amended to
45 read:

1 The State Purchasing Agent, with the approval of
2 the Commissioner of ~~Finance and~~ Administration, may
3 adopt, modify or abrogate rules ~~and regulations~~ for
4 the following purposes:

5 Sec. 74. 5 MRSA §1813-A, sub-§2, as enacted by
6 PL 1985. c. 158, §3, is amended to read:

7 2. Surplus property; private sale to educational
8 institutions. Pursuant to this chapter and rules
9 promulgated under section 1813, the Department of ~~Fi-~~
10 ~~nance and~~ Administration through the Bureau of Pur-
11 chases shall allow private sales of surplus property
12 to educational institutions.

13 Sec. 75. 5 MRSA §1814, last 3 ¶¶, as repealed
14 and replaced by PL 1977, c. 332, are amended to read:

15 A majority of the members shall elect a recording
16 secretary of the Standardization Committee, who shall
17 maintain a complete record of the minutes of every
18 committee meeting. Upon the request of the committee,
19 the State Purchasing Agent shall furnish such assist-
20 ance as the committee requests. The committee shall
21 meet at least semiannually and at such other times as
22 the Commissioner of ~~Finance and~~ Administration may
23 request or at such other times as may be deemed nec-
24 essary by at least 3 members of the committee. Com-
25 mittee meetings shall be held at such locations as
26 may be agreed upon by a majority of the members of
27 the committee.

28 It shall be the duty of the Standardization Com-
29 mittee to advise the State Purchasing Agent and the
30 Commissioner of ~~Finance and~~ Administration in the
31 formulation, adoption and modification of the rules
32 and regulations which shall prescribe the purchasing
33 policy of the State and to assist the State Purchas-
34 ing Agent in the formulation, adoption and modifica-
35 tion of the specifications as may be deemed necessary
36 for the procurement of services, supplies, materials
37 and equipment required for use by the State or any
38 department or agency thereof.

39 In addition, whenever the State Purchasing Agent,
40 after having received bids on a contract, awards the
41 contract to anyone other than the lowest responsible

1 bidder, shall notify the Standardization Committee.
2 The Standardization Committee shall evaluate the rea-
3 sons for that award in a written report. That report
4 shall be made available for public inspection in the
5 office of the Department of Finance and Administra-
6 tion during normal business hours.

7 Sec. 76. 5 MRSA §1831, sub-§§1 and 3, as enacted
8 by PL 1983, c. 188, are amended to read:

9 1. Adoption of rules. Every department or agen-
10 cy of State Government, subject to chapters 141 to
11 152, purchasing services or awarding grants or con-
12 tracts which are not subject to the authority of the
13 Department of Finance and Administration, as defined
14 in chapters 153 and 155, shall establish a procedure
15 by which these services shall be purchased or by
16 which grants or contracts shall be awarded. This
17 procedure shall be adopted in accordance with the
18 Maine Administrative Procedure Act, chapter 375, and
19 shall be approved by the State Purchasing Agent prior
20 to their adoption. The procedure shall include,
21 among any other provisions deemed necessary by the
22 State Purchasing Agent:

23 A. A notification process to inform prospective
24 bidders about contracts for which bids are being
25 requested;

26 B. A process by which bid applications shall be
27 reviewed;

28 C. Criteria for the selection of bids for any
29 additional review prior to any award of con-
30 tracts;

31 D. Criteria for the award of a contract;

32 E. A definition of the procedure by which a per-
33 son, aggrieved by the decision of a department or
34 agency under this chapter, may appeal the deci-
35 sion; and

36 F. Criteria for the review of any decision that
37 has been appealed under this chapter.

1 3. Application. The procedure adopted by a de-
2 partment or agency in this section may be used by the
3 department or agency for any qualifying purchase or
4 award of a contract or grant. Nothing in this sec-
5 tion may be construed to require the adoption of new
6 procedures for every new purchase, contract or award.
7 Nothing in this section may be construed to require
8 the State Purchasing Agent or the Department of Fi-
9 nance and Administration to approve any contract,
10 grant or award that is not presently approved by the
11 State Purchasing Agent or the Department of Finance
12 and Administration under chapters 153 and 155.

13 Sec. 77. 5 MRSA c. 157, as amended, is repealed.

14 Sec. 78. 5 MRSA c. 158 is enacted to read:

15 CHAPTER 158

16 ADMINISTRATIVE SERVICES

17 SUBCHAPTER I

18 DEPARTMENT OF ADMINISTRATION

19 §1871. Department of Administration established;
20 purpose

21 The Department of Administration is established
22 to provide for the coordination of data processing
23 and computer programming activities of State Govern-
24 ment, to provide for the administration of the civil
25 services law as required in this chapter in a manner
26 that satisfactorily meets the needs of state agencies
27 and state employees and to provide general adminis-
28 trative services to state agencies, including the
29 purchase of materials and equipment the construction,
30 reconstruction and maintenance of public improvements
31 and insurance programs as required.

32 §1872. Definitions

33 As used in this chapter, unless the context oth-
34 erwise indicates, the following terms have the fol-
35 lowing meanings.

36 1. Board. "Board" means the Information Ser-
37 vices Policy Board.

1 2. Commissioner. "Commissioner" means the Com-
2 missioner of Administration.

3 3. Data processing. "Data processing" means the
4 process that encompasses all computerized and auxili-
5 ary automated information handling, including sys-
6 tems analysis and design, conversion of data, comput-
7 er programming, information storage and retrieval,
8 data and facsimile transmission, requisite system
9 controls, simulation and all the related man-machine
10 interaction. Data processing includes all word or
11 text manipulation processing.

12 4. Deputy commissioner. "Deputy commissioner"
13 means the Deputy Commissioner of the Office of Infor-
14 mation Services.

15 5. Telecommunications. "Telecommunications"
16 means the process of transmitting and receiving any
17 information, to include voice, data and video, by any
18 media to include wire, microwave, fibreoptics, radio
19 and laser.

20 §1873. Commissioner; appointment

21 The commissioner shall be appointed by the Gover-
22 nor, subject to review by the joint standing commit-
23 tee of the Legislature having jurisdiction over State
24 Government and to confirmation by the Legislature.
25 The commissioner shall serve at the pleasure of the
26 Governor.

27 §1874. Responsibilities and dutes of the department

28 The department shall have the duties and respon-
29 sibilities as described in this section.

30 1. Cooperate with state agencies. The depart-
31 ment shall cooperate with state agencies and work
32 closely with these agencies with respect to the data
33 processing, computer programming and personnel needs
34 and matters of each agency.

35 2. Respond quickly to requests. The department
36 shall act expeditiously upon requests of state agen-
37 cies with respect to the programs and services admin-
38 istered by the department.

1 3. Maintain coordinated data processing system.
2 Maintain and preserve the integrity of a well - coor-
3 ordinated and efficient data processing and computer
4 programming system throughout State Government as
5 provided in this chapter.

6 4. Consider unique needs of state agencies. The
7 department shall consider the unique needs of state
8 agencies and diligently strive to serve these needs
9 as expeditiously as possible.

10 §1875. Department organization

11 The department shall consist of the organizations
12 as established in this section. The commissioner
13 shall not establish any other organizations within
14 the department without approval of the Legislature.

15 1. Organizations. The department shall contain
16 the following organizations:

17 A. The Office of Information Services, the head
18 of which shall be the Deputy Commissioner for In-
19 formation Services;

20 B. The Bureau of Data Processing, the head of
21 which shall be the Director of Data Processing;

22 C. The Bureau of Human Resources, the head of
23 which shall be the Director of Human Resources;

24 D. The Bureau of Employee Relations, the head of
25 which shall be the Director of Employee Rela-
26 tions;

27 E. The Bureau of Public Improvements, the head
28 of which shall be the Director of Public Improve-
29 ments;

30 F. The Bureau of Purchases, the head of which
31 shall be the Director of Purchases;

32 G. The Bureau of State Employee Health, the head
33 of which shall be the Director of State Employee
34 Health;

1 H. The Division of Risk Management, the head of
2 which shall be the Director of Risk Management;
3 and

4 I. The Board of Trustees of Group Accident and
5 Sickness or Health Insurance.

6 §1876. Powers and duties of the commissioner

7 The commissioner shall have the authority and du-
8 ties as provided in this section.

9 1. Appointment of Deputy Commissioner for Infor-
10 mation Services. The Commissioner of Administration
11 shall appoint the Deputy Commissioner for Information
12 Services who shall direct the Office of Information
13 Services. The appointment of the Deputy Commissioner
14 of Information Services shall be subject to review by
15 the joint standing committee of the Legislature hav-
16 ing jurisdiction over State Government and to confir-
17 mation by the Legislature.

18 A. The Deputy Commissioner of Information Ser-
19 vices shall be a well qualified, professional
20 person who is qualified by education and substan-
21 tial experience in the administration of data
22 processing and computer programming systems. The
23 Deputy Commissioner for Information Services
24 shall meet the qualifications established in sec-
25 tion 1883.

26 2. Appointment of bureau chiefs, division direc-
27 tors, assistant deputy commissioners. The commis-
28 sioner shall appoint bureau chiefs, division direc-
29 tors and assistant deputy commissioners as provided
30 in this subsection.

31 A. The Director of Human Resources shall be ap-
32 pointed in accordance with chapter 372.

33 B. The commissioner may appoint other bureau
34 chiefs and division directors, as required, ex-
35 cept that the Director of Data Processing shall
36 be subject to the supervision and direction of
37 the Deputy Commissioner and shall serve at his
38 pleasure.

1 3. Appointment of other employees. The commis-
2 sioner may appoint and prescribe the duties of other
3 employees, except as otherwise provided, subject to
4 the Civil Service Law or he may delegate this author-
5 ity to bureau chiefs and division heads.

6 4. Supervise and direct activities. The commis-
7 sioner shall supervise and direct the activities of
8 the organizations within the department as provided
9 in this chapter.

10 5. Require and assist in planning. The commis-
11 sioner shall require the organizations within the de-
12 partment to engage in short-term and long-term plan-
13 ning with respect to their goals and purpose and as-
14 sist the organizations in developing short-term and
15 long-term plans.

16 6. Monitor progress of each organization within
17 the department. The commissioner shall monitor the
18 progress and activities of the organizations within
19 the department to assure consistency of policies and
20 procedures. The commissioner shall also determine
21 whether the policies and procedures continue to meet
22 the needs of state agencies as the needs of state
23 agencies change.

24 7. Administrative services for the commissioner.
25 The commissioner may employ persons subject to the
26 Personnel Law and the office of the commissioner, to
27 provide assistance to the commissioner with respect
28 to personnel matters, budgeting and financial mat-
29 ters, purchasing clerical and support services.

30 8. Report to the Legislature. The commissioner
31 shall report to the joint standing committee of the
32 Legislature having jurisdiction over State Government
33 at the beginning of the first regular session of each
34 Legislature with respect to:

35 A. The degree of progress that has been made
36 with respect to the coordination of data process-
37 ing and computer programming within State Govern-
38 ment:

39 (1) The Information Services Policy Board
40 shall also evaluate the degree of progress

1 with respect to the coordination of data
2 processing and computer programming within
3 State Government which shall be included in
4 this part of the report;

5 B. The problems that exist with respect to the
6 coordination of data processing and computer pro-
7 gramming activities within State Government;

8 (1) The Information Services Policy Board
9 shall also describe and evaluate the prob-
10 lems that exist with respect to the coordi-
11 nation of data processing and computer pro-
12 gramming in State Government to be included
13 in this part of the report;

14 C. The degree to which personnel needs of state
15 agencies are being met. This portion of the re-
16 port shall also include the evaluation of the
17 Civil Service Policy Review Board with respect to
18 this same issue; and

19 D. Any problems that exist with respect to cur-
20 rent policies and procedures as they relate to
21 the personnel needs of state agencies. This por-
22 tion of the report shall also include the evalua-
23 tion of the Civil Service Policy Review Board
24 with respect to the issue of this paragraph.

25 SUBCHAPTER II

26 OFFICE OF INFORMATION SERVICES

27 §1881. Purpose and mission

28 Within State Government there are numerous types
29 of data processing equipment, a vast number of com-
30 puter programs and a substantial number of approaches
31 to the creation, use and maintenance of information
32 involving computers. To a large extent, there is
33 little coordination of computer equipment and program
34 purchases. There is very little planning with re-
35 spect to the future needs of State Government for
36 computer programming, information collection and
37 storage, data retrieval and transmission of informa-
38 tion. The current data processing-computer program-
39 ming system is a decentralized system that is charac-

1 terized by a substantial degree of independent and
2 duplicative efforts.

3 The current system, while providing essential in-
4 formation to the agencies which have the equipment
5 and means, may not be working in the best interests
6 of the State or as efficiently as it could be work-
7 ing. There may also be state agencies and activity
8 programs that, for the want of adequate information
9 and data, cannot be as effective to the greatest pos-
10 sible extent.

11 In order to make the best use of the very valu-
12 able data and information that is continuously cre-
13 ated throughout State Government, it is necessary to
14 develop the means by which coordination of effort and
15 use may be achieved. It is in the best interest of
16 the State to be able to develop and use computer data
17 and information in the most efficient manner possi-
18 ble.

19 It is also essential that when confidentiality of
20 computer data and information is necessary or desir-
21 able, the confidentiality of this information can be
22 assured.

23 §1882. Definitions

24 As used in this subchapter and subchapter III,
25 unless the context otherwise indicates, the following
26 terms have the following meanings.

27 1. Bureau "Bureau" means the Bureau of Data
28 Processing.

29 2. Director. "Director" means the Director of
30 Data Processing.

31 §1883. Office of Information Services established

32 The Office of Information Services is established
33 to help achieve the purpose set forth in this chap-
34 ter.

35 §1884. Deputy commissioner

1 The Office of Information Services shall be under
2 the direction of the Deputy Commissioner of Adminis-
3 tration who shall be responsible for providing infor-
4 mation services in data processing, planning for
5 telecommunications and planning for the coordination
6 of data processing throughout State Government.

7 1. Deputy commissioner; appointment and qualifi-
8 cations. The Commissioner of Administration shall
9 appoint the Deputy Commissioner for Information Ser-
10 vices who shall be subject to review by the joint
11 standing committee of the Legislature having juris-
12 isdiction over State Government and to confirmation by
13 the Legislature. The deputy commissioner shall be a
14 well-qualified professional person who has demon-
15 strated ability and accomplishments in the adminis-
16 tration of data processing and computer programming
17 services. Specifically, the deputy commissioner
18 shall meet the following qualifications:

19 A. Training, knowledge and experience in the de-
20 sign of data processing and computer programming
21 systems for multiple types of users;

22 B. Training, knowledge and experience in the op-
23 eration and management of data processing and
24 computer programming systems;

25 C. Training, knowledge and experience in the op-
26 eration of data-processing equipment;

27 D. Knowledge of telecommunications equipment and
28 systems;

29 E. An outstanding record of achievement in the
30 administration or management of a data
31 processing-computer programming system with mul-
32 multiple and diverse types of users; and

33 F. Any other qualifications deemed necessary or
34 prudent by the board or the Commissioner of Ad-
35 ministration.

36 2. Restricted political activity The provi-
37 sions in section 679-A as they relate to the politi-
38 cal activities of employees in the classified service
39 shall apply to the deputy commissioner.

1 3. Removal. The deputy commissioner may be re-
2 moved by the commissioner following review and com-
3 ment by the board. If the deputy commissioner is re-
4 moved for reasons other than just cause, the former
5 deputy commissioner shall receive a sum of 1/2 of his
6 annual compensation. The commissioner may remove the
7 deputy commissioner for just cause, in which case,
8 the deputy commissioner shall not receive 1/2 of his
9 annual salary.

10 §1885. Organization

11 The Office of Information Services shall include
12 the Bureau of Data Processing. The deputy director
13 shall not establish any other bureaus or divisions
14 within the Office of Information Services without the
15 approval of the Legislature.

16 1. Appointment of director. The deputy commis-
17 sioner shall appoint the Director of Data Processing
18 with the approval of the commissioner. The director
19 of the bureau shall be a person with demonstrated
20 knowledge, training and skills and significant expe-
21 rience in data processing and computer services. In
22 addition, the director shall have a high record of
23 achievement in providing data processing and computer
24 programming services to multiple and diverse users.

25 A. The director shall serve at the pleasure of
26 the deputy commissioner.

27 2. Appointment of other employees. The deputy
28 commissioner may appoint other employees, as he deems
29 necessary, to the Office of Information Services in
30 accordance with the Personnel Law, except that any
31 assistant to the deputy commissioner shall be in the
32 unclassified service.

33 §1886. Powers and duties of the deputy commissioner

34 1. Supervision of data processing within the
35 State Government. The deputy commissioner shall su-
36 pervise data processing activities within State Gov-
37 ernment.

38 2. Approve the acquisition and use of equipment.
39 The deputy commissioner, in accordance with standards

1 established by this chapter shall approve acquisition
2 and use of all data processing and telecommunications
3 services, equipment and systems by state agencies.

4 3. Develop training programs in data processing.
5 The deputy commissioner shall be responsible for de-
6 veloping training programs for state employees in da-
7 ta processing and for the implementation of these
8 programs.

9 4. Staff and technical assistance. The deputy
10 commissioner shall provide staff and technical as-
11 istance in data processing to other state agencies.

12 5. Develop in conjunction with the board and ad-
13 minister standards for data processing. The deputy
14 commissioner shall develop in conjunction with the
15 board and administer standards for data processing to
16 include standards for:

17 A. Acquisition of equipment;

18 B. Acquisition of computer programs;

19 C. The development of computer systems and com-
20 puter programs;

21 D. Computer operations; and

22 E. Any other standards deemed necessary by the
23 deputy commissioner and the board.

24 6. Maintain central data processing services.
25 The deputy commissioner through the Bureau of Data
26 Processing shall maintain and operate central data
27 processing services.

28 7. Develop and implement comprehensive master
29 plan. The deputy commissioner, in conjunction with
30 the board, shall develop and maintain a comprehensive
31 state master plan, as approved by the board, for data
32 processing and telecommunications. The deputy com-
33 missioner shall be responsible for assisting state
34 agencies in implementing the master plan.

35 A. The deputy commissioner shall submit a report
36 on the comprehensive plan to the Governor and the

1 Legislature at the beginning of each legislative
2 session.

3 B. The plan shall include a report on the cur-
4 rent status of state data processing and telecom-
5 munications, including information on major items
6 of equipment, major applications, personnel,
7 costs and sources of funding for state data pro-
8 cessing and telecommunications. In addition, the
9 plan shall include specific agency plans for the
10 future development of state systems, including
11 comments on the major staffing and acquisition
12 activities.

13 C. Each state agency shall submit a business op-
14 erating plan every 2 years to include goals and
15 objectives for data processing and needs for data
16 processing equipment and programs, for the review
17 and approval of the deputy commissioner and the
18 board. These agency plans shall be included in
19 the comprehensive master plan.

20 8. Charges. The deputy commissioner may levy
21 appropriate charges against all state agencies uti-
22 lizing services provided by the office. The charges
23 shall be those fixed in a schedule or schedules pre-
24 pared and revised as necessary by the deputy commis-
25 sioner and approved by the Information Services Poli-
26 cy Board and the commissioner. The schedule of
27 charges shall be supported and explained by accompa-
28 nying information.

29 9. Budget. The deputy commissioner shall submit
30 a budget of estimated revenues and costs to be in-
31 curring by the office.

32 10. Professional and technical services. The
33 deputy commissioner may employ or engage, within
34 funds available, outside technical or professional
35 personnel and services as may be necessary for carry-
36 ing out the purposes of this chapter, subject to the
37 approval of the commissioner.

38 11. Other powers and duties. The deputy commis-
39 sioner may make rules, subject to the approval of the
40 Information Services Policy Board and the commis-
41 sioner, for carrying out the purpose of this chapter.

1 12. Protection of information files. The deputy
2 commissioner, with the advice of the board, shall de-
3 velop rules regarding the safeguarding, maintenance
4 and use of information files relating to data
5 professing required by law to be kept confidential,
6 subject to the approval of the commissioner. The of-
7 fice shall be responsible for the enforcement of
8 those rules. All data files shall be the property of
9 the agency or agencies responsible for their collec-
10 tion and utilization.

11 13. Assist the board. The deputy commissioner
12 shall assist the board in its duties and responsibil-
13 ities. The deputy commissioner shall make recommen-
14 dations to the board with respect to the coordination
15 of data processing, telecommunications and computer
16 programming systems.

17 14. Report to the Legislature. The deputy com-
18 missioner shall report to the joint standing commit-
19 tee of the Legislature having jurisdiction over State
20 Government by January 31st of each year with respect
21 to the achievements, the problems and the procedures
22 planned for resolving the problems of the office and
23 its mission.

24 §1887. Bureau of Data Processing

25 The Bureau of Data Processing shall provide the
26 major data processing services in State Government,
27 including computer operations and programming and ap-
28 plications systems. The bureau, as authorized by the
29 deputy commissioner, shall work to assure consistency
30 in programming services, stability in data processing
31 functions, reliability in the operation and mainte-
32 nance of systems throughout State Government and
33 responsiveness and flexibility to react to changing
34 situations and needs.

35 1. Director. The Director of Data Processing
36 shall be appointed as provided in section 1885, sub-
37 section 1.

38 2. Service agency. The bureau shall serve as a
39 service agency to meet the needs of client agencies
40 in a timely, efficient and cost effective manner.

1 A. The bureau shall assure a high quality of
2 service to all users.

3 B. The bureau shall allocate resources as neces-
4 sary to meet peak demands and to best use availa-
5 ble resources.

6 C. The bureau shall assure adequate backup for
7 all information services.

8 3. Assist the deputy commissioner. The bureau
9 shall assist the deputy commissioner in carrying out
10 his duties and responsibilities.

11 §1888. Noncompliance defined

12 No purchase of data processing equipment, soft-
13 ware or services and no internal systems development
14 efforts may be made except in accordance with this
15 subchapter. The State Purchasing Agent shall not
16 purchase any data processing equipment, software or
17 services without the prior approval of the deputy
18 commissioners. The state controller shall not autho-
19 rize payment of vouchers for data processing equip-
20 ment, software or services without evidence of prior
21 approval of the purchases by the deputy commissioner.

22 1. Definition of noncompliance. A state agency
23 shall be deemed in noncompliance with this subchapter
24 in the event that the agency:

25 A. Purchases data processing equipment, software
26 or services in noncompliance with this subchap-
27 ter;

28 B. Fails to adhere to the data processing stan-
29 dards established by the deputy commissioner and
30 the board;

31 C. Fails to submit an approved agency plan as
32 required by this subchapter; and

33 D. Fails to meet the goals and objectives with
34 the timetable described in the approved plan as
35 determined by the board and executive director.

1 2. Penalty. Any state agency found to be in
2 noncompliance as defined in this subsection, shall be
3 prohibited from acquiring or purchasing data process-
4 ing equipment, software and services until the deputy
5 commissioner determines that the state agency is in
6 compliance with this subchapter.

7 A. Notwithstanding the provisions of this sec-
8 tion, the deputy commissioner may act to acquire
9 or purchase data processing equipment, software
10 and services to maintain or meet the emergency
11 needs of a state agency.

12 §1889. Data processing professional and support
13 staff in state agencies

14 Professional, technical and support employees en-
15 gaged in data processing and employed in state agen-
16 cies outside the department shall remain with the re-
17 spective departments and shall not be moved to or em-
18 ployed by any other organization unless the specific
19 changes are approved by the Legislature.

20 §1890. Intergovernmental cooperation and assistance

21 The deputy commissioner, with the approval of the
22 commissioner, may enter into agreements with the Fed-
23 eral Government, the University of Maine and other
24 agencies and organizations as will promote the objec-
25 tives of this chapter and to accept funds from the
26 Federal Government, municipal and county agencies or
27 from any individual or corporation to be expended for
28 purposes consistent with this chapter.

29 §1890-A. Internal services fund accounts

30 The Office of Information Services may establish
31 internal services fund accounts. These funds in-
32 clude, but are not limited to, appropriations made to
33 the office, funds transferred to the office from
34 within the department and funds received for data
35 processing and telecommunications planning services
36 rendered to state agencies.

37 SUBCHAPTER III

38 INFORMATION SERVICES POLICY BOARD

1 §1891. Information Services Policy Board estab-
2 lished; purpose of board

3 The Information Services Policy Board is estab-
4 lished to assist the deputy commissioner to meet the
5 purpose and mission of this chapter.

6 §1892. Membership on board; appointment, terms of
7 office and compensation

8 The board shall consist of 11 voting members and
9 advisory members appointed as provided in this sec-
10 tion. For the purpose of this section, the word
11 "designee" means a person in a major
12 policy-influencing position as defined in chapter 71.

13 1. Voting members. The voting members of the
14 board shall consist of:

15 A. The Commissioner of Administration or his
16 designee;

17 B. The Commissioner of Finance or his designee;

18 C. The Commissioner of Human Services or his
19 designee;

20 D. The Commissioner of Labor or his designee;

21 E. The Commissioner of Transportation or his
22 designee;

23 F. The Deputy Secretary of State, Division of
24 Motor Vehicles;

25 G. One member appointed by the Governor from the
26 Office of the Governor;

27 H. Two members appointed by the Governor repre-
28 senting the remaining state agencies of State
29 Government; and

30 I. Two members, appointed by the Governor repre-
31 senting administrators or managers of data pro-
32 cessing and computer programming services in cor-
33 porations in the private sector.

1 2. Advisory members. Advisory members shall be
2 appointed by the Legislative Council to represent the
3 agencies of the Legislature who provide research and
4 information to the Legislature and its committees and
5 an advisory member shall be appointed by the Chief
6 Justice of the Supreme Judicial Court to assure that
7 the needs of the Legislature and the Judiciary are
8 known and to inform them of available information,
9 access and innovations to be considered.

10 3. Terms of office. The voting and advisory
11 members representing state agencies of the Legisla-
12 ture, the Judiciary and the office of the Governor
13 shall serve for a period that coincides with the term
14 of appointment to the agency which they represent or
15 to the term designated by the appointing authority,
16 unless revoked sooner by the appointing authority.
17 The members of the private sector shall serve 3-year
18 terms, except that the initial term of one member
19 shall be 2 years and the initial term of the other
20 members shall be 3 years.

21 4. Expenses and compensation. All members shall
22 be reimbursed for expenses in accordance with chapter
23 379. Members representing state agencies, the Execu-
24 tive Office, the Legislature and the Judiciary shall
25 be reimbursed for expenses from the budgets of the
26 departments which they represent.

27 A. No rate of compensation may be paid to the
28 members of the board.

29 5. Chairman. The Commissioner of Finance shall
30 serve as the temporary chairman at the first meeting
31 at which the board shall elect a permanent chairman
32 from among the voting members to serve for a term of
33 2 years. The Commissioner of Administration may not
34 serve as the chairman of the board.

35 6. Meetings. The board shall meet at least 10
36 times a year.

37 §1893. Duties and responsibilities of the board

38 The board shall have the authority, responsibili-
39 ties and duties as defined in this section.

1 1. Establish standards. The board shall assist
2 the deputy commissioner in the development of stan-
3 dards governing data processing as defined in sub-
4 chapter II.

5 2. Examine centralization of data processing and
6 computer programming and data processing personnel.
7 The board shall carefully examine the issue relating
8 to the centralization within the Office of Informa-
9 tional Services on data processing services to in-
10 clude equipment and professional and support staffs.

11 A. In the event that the board determines and
12 recommends a greater degree of centralization of
13 data processing activities, the report shall:

14 (1) Designate the state agencies to be af-
15 ected by the centralization;

16 (2) Designate the extent of centralization
17 to occur to include data processing equip-
18 ment; professional, technical, and support
19 personnel in data processing; and applica-
20 tion systems;

21 (3) Recommend the order in which the agen-
22 cies shall be centralized; and

23 (4) Recommend a timetable for the implemen-
24 tation fo its recommendations.

25 B. The board shall report its findings and im-
26 plementing legislation relating to this issue to
27 the joint standing committee of the Legislature
28 having jurisdiction over State Government no la-
29 ter than the Second Regular Session of the 113th
30 Legislature. The board shall provide an interim
31 report to the committee no later than March 30,
32 1987. This report, in addition to describing the
33 progress of the board shall include proposals
34 that the board deems important to the purpose of
35 this chapter. These proposals shall include any
36 necessary implementing legislation.

37 3. Develop comprehensive master plan. The board
38 shall develop, in conjunction with the deputy commis-
39 sioner the comprehensive master plan as defined in
40 subccchapter II.

1 4. Investigate and establish priorities. The
2 board, with the deputy commissioner, shall investi-
3 gate and establish priorities within the scope of the
4 comprehensive master plan. For the purpose of this
5 subsection, the priorities shall be priorities of
6 goals and objectives with their associated target
7 dates.

8 5. Rules, policies and fees. The board shall
9 assist in the development of and give its approval to
10 the commissioner for:

11 A. Rules and policies relating to data process-
12 ing; and

13 B. The schedule of charges.

14 6. Provide for regular review. The board with
15 the deputy commissioner shall provide for a regular
16 review of information processing operations in State
17 Government and make recommendations to the Governor,
18 commissioner and other affected agency heads for im-
19 proving service and efficiency and for reducing
20 costs.

21 7. Investigation of issues. The board may con-
22 duct an investigation or provide for the investiga-
23 tion of any issue it deems essential to the purpose
24 and mission of this chapter.

25 SUBCHAPTER IV

26 APPEALS PROCESS

27 §1896. Appeals

28 Any state agency disagreeing with an action or
29 decision of the Office of Informational Services or
30 the deputy commissioner as it affects that agency may
31 appeal the decision in accordance with the provisions
32 of this subsection.

33 1. Order of appeal. A state agency may appeal
34 the decision or action of the deputy commissioner or
35 Office of Informational Services to:

36 A. The Information Services Policy Board and
37 then to;

1 B. The commissioner.

2 2. Appeal to the Governor. In the event that an
3 agency is aggrieved by the decision of the commis-
4 sioner, the agency may appeal to the Governor to al-
5 ter the decision or action and the decision of the
6 Governor shall be final.

7 3. Written decisions. In responding to a state
8 agency, the person or organization to whom the appeal
9 has been made shall provide the decision in writing.
10 If the decision fails to uphold the state agency ap-
11 peal, the decision shall explain the specific reasons
12 for the decision.

13 Sec. 79. 5 MRSA §7006, sub-§5, ¶A, as enacted by
14 PL 1983, c. 477, Pt. E, Sub-Pt. 26, §5, is amended
15 to read:

16 A. The State Development Office, with the advice
17 of the Department of Finance ~~and Administration~~,
18 shall establish a standard accounting procedure
19 to be used by any organization receiving moneys
20 under this section.

21 Sec. 80. 5 MRSA §12002-C, as enacted by PL
22 1985, c. 295, §10, is amended to read:

23 §12002-C. Per diem and expense vouchers

24 In order to receive per diem compensation or re-
25 imbursement for expenses as authorized by this chap-
26 ter, a member of a board, which is required to submit
27 expense vouchers to the Department of Finance ~~and~~
28 ~~Administration~~ for reimbursement, shall complete and
29 sign an expense voucher form to the satisfaction of
30 the Commissioner of Finance ~~and Administration~~. Ev-
31 ery board member shall certify in writing on the
32 voucher form whether the per diem or expenses in-
33 curred for each item is an official meeting or hear-
34 ing activity required by statute that has been called
35 by the chairman of the board or by a person autho-
36 rized by statute to call the meeting or hearing. In
37 the event that the requested per diem or expense re-
38 imbursement is ~~not~~ the result of an official meeting
39 or hearing of the board, the board member shall ex-
40 plain on the voucher the reason for the claim. The

1 Commissioner of Finance and Administration may disap-
2 prove those expenses or portion of expenses that do
3 not comply with this chapter.

4 Sec. 81. 5 MRSA §12004, sub-§8, ¶A, sub-¶(12-A),
5 as enacted by PL 1985, c. 359, §4, is amended to
6 read:

7 12-A ~~Finance~~ Work Center Expenses only 5 MRSA §1826-
8 ~~Adminis-~~ Purchases for Nonstate
9 ~~tration~~ Committee employee
10 members to be
11 paid from funds
12 of departments
13 represented on
14 the committee

15 Sec. 82. 5 MRSA §12004, sub-§8, ¶A, sub-¶(12-B),
16 as enacted by PL 1985, 441, §2, is repealed and the
17 following enacted in its place:

18 12-B Human Ser- Board of the Expenses 22 MRSA §4083
19 vices: Maine's Chil- only
20 Child Pro- dren's Trust
21 tection Fund

22 Sec. 83. 5 MRSA §12004, sub-§10, ¶A, sub-¶(26)
23 is amended to read:

24 (26) ~~Finance~~ Standardization \$25/Day 5 MRSA §1814
25 ~~Adminis-~~ Committee Public
26 ~~tration~~ Member

27 Sec. 84. 5 MRSA §12004, sub-§10, ¶A, sub-¶(68)
28 is repealed.

29 Sec. 85. 5 MRSA §12006, as amended by PL 1985,
30 c. 295, §22, is further amended to read:

31 §12006. Penalty for failure to report

32 Members of any board which fail to report to the
33 Secretary of State, as required by section 12005,
34 shall not be eligible to receive any daily rate or
35 annual rate of compensation or any money for expenses
36 incurred in the work of the board until the report to
37 the Secretary of State is complete to the satisfac-

1 tion of the Secretary of State. The Commissioner of
2 Finance ~~and Administration~~, the Secretary of State or
3 the authorized person to pay compensation or expenses
4 to members of the boards, shall not pay any rate of
5 compensation or expenses to any member of a board
6 which has failed to report to the Secretary of State.

7 Sec. 86. 8 MRSA §350 is enacted to read:

8 §350. State Lottery Bureau

9 The State Lottery Bureau is established within
10 the Department of Finance to carry out the purposes
11 of this chapter.

12 Sec. 87. 10 MRSA §918, sub-§3, as amended by PL
13 1983, c. 636, is further amended to read:

14 3. Ex officio corporators. Ex officio corpora-
15 tors shall consist of the heads of the major state
16 departments and agencies and the Chancellor of the
17 University of Maine. State department and agency
18 heads shall include the following:

19 Treasurer of State;

20 Director of the State Planning Office;

21 Director of the State Development Office;

22 Commissioner of Agriculture, Food and Rural Re-
23 sources;

24 Commissioner of Business, Occupational and Pro-
25 fessional Regulation;

26 Commissioner of Conservation;

27 Commissioner of Educational and Cultural Ser-
28 vices;

29 Commissioner of Environmental Protection;

30 Commissioner of Finance ~~and Administration~~;

31 Commissioner of Administration;

1 Commissioner of Human Services;
2 Commissioner of Inland Fisheries and Wildlife;
3 Commissioner of Labor;
4 Commissioner of Marine Resources;
5 Commissioner of Mental Health and Mental Retarda-
6 tion;
7 Commissioner of Transportation;
8 Chief Executive Officer of the Finance Authority
9 of Maine;
10 Executive Director of the Maine Municipal Bond
11 Bank; and
12 Executive Director of the Maine State Housing Au-
13 thority.

14 Sec. 88. 14 MRSA §8109, sub-§1, ¶A, as amended
15 by PL 1985, c. 81, is further amended to read:

16 A. Any agency may settle any claim for an amount
17 of \$1,500 or less when such settlement is ap-
18 proved by the appropriate department or agency
19 head in accordance with regulations promulgated
20 by the Commissioner of Finance and
21 Administration.

22 Sec. 89. 14 MRSA §8109, sub-§1, ¶B, as enacted
23 by PL 1977, c. 2, §2, is amended to read:

24 B. Any other claim may be settled when such set-
25 tlement is approved by the head of the department
26 or agency against which the claim is filed, the
27 Commissioner of Finance and Administration and
28 the Attorney General.

29 Sec. 90. 14 MRSA §8115, sub-§1, as enacted by PL
30 1977, c. 2, §2, is further amended to read:

31 1. Payment from next appropriation. In the event
32 no insurance has been procured by the State to pay a
33 claim or judgment arising under this chapter, and no

1 appropriated funds are reasonably available, as de-
2 termined by the Commissioner of Finance and
3 Administration, the claim or judgment shall be paid
4 from the next appropriation to the state instrumen-
5 tality whose action or omission, or the action or
6 omission of whose employee, gave rise to the claim.

7 Sec. 91. 20-A MRSA §11054, as enacted by PL
8 1981, c. 693, §§5 and 8, is amended to read:

9 §11054. Duties of board

10 The board on the part of the State shall obtain
11 accurate accounts of all the board's receipts and
12 disbursements and shall report to the Governor and
13 the Commissioner of Finance and Administration annu-
14 ally on or before the 15th day of September, setting
15 forth in such detail as the commissioner may require
16 the transactions of the board for the fiscal year
17 ending on the preceding June 30th. They shall in-
18 clude in such report recommendations for any legisla-
19 tion as may be necessary or desirable to carry out
20 the intent and purposes of the New England Higher Ed-
21 ucation Compact among the states joining.

22 Sec. 92. 20-A MRSA §13506, as enacted by PL
23 1983, c. 859, Pt. J, §2, is amended to read:

24 2. Transmittal of information. The commissioner
25 shall transmit the necessary filing data to the De-
26 partment of Finance and Administration in sufficient
27 time to allow the issuance of payments on February
28 15th and August 15th of each year.

29 Sec. 93. 20-A MRSA §15903, sub-§3, ¶A, as en-
30 acted by PL 1981, c. 693, §§5 and 8, is amended to
31 read:

32 A. The Bureau of Public Improvements, Department
33 of Finance and Administration;

34 Sec. 94. 22 MRSA §254, last ¶, as amended by PL
35 1983, c. 290, is further amended to read:

36 The Commissioner of Finance and Administration
37 may create a dedicated revenue account to receive
38 moneys pursuant to this section from whatever source

1 is available which money may be disbursed solely for
2 the purposes of implementing this section.

3 Sec. 95. 22 MRSA §1471-B, sub-§7, as enacted by
4 PL 1981, c. 632, §2, is amended to read:

5 7. State contracts. Notwithstanding any other
6 provisions of law, members of the board shall be eli-
7 gible to contract with the State where the contracts
8 are awarded consistent with normal bidding procedures
9 of the Department of Finance and Administration.
10 Members shall also be eligible to receive grants
11 where grants are awarded consistent with normal state
12 procedures. In no case may any member vote on the
13 award of a contract or grant for which he has submit-
14 ted a bid or proposal.

15 Sec. 96. 23 MRSA §152, 5th ¶, as amended by PL
16 1983, c. 553, §23, is further amended to read:

17 The board shall maintain an office in Kennebec
18 County. The Commissioner of Finance and
19 Administration shall appoint, subject to the Person-
20 nel Law, a clerk of the board to keep its records and
21 to perform such other duties as the board shall pre-
22 scribe. The clerk shall have authority to certify to
23 all official acts of the board, administer oaths, is-
24 sue subpoenas, and issue all processes, notices, or-
25 ders or other documents necessary to the performance
26 of the duties of the board.

27 Sec. 97. 23 MRSA §152, 6th ¶, as amended by PL
28 1983, c. 553, §24, is further amended to read:

29 The Commissioner of Finance and Administration
30 shall appoint and fix the compensation of a reporter
31 to the board, and shall review and approve all
32 charges made by such reporter for transcripts of the
33 record of hearings before the board. The Commissioner
34 of Finance and Administration may appoint, subject
35 to the Personnel Law, such clerical assistants for
36 the board as he may deem necessary.

37 Sec. 98. 26 MRSA §979-A, sub-§5, as amended by
38 PL 1981, c. 289, §11, is further amended to read:

1 5. Public employer. "Public employer" means all
2 the departments, agencies and commissions of the ex-
3 ecutive branch of the State of Maine, represented by
4 the Governor or his designee. In the furtherance of
5 this chapter, the State shall be considered as a sin-
6 gle employer and employment relations, policies and
7 practices throughout the state service shall be as
8 consistent as practicable. It is the responsibility
9 of the executive branch to negotiate collective bar-
10 gaining agreements and to administer such agreements.
11 To coordinate the employer position in the negotia-
12 tion of agreements, the Legislative Council or its
13 designee shall maintain close liaison with the Gover-
14 nor or his designee representing the executive branch
15 relative to the negotiation of cost items in any pro-
16 posed agreement. ~~The Governor's office or its~~
17 ~~designee~~ Governor is responsible for the employer
18 functions of the executive branch under this chapter,
19 and shall coordinate its collective bargaining activ-
20 ities with operating agencies on matters of agency
21 concern. It is the responsibility of the legislative
22 branch to act upon those portions of tentative agree-
23 ments negotiated by the executive branch which re-
24 quire legislative action.

25 The Governor's office, or its designee, the location
26 of which within the organization of State Government
27 shall be designated by the Governor, which shall be
28 known as the Governor's Office of Employee Relations,
29 may ~~The Bureau of Employee Relations,~~ through the
30 Commissioner of Administration, shall act as directed
31 by the Governor to:

32 A. Develop and execute employee relations' poli-
33 cies, objectives and strategies consistent with
34 the overall objectives of the Governor;

35 B. Conduct negotiations with certified and rec-
36 ognized bargaining agents under applicable stat-
37 utes;

38 C. Administer and interpret collective bargain-
39 ing agreements, and coordinate and direct agency
40 activities as necessary to promote consistent poli-
41 cies and practices;

1 D. Represent the State in all bargaining unit
2 determinations, elections, prohibited practice
3 complaints and any other proceedings growing out
4 of employee relations and collective bargaining
5 activities;

6 E. Coordinate the compilation of all data and
7 information needed for the development and evalu-
8 ation of employee relations' programs and in the
9 conduct of negotiations;

10 F. Coordinate the state's resources as needed to
11 represent the State in negotiations, mediation,
12 fact finding, arbitration and other proceedings;
13 and

14 G. Provide staff advice on employee relations to
15 the various departments and agencies of State
16 Government, including providing for necessary su-
17 pervisory and managerial training.

18 All state departments and agencies shall provide such
19 assistance, services and information as required by
20 the Governor's office, or ~~its designee~~ the Bureau of
21 Employee Relations, and shall take such administra-
22 tive or other action as may be necessary to implement
23 and administer the provisions of any binding agree-
24 ment between the State and employee organizations en-
25 tered into under law.

26 Sec. 99. 26 MRSA §979-A, sub-§6, ¶I, as enacted
27 by PL 1981, c. 381, §3, is amended to read:

28 I. Who is appointed to a major
29 policy-influencing position as designated by Ti-
30 tle 5, ~~section 711~~, ~~subsection 2~~ chapter 71; or

31 Sec. 100. 28 MRSA §2, sub-§2, as repealed and
32 replaced by PL 1975, c. 741, §1, is amended to read:

33 2. Bureau. "Bureau" ~~shall mean~~ means the Bureau
34 of Alcoholic Beverages within the Department of Fi-
35 nance ~~and Administration~~.

36 Sec. 101. 28 MRSA §56, as amended by PL 1983, c.
37 865, Pt. B, §§1 and 2, is further amended to read:

1 §56. Working capital

2 The net profits of the commission shall be gener-
3 al revenue of the State. The commission is autho-
4 rized to keep and have on hand a stock of wines, ex-
5 cept table wines, and spirits for sale, the value of
6 which, when priced for resale, shall be computed on
7 less carload price quotations f.o.b. warehouse filed
8 by liquor and wine vendors. The inventory value shall
9 be based upon actual cost for which payment may be
10 due and shall not at any time exceed the amount of
11 working capital authorized. Wines and spirits shall
12 not be considered in the inventory until payment has
13 been made therefor. The maximum permanent working
14 capital of the commission is established at
15 \$3,500,000 and permanent advances up to this amount
16 may be authorized by the Governor upon recommendation
17 of the commission with the approval of the Commis-
18 sioner of Finance ~~and Administration~~. The permanent
19 working capital of the commission may be supplemented
20 by temporary loans from other state funds upon recom-
21 mendation of the commission and by approval of the
22 Commissioner of Finance ~~and Administration~~ and the
23 Governor.

24 Sec. 102. 28 MRSA §57, first ¶, as amended by PL
25 1977, c. 674, §26, is further amended to read:

26 The Commissioner of Finance ~~and Administration~~,
27 with the advice and consent of a majority of the
28 State Liquor Commission, shall appoint a Director of
29 the Bureau of Alcoholic Beverages whose term of of-
30 fice shall be continuous, subject only to removal by
31 a majority of the commission and the Commissioner of
32 Finance ~~and Administration~~. The salary of the direc-
33 tor shall be fixed by the Commissioner of Finance ~~and~~
34 ~~Administration~~ with the advice and consent of a ma-
35 jority of the State Liquor Commission.

36 Sec. 103. 28 MRSA §58, as enacted by PL 1975, c.
37 741, §4, is amended to read:

38 §58. Director of the Bureau of Alcoholic Beverages;
39 powers and duties

40 The Director of the Bureau of Alcoholic Beverages
41 within the Department of Finance ~~and Administration~~

1 shall be the chief administrative officer of the bu-
2 reau. The Director of the Bureau of Alcoholic Bever-
3 ages shall be subject to the direction of the State
4 Liquor Commission as defined in this chapter. The
5 director of the bureau shall administer the policies,
6 rules and regulations of the State Liquor Commission
7 under the supervision of the commission. The direc-
8 tor of the bureau shall operate the bureau and imple-
9 ment the liquor laws according to the procedures es-
10 tablished by the State Liquor Commission.

11 The Director of the Bureau of Alcoholic Beverages
12 shall have general charge of the office and records
13 and shall employ, with the approval of the Commis-
14 sioner of Finance and Administration and the State
15 Liquor Commission, subject to the Personnel Law, such
16 personnel and make expenditures as may be necessary
17 to fulfill the purposes of this Title.

18 Sec. 104. 28 MRSa §451, first ¶, as amended by
19 PL 1979, c. 161, is further amended to read:

20 All spirits and wines, except table wines, shall
21 be sold by the commission at a price to be determined
22 by the commission which will produce a state liquor
23 tax of not less than 75% based on the less carload
24 cost f.o.b., State Liquor Commission warehouse, and
25 in addition thereto there shall be levied and imposed
26 an excise tax of 75¢ per gallon, or its metric equiv-
27 alent, on wines containing more than 14% alcohol by
28 volume; except that spirits and wines sold at whole-
29 sale under section 204 may be sold at wholesale
30 prices established pursuant to the provisions there-
31 of. Prices for sale of spirits and wines bought by
32 the commission from Maine licensees to manufacture
33 liquor under section 501 shall be based on minimum
34 truck load delivery prices f.o.b. warehouse as the
35 same are filed with the Public Utilities Commission.
36 Special orders by the commission for unstocked mer-
37 chandise shall be priced at not less than 75% over
38 actual cost delivered f.o.b. warehouse. In all cases
39 the commission is authorized to round off costs to
40 the next highest 5 cents. Any increased federal taxes
41 levied on or after November 1, 1941 shall be added to
42 the established price without markup. All net revenue
43 derived from such tax shall be deposited to the cred-
44 it of the General Fund of the State. Notwithstanding

1 the other provisions of this section, the commission,
2 with approval of the Commissioner of Finance ~~and~~
3 ~~Administration~~, may reduce the price of discontinued
4 items of liquor. The reduced price shall not be less
5 than the actual cost of the discontinued liquor items
6 and no item shall be discontinued by the commission
7 for a period of at least 6 months after such item has
8 been listed and on sale in state stores. Notwith-
9 standing the other provisions of this section, the
10 commission, with the approval of the Commissioner of
11 Finance ~~and Administration~~, may reduce the price of
12 liquor in one store, and licensees permitted to pur-
13 chase liquor at a discount under section 204 may pur-
14 chase liquor for resale from that store at the same
15 price they are permitted to purchase liquor for re-
16 sale from any state store which does not offer a re-
17 tail discount.

18 Sec. 105. 29 MRSA §2243-C, first and 2nd ¶¶, as
19 enacted by PL 1983, c. 818, §21, are amended to
20 read:

21 So long as another jurisdiction imposes a tax or
22 fee on a class of motor vehicles registered in Maine
23 and traveling in that jurisdiction and that tax or
24 fee is additional to those imposed by Maine upon the
25 same class of motor vehicles not registered in that
26 jurisdiction, the Secretary of State, Commissioner of
27 Finance ~~and Administration~~ and Commissioner of Trans-
28 portation acting together shall levy the same or sub-
29 stantially the same tax or fee upon the same class of
30 motor vehicles registered in that jurisdiction and
31 traveling in Maine.

32 The Secretary of State, Commissioner of Finance
33 ~~and Administration~~ and Commissioner of Transportation
34 shall jointly promulgate rules for collection of
35 taxes or fees due pursuant to this section, for en-
36 forcement of the collection and for otherwise carry-
37 ing out the purposes of this section. The Secretary
38 of State shall monitor taxes and fees assessed
39 against Maine-registered motor vehicles by other ju-
40 risdictions, in order to ensure comparable treatment
41 of foreign-registered motor vehicles traveling in
42 Maine.

43 Sec. 106. 30 MRSA §4786, sub-§5, as reenacted by
44 PL 1979, c. 732, §§21 and 31, is amended to read:

1 5. Indian Housing Mortgage Insurance Committee.
2 "Indian Housing Mortgage Insurance Committee" means a
3 committee consisting of the Treasurer of State, the
4 Director of the Maine State Housing Authority, the
5 Commissioner of Finance and ~~Administration~~ and one
6 person from the Passamaquoddy Tribe and one person
7 from the Penobscot Nation to be chosen by the respec-
8 tive tribe or nation.

9 Sec. 107. 30 MRSA §5057, sub-§1, ¶A, as enacted
10 by PL 1983, c. 477, Pt. E, sub-pt. 27, is amended to
11 read:

12 A. On or before September 30, 1984, and for each
13 succeeding year, the Commissioner of ~~Finance and~~
14 Administration shall provide to the Treasurer of
15 State a list of state-owned buildings in each mu-
16 nicipality, along with the total floor space of
17 state-owned buildings in each municipality and
18 the share of floor space of all state-owned
19 buildings accounted for by the state-owned build-
20 ings in each municipality.

21 (1) The following state buildings shall not
22 be included in the calculation provided by
23 this section:

24 (a) Buildings in which the State holds
25 only a leasehold interest;

26 (b) Buildings owned by the Bureau of
27 Parks and Recreation and for which pay-
28 ments are made under Title 12, section
29 602, subsection 4;

30 (c) Buildings owned by the University
31 of Maine;

32 (d) Buildings owned by the Maine Mari-
33 time Academy; and

34 (e) Buildings owned by the vocational-
35 technical institutes established by Ti-
36 tle 20-A, section 10103.

37 Sec. 108. 30 MRSA §5301, as amended by PL 1983,
38 c. 812, §185, is further amended to read:

1 §5301. Membership

2 The Board of Emergency Municipal Finance, as au-
3 thorized by Title 5, section 12004, subsection 8, and
4 designated in this subchapter as the "board," shall
5 be composed of the 3 persons who legally hold the of-
6 fices of Commissioner of Finance ~~and Administration~~,
7 Treasurer of State and State Tax Assessor. Upon the
8 succession of any person to any of these respective
9 offices, he or she shall immediately become a member
10 of the board and the person who formerly held such
11 office shall cease to be such a member. The person
12 holding the office of State Tax Assessor shall be the
13 chairman of the board. The members of the board shall
14 be compensated according to the provisions of Title
15 5, chapter 379.

16 Sec. 109. 30 MRSA §6208-A, sub-§§2 and 3, as en-
17 acted by PL 1981, c. 675, §7, are amended to read:

18 2. Claims. The secretary shall pay from the
19 fund all valid claims for taxes, payments in lieu of
20 property taxes and fees, together with any interest
21 and penalties thereon, for which the Houlton Band of
22 Maliseet Indians is liable pursuant to section 6208,
23 provided that such obligation is final and not sub-
24 ject to further direct administrative or judicial re-
25 view under the laws of the State of Maine. No pay-
26 ment of a valid claim may be satisfied with moneys
27 from the fund unless the secretary finds, as a result
28 of his own inquiry, that no other source of funds
29 controlled by the secretary is available to satisfy
30 the obligation. The secretary shall adopt written
31 procedures, consistent with this section, governing
32 the filing and payment of claims after consultation
33 with the Maine Commissioner of Finance ~~and~~
34 ~~Administration~~ and the Houlton Band of Maliseet Indi-
35 ans.

36 3. Distributions. If the unencumbered principal
37 available for the payment of claims exceeds the sum
38 of \$100,000, the secretary shall, except for good
39 cause shown, provide for the transfer of such excess
40 principal to the Houlton Band of Maliseet Indians.
41 The secretary shall give 30 days' written notice to
42 the Commissioner of Finance ~~and Administration~~ of a
43 proposed transfer of excess principal to the Houlton

1 Band of Maliseet Indians. Any distribution of excess
2 principal to the Houlton Band of Maliseet Indians
3 shall be exempt from taxation.

4 Sec. 110. 36 MRSA §575, as amended by PL 1973,
5 c. 460, §18, is further amended to read:

6 §575. Administration; rules

7 The State Tax Assessor shall have the powers and
8 duties provided in this subchapter. He shall adopt
9 and amend such rules and ~~regulations~~ as may be rea-
10 sonable and appropriate to carry out these responsi-
11 bilities. He may contract with municipal, State and
12 Federal Governments or their agencies to assist in
13 the carrying out of any of his assigned tasks. He is
14 authorized to hire such technical assistance as may
15 be required for the performance of his assigned
16 tasks. He is authorized to request such technical as-
17 sistance from the Forestry Bureau or the Department
18 of Finance and ~~Administration~~ as the respective de-
19 partment may be able to provide.

20 Sec. 111. 36 MRSA §653, sub-§1, ¶H is amended to
21 read:

22 H. Any municipality granting exemptions under
23 this subsection shall have a valid claim against
24 the State to recover 90% of the taxes lost by
25 reason of such exemptions as exceeds 3% of the
26 total local tax levy, upon proof of the facts in
27 form satisfactory to the Commissioner of Finance
28 and ~~Administration~~. Such claims shall be pre-
29 sented to the Legislature next convening.

30 Sec. 112. 36 MRSA §841-B, as repealed and re-
31 placed by PL 1985, c. 295, §54, is amended to read:

32 §841-B. Land Classification Appeals Board; purpose;
33 composition

34 The Land Classification Appeals Board, as estab-
35 lished by Title 5, section 12004, subsection 2, is
36 established to hear appeals from decisions of munic-
37 ipal tax assessors, chief assessors and the State Tax
38 Assessor acting as assessor of the unorganized terri-
39 tory relating to the Maine Tree Growth Tax Law or the

1 Farm and Open Space Tax Law. The board shall be com-
2 posed of 4 voting members: The Commissioner of Con-
3 servation or his designee; the Commissioner of Agri-
4 culture, Food and Rural Resources or his designee;
5 and 2 members, serving 4 years, to be appointed by
6 the Governor. One of these members shall be a munic-
7 ipal officer and one shall be a forest landowner.
8 The initial appointment of the municipal officer
9 shall be for a 2-year period. In the event of the
10 death or resignation of such an appointee, the Gover-
11 nor shall make an appointment to the appeals board
12 for the unexpired term. The Commissioner of Finance
13 ~~and Administration~~ or his designee shall serve in an
14 advisory capacity as a nonvoting member and as chair-
15 man of the board. In the case of a tie vote, the
16 Commissioner of Finance ~~and Administration~~ or his
17 designee shall vote to break the tie. The landowner
18 member and the municipal officer shall be compensated
19 according to Title 5, chapter 379. All other members
20 shall be compensated by the agency they represent for
21 actual expenses incurred in the performance of their
22 duties under this section.

23 Sec. 113. 36 MRSA §2863, sub-§1, ¶A, as enacted
24 by PL 1981, c. 711, §10, is amended to read:

25 A. "Commissioner" means the Commissioner of Fi-
26 nance ~~and Administration~~.

27 Sec. 114. 38 MRSA §1306-C, sub-§4, ¶A, as en-
28 acted by PL 1981, c. 430, §18, is amended to read:

29 A. A final order issued by the court under that
30 procedure shall provide for disposition of the
31 conveyance by the Department of ~~Finance~~ and Ad-
32 ministration, including official use by a public
33 agency or sale at public auction or by competi-
34 tive bidding.

35 Sec. 115. Transition provision. The Governor
36 shall appoint the Information Services Policy Board
37 prior to June 15, 1986. The Policy Review Board
38 shall begin to undertake the studies and analyses as
39 defined in this Part no later than July 10, 1986.
40 During this transition period, the Information Ser-
41 vices Policy Board shall receive staff assistance
42 from the Department of Administration. Any expenses

1 of the Policy Review Board shall be paid from the De-
2 partment of Administration and the departments repre-
3 sented on the board.

4 1. Funds transferred. Notwithstanding the Maine
5 Revised Statutes, Title 5, section 1585 and 1586, all
6 accrued expenditures, assets, liabilities, balances,
7 appropriations or allocations, transfers, revenues or
8 other available funds in any account or subdivision
9 of an account of any bureau, division or other
10 subunit of a state agency affected by Part A of this
11 Act shall remain with the bureau, division or other
12 subunit following their transfer to the Department of
13 Administration.

14 2. The Commissioner of Finance and the Commis-
15 sioner of Administration for the calendar year ending
16 1986, shall be subject to the provisions of the Maine
17 Revised Statuted, Title 5, section 679-A.

18 3. Personnel transferred. All employees of any
19 bureau, division or other subunit of a state agency
20 affected by Part A of this Act shall remain with the
21 bureau, division or other subunit following their
22 transfer to the Department of Administration. The
23 accrued fringe benefits, including vacation and sick
24 leave, health and life insurance and retirement of
25 these personnel shall remain with these personnel.

26 Agencies affected by this transition include, but
27 are not limited to, the former Bureau of Central Com-
28 puter Services, the Bureau of Public Improvements,
29 the Bureau of Purchases, the Board of Trustees of the
30 Group Accident and Sickness or Health Insurance, the
31 Division of Risk Management, the State Lottery Com-
32 mission, the former Department of Personnel, and the
33 Governor's Office of Employee Relations and other Ex-
34 ecutive Branch agencies. No employee's pay or promo-
35 tional rights and opportunities will be adversely af-
36 fected due to this reorganization.

37 The administrative and support staff in the De-
38 partment of Finance and Administration assisting in
39 the operations and administration of organizational
40 units may be similarly transferred to the Department
41 of Administration, together with such Personal Ser-
42 vices funding, supporting funds and equipment as nec-

1 essary. The Commissioner of Administration shall
2 consult with the Commissioner of Finance and, togeth-
3 er with the review and comment of the Commissioner of
4 Finance, shall request, by Financial Order through
5 the State Budget Officer, the Governor's approval of
6 the positions, funds and equipment transfer.

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

12 5. Rules and procedures. All rules and proce-
13 dures currently in effect and operation pertaining to
14 any bureau, division or other subunit of a state
15 agency affected by Part A of this Act and which are
16 in compliance with the provisions of this Act shall
17 remain in effect until rescinded or amended by the
18 Department of Administration.

19 6. Equipment and property transferred. All
20 equipment and property of the state used by employees
21 and officials of any bureau, division or other
22 subunit of a state agency affected by Part A of this
23 Act, shall remain with the bureau, division or other
24 subunit upon transfer to the Department of Adminis-
25 tration.

26 7. Contracts and agreements. All contracts and
27 agreements currently in effect with respect to any
28 bureau, division or other subunit of a state agency
29 affected by Part A of this Act shall remain in effect
30 following the effective date of this Act until resc-
31 inded, terminated or modified by the Department of
32 Administration.

33 8. Organization and operation of department.
34 Notwithstanding any other provision of law, any ap-
35 pointment required by Part A of this Act and prepara-
36 tion work may be made or occur prior to the effective
37 date of this Act, but shall not become binding until
38 the effective date of this Act.

39

PART B

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

3 1. Range 91. The salaries of the following
4 state officials and employees shall be within salary
5 range 91:

6 Commissioner of Transportation;

7 Commissioner of Conservation;

8 Director of State Development Office;

9 Commissioner of Finance and Administration;

10 Commissioner of Educational and Cultural Ser-
11 vices;

12 Commissioner of Environmental Protection;

13 Commissioner of Human Services;

14 Commissioner of Mental Health and Mental Retarda-
15 tion;

16 Commissioner of Public Safety;

17 Commissioner of Business, Occupational and Pro-
18 fessional Regulation;

19 Commissioner of Labor;

20 ~~Commissioner of Personnel;~~

21 Commissioner of Agriculture, Food and Rural Re-
22 sources;

23 Commissioner of Inland Fisheries and Wildlife;

24 Commissioner of Marine Resources; and

25 Commissioner of Corrections.

26 Sec. 2. 2 MRSA §6, sub-§1, as amended by PL
27 1983, c. 553, §46, is further amended to read:

1 1. Range 91. The salaries of the following
2 state officials and employees shall be within salary
3 range 91:

- 4 Commissioner of Transportation;
- 5 Commissioner of Conservation;
- 6 Director of State Development Office;
- 7 Commissioner of Finance ~~and Administration~~;
- 8 Commissioner of Administration;
- 9 Commissioner of Educational and Cultural Ser-
10 vices;
- 11 Commissioner of Environmental Protection;
- 12 Commissioner of Human Services;
- 13 Commissioner of Mental Health and Mental Retarda-
14 tion;
- 15 Commissioner of Public Safety;
- 16 Commissioner of Business, Occupational and Pro-
17 fessional Regulation;
- 18 Commissioner of Labor;
- 19 ~~Commissioner of Personnel~~;
- 20 Commissioner of Agriculture, Food and Rural Re-
21 sources;
- 22 Commissioner of Inland Fisheries and Wildlife;
- 23 Commissioner of Marine Resources; and
- 24 Commissioner of Corrections.

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

1 3. Range 89. The salaries of the following
2 state officials and employees shall be within salary
3 range 89:

4 State Director of Public Improvements;

5 State Budget Officer;

6 State Controller;

7 Director of the Bureau of Forestry;

8 Chief of the State Police;

9 Director, State Planning Office;

10 Director, Energy Resources Office;

11 Public Advocate; and

12 Commissioner of Defense and Veterans' Services; and
13 and

14 Director of Human Resources.

15 Sec. 4. 3 MRSA §163, sub-§2-A, as enacted by PL
16 1985, c. 501, Pt. B, §4, is amended to read:

17 2-A. Appointment of legislative staff. To ap-
18 point, upon recommendation of the appropriate office
19 director and subject to the approval of the Legisla-
20 tive Council, qualified persons to legislative staff
21 positions based solely on their ability to perform
22 their duties and without regard to party affiliation.
23 The general duties and compensation of these posi-
24 tions shall be established under the direction of the
25 council and in accordance with organizational and
26 performance objectives established by the council.
27 These legislative staff positions shall be unclassi-
28 fied and not subject to the ~~personnel~~ civil service
29 law.

30 Sec. 5. 3 MRSA §507, sub-§9, ¶A, as repealed and
31 replaced by PL 1983, c. 819, Pt. A, §3, is amended to
32 read:

1 A. The evaluations and analyses of the justifi-
2 cation reports for the programs of the following
3 Group E-1 departments shall be reviewed by the
4 Legislature no later than June 30, ~~1988~~ 1989:

5 (1) Maine State Retirement System;

6 (2) Department of Attorney General;

7 ~~(3) Department of Personnel; and~~

8 (3-A) Bureau of Human Resources;

9 (3-B) Bureau of Employee Relations; and

10 (4) Department of Labor.

11 Sec. 6. 3 MRSA §507, sub-§10, ¶A, as repealed
12 and replaced by PL 1983, c. 819, Pt. A, §4, is
13 amended to read:

14 A. Unless continued or modified by law, the fol-
15 lowing Group E-1 independent agencies shall ter-
16 minate, not including the grace period, no later
17 than June 30, ~~1988~~ 1989:

18 (1) Board of Trustees, Group Accident and
19 Sickness or Health Insurance;

20 (2) Maine Commission for Women;

21 (3) Maine Human Rights Commission;

22 (4) Maine Labor Relations Board;

23 ~~(5) Governor's Office of State Employee Re-~~
24 ~~lations;~~

25 (6) State Personnel Civil Service Appeals
26 Board;

27 (7) Educational Leave Advisory Board; and

28 (8) Workers' Compensation Commission.

29 Sec. 7. 5 MRSA §11, as amended by PL 1979, c.
30 541, Pt. A, §18, is further amended to read:

1 §11. Certification of payrolls

2 No fiscal officer of the State ~~shall~~ may draw,
3 sign or issue, or authorize the drawing, signing or
4 issuing, of any warrant or check upon the Treasurer
5 of State or other disbursing officer of the State for
6 the payment of a salary or other compensation for
7 personal services, nor ~~shall~~ may the Treasurer of
8 State or other disbursing officer of the State pay
9 any salary or other compensation for personal ser-
10 vices in the Executive or Legislative Departments,
11 unless a payroll or account for such salary or other
12 compensation, containing the names of all persons to
13 be paid and the amounts to be paid them, has been
14 certified by the ~~Commissioner of Personnel~~ Director
15 of Human Resources or a person designated by him. In
16 the case of all unclassified employees, certification
17 shall be by their appointing authority.

18 Any payment, made in violation of the compensa-
19 tion plan or the rules pertaining thereto or made to
20 a person appointed or established in his position in
21 a manner contrary to chapters 51 to 67, may be recover-
22 ed from the appointing authority, the ~~Commissioner~~
23 ~~of Personnel~~ Director of Human Resources or any offi-
24 cer or person making such payment, whoever is culpa-
25 ble, or from the sureties on the official bond of
26 such officer or person. Action for such recovery may
27 be maintained by the State ~~Personnel~~ Civil Service
28 Appeals Board or any member thereof, any officer or
29 employee of the state service or any citizen of the
30 State. All moneys recovered under this section shall
31 be paid into the State Treasury and credited to the
32 General Fund.

33 Sec. 8. 5 MRSA §16, sub-§3, as amended by PL
34 1981, c. 28, §1, is further amended to read:

35 3. Regulations. The ~~Commissioner of Personnel~~
36 Director of Human Resources shall, acting under sec-
37 tion 631, prescribe or amend rules and regulations to
38 assure that state personnel policy conforms to the
39 minimums set out in this section. The minimum limits
40 contained in this section shall not be construed to
41 be maximum limits, and the ~~Commissioner of Personnel~~
42 Director of Human Resources may prescribe or amend
43 rules ~~and regulations~~ permitting accumulation of va-

1 cation leave and sick leave beyond the limits set
2 forth here for limited categories of state employees
3 for state employees in special situations, or for all
4 classified or unclassified state employees.

5 Sec. 9. 5 MRSA §33, as enacted by PL 1985, c.
6 167, is amended to read:

7 §33. Bureau of Human Resources to inform supervisors
8 and state employees

9 The Commissioner of Personnel Director of Human
10 Resources is responsible for informing supervisors
11 and state employees about the provisions of this
12 chapter. The Commissioner of Personnel Director of
13 Human Resources, at a minimum, shall distribute a
14 sufficient number of copies of this chapter, which
15 shall be visibly posted in all state buildings, in
16 order to notify the greatest possible number of state
17 employees about the provisions in this chapter.

18 The Commissioner of Personnel Director of Human
19 Resources shall use the necessary means to instruct
20 all supervisory personnel about the provisions in
21 this chapter.

22 Sec. 10. 5 MRSA §95, sub-§1, as enacted by PL
23 1973, c. 625, §16, is amended to read:

24 1. Administration. To administer the office of
25 the State Archivist. In exercising his administra-
26 tion, the State Archivist shall formulate policies,
27 establish organizational and operational procedures
28 and exercise general supervision. He shall employ,
29 with the approval of the Secretary of State subject
30 to the Personnel Civil Service Law, such assistants
31 as may be necessary to carry out this chapter. The
32 State Archivist shall adopt a seal for use in the of-
33 ficial business of his office. He shall have custody
34 and control of the facilities provided for the admin-
35 istration of this chapter;

36 Sec. 11. 5 MRSA §197, as amended by PL 1965, c.
37 478, §1, is further amended to read:

38 §197. State criminal inspectors; clerks; office ex-
39 penses

1 The Attorney General is authorized to employ in
2 his office in addition to the officers named in section
3 196, state criminal inspectors and additional
4 clerks as the business of his office may demand,
5 whose appointment and compensation shall be subject
6 to the ~~Personnel~~ Civil Service Law. He may incur a
7 reasonable expense for postage, printing, stationery
8 and other office expenses.

9 Sec. 12. 5 MRSA §242, first ¶ is amended to
10 read:

11 The Department of Audit shall be organized in the
12 manner the State Auditor may deem best suited to the
13 accomplishment of its functions. It shall have such
14 auditors, assistants and employees as the State Audi-
15 tor may require, but they shall be subject to the
16 ~~Personnel~~ law Civil Service Law.

17 Sec. 13. 5 MRSA §246, sub-§1, as enacted by PL
18 1985, c. 459, Pt. C, §1, is amended to read:

19 1. Position created. There is created within
20 the Department of Audit the position of fiscal admin-
21 istrator of the unorganized territory. The fiscal
22 administrator shall be a person qualified by educa-
23 tion or experience in the administration of budgets.
24 The position shall be subject to the ~~Personnel~~ Civil
25 Service Law.

26 Sec. 14. 5 MRSA §282, 2nd ¶, as amended by PL
27 1983, c. 477, Pt. E, sub-pt. 22, is further amended
28 to read:

29 The commissioner may employ such other deputies,
30 division heads, assistants and employees as may be
31 necessary, subject to the ~~Personnel~~ Civil Service
32 Law. In addition, the commissioner may employ a Di-
33 rector of Compliance to carry out departmental re-
34 sponsibilities related to: Labor relations and labor
35 contract compliance; human rights and affirmative ac-
36 tion compliance; and, audit guidelines and other
37 3rd-party compliance requirements. The Director of
38 Compliance shall serve at the pleasure of the commis-
39 sioner.

40 Sec. 15. 5 MRSA §283, sub-§8, as enacted by PL
41 1975, c. 322, §1, is amended to read:

1 8. Bureau of Data Processing. Bureau of ~~Central~~
2 ~~Computer Services Data Processing~~, the head of which
3 shall be the Director of ~~Central Computer Services~~
4 Data Processing appointed subject to the ~~Personnel~~
5 Civil Service Law.

6 Sec. 16. 5 MRSA §286, sub-§1, as repealed and
7 replaced by PL 1979, c. 657, is amended to read:

8 1. Board of trustees; regulations. The board of
9 trustees shall be responsible for the efficient oper-
10 ation of this group insurance program and is autho-
11 rized to promulgate such regulations as are necessary
12 to properly administer the plan, except as otherwise
13 provided. It may exercise general supervision through
14 an executive director, who shall be employed pursuant
15 to the ~~Personnel~~ Civil Service Law.

16 Sec. 17. 5 MRSA §287-A, 2nd ¶, as enacted by PL
17 1977, c. 564, §13-A, is amended to read:

18 Upon transfer of surplus property to an eligible
19 recipient, the commissioner shall charge and receive
20 from ~~said~~ that recipient money sufficient to cover
21 the acquisition, warehousing, handling, administra-
22 tive and delivery costs chargeable to ~~said~~ that prop-
23 erty. The department shall employ and assign such su-
24 pervisory and clerical personnel as may be necessary
25 to carry out this section, subject to the ~~Personnel~~
26 Civil Service Law.

27 Sec. 18. 5 MRSA §293, as amended by PL 1983, c.
28 812, §14, is further amended to read:

29 §293. Internship committee

30 The State Government Internship Program Advisory
31 Committee, established by section 12004, subsection
32 10, shall serve to ~~further~~ the purposes of the pro-
33 gram and to provide for broad representation of in-
34 stitutions of higher learning within Maine and of
35 State Government. The State Government Internship
36 Program Advisory Committee shall be comprised of the
37 President of the Senate and Speaker of the House or
38 their designated representatives; the Governor or his
39 designated representative; the ~~Commissioner of~~
40 ~~Personnel~~ Director of Human Resources; and the Direc-

1 tor, Bureau of Public Administration. In addition,
2 one faculty member from each of 4 accredited, degree-
3 granting institutions of higher learning in the State
4 shall be appointed by the Director of the Bureau of
5 Public Administration for 4-year terms, providing
6 that the initial appointments under this chapter
7 shall be for one, 2, 3 and 4-year terms. No faculty
8 member ~~shall~~ may be eligible to succeed himself if he
9 has served a full 4-year term, nor shall a faculty
10 member be succeeded by another from the same institu-
11 tion. Vacancies shall be filled by the director for
12 the unexpired term. The members of the internship
13 committee shall organize by electing a chairman and
14 vice-chairman and shall be compensated as provided in
15 chapter 379 and as authorized by the Bureau of Public
16 Administration.

17 Sec. 19. 5 MRSA cc. 51, 53, 55 and 57, as
18 amended, are repealed.

19 Sec. 20. 5 MRSA §298, 3rd ¶ from the end, as re-
20 pealed and replaced by PL 1973, c. 622, §1, is
21 amended to read:

22 The members of the commission shall elect a
23 chairman who shall preside at all meetings of the
24 commission when present. The commission shall meet at
25 least once every 4 months and in addition, may meet
26 as often as necessary, at such times and places as
27 the chairman may designate. Any 3 members constitute
28 a quorum for the exercise of all powers of the com-
29 mission. The commission may employ, subject to the
30 ~~Personnel~~ Civil Service Law, such assistance as may
31 be necessary to properly carry out the duties of the
32 commission.

33 Sec. 21. 5 MRSA §723, as amended by PL 1983, c.
34 812, §21, is further amended to read:

35 §723. Educational Leave Advisory Board

36 The Educational Leave Advisory Board, established
37 by section 12004, subsection 10, shall advise and
38 consult with the ~~Department of Personnel~~ Bureau of
39 Human Resources to review and authorize all educa-
40 tional leave requests from classified and unclassi-
41 fied state employees for durations of more than one

1 week. The board shall consist of 3 members as fol-
2 lows: The ~~Commissioner of Personnel~~ Director of Human
3 Resources who shall serve as chairman of the board,
4 the Commissioner of Educational and Cultural Services
5 or his designee; and one member who shall be a state
6 employee appointed by the Governor to serve for a
7 term of 3 years. Members of the board shall be com-
8 pensated as provided in chapter 379.

9 Sec. 22. 5 MRSA §783, as amended by PL 1985, c.
10 388, §2, is further amended to read:

11 §783. Appointment, assignment and promotion of per-
12 sonnel

13 Officials and supervisory employees shall ap-
14 point, assign and promote personnel on the basis of
15 merit and fitness, without regard to race, color, re-
16 ligious creed, national origin, sex, ancestry, age,
17 physical handicap or mental handicap, unless related
18 to a bona fide occupational qualification. Each ap-
19 pointing authority shall designate an affirmative ac-
20 tion officer. The officer must be so placed within
21 the agency's organizational structure that he or she
22 shall have direct access to the appointing authority.
23 Each department or agency shall prepare an affirma-
24 tive action program for that department or agency in
25 accordance with criteria set forth by the ~~State De-~~
26 ~~partment of Personnel~~ Bureau of Human Resources.

27 Sec. 23. 5 MRSA §788, as amended by PL 1985, c.
28 388, §3, is further amended to read:

29 §788. Bureau of Human Resources

30 The State Department of Personnel Bureau of Human
31 Resources shall take positive steps to insure that
32 the entire civil service examination and testing pro-
33 cess, including the development of job specifications
34 and employment qualifications, is free from either
35 conscious or inadvertent bias. Furthermore, the ~~De-~~
36 ~~partment of Personnel~~ Bureau of Human Resources will
37 have the initial responsibility of resolving civil
38 service conflicts and complaints, changing adminis-
39 trative procedures when necessary and providing as-
40 sistance for preparing affirmative action programs.
41 It is the responsibility of the State Affirmative Ac-

1 tion Coordinator in the Department of Personnel Bu-
2 reau of Human Resources to monitor the civil service
3 affirmative action program and insure compliance with
4 all federal and state regulations.

5 Sec. 24. 5 MRSA §903, sub-§2, as enacted by PL
6 1981, c. 270, §4, is amended to read:

7 2. Employees not in collective bargaining units.
8 The Commissioner of Personnel Director of Human
9 Resources shall adopt rules to implement alternative
10 working hours employment for persons who are not in
11 collective bargaining units. Notwithstanding any other
12 state law, any such rules shall provide for the
13 proration of any benefits, including retirement bene-
14 fits, made available to a person employed for
15 job-sharing and part-time employment, provided that
16 such the proration is not prohibited by federal law.

17 Sec. 25. 5 MRSA §947, as enacted by PL 1983, c.
18 729, §4, is repealed.

19 Sec. 26. 5 MRSA §1001, sub-§10, as amended by PL
20 1983, c. 863, Pt. B, §§41 and 45, is further amended
21 to read:

22 10. Employee. "Employee" shall mean means any
23 regular classified or unclassified officer or employ-
24 ee in a department, including for the purposes of
25 this chapter, teachers in the public schools, but
26 shall not include any judge, as defined in Title 4,
27 section 1201 or 1301, who is now or may be later en-
28 titled to retirement benefits under Title 4, chapter
29 27 or 29, nor shall it include any member of the
30 State Police who is now entitled to retirement bene-
31 fits under Title 25, chapter 195. Persons serving
32 during any probationary period required under the
33 Personnel Civil Service Law and rules of the
34 Personnel Civil Service Appeals Board shall be deemed
35 regular employees for purposes of this definition. In
36 all cases of doubt, the board of trustees shall de-
37 termine whether any person is an employee as defined
38 in this chapter.

39 Sec. 27. 5 MRSA §1005, sub-§1, as amended by PL
40 1975, c. 766, §4, is further amended to read:

1 1. Review of statutory amendments. All amend-
2 ments to this chapter that are proposed to be enacted
3 by the Legislature shall be reviewed by the board of
4 trustees, which shall report to the proper legisla-
5 tive committee or authority on the impact of each
6 such amendment on the retirement system. Such report
7 shall state the impact on all aspects of the system,
8 including the amendment's purposes, the resulting equ-
9 itable or inequitable treatment of members, the
10 funding of the costs of benefits, its consistency
11 with other provisions of this chapter, and the value
12 of such amendments to the system. Such report shall
13 also include a separate evaluation of each amendment
14 by the actuary and by the ~~Commissioner of Personnel~~
15 Director of Human Resources, which shall be requested
16 by the board of trustees and included with their re-
17 port.

18 Sec. 28. 5 MRSa §1031, sub-§6, as amended by PL
19 1975, c. 622, §9, is further amended to read:

20 6. Chairman; executive director; employees. The
21 board of trustees shall elect from its membership a
22 chairman and shall appoint an executive director who
23 shall engage such services as shall be required to
24 transact the business of the retirement system. The
25 personnel staff of the executive director shall in-
26 clude employees qualified to administer the payment
27 of disability benefits under the retirement system
28 and to investigate applications for disability re-
29 tirement benefits, or the board of trustees shall au-
30 thorize the contracting for professional services for
31 such administration and investigation. All such em-
32 ployees shall be considered as employees of the State
33 and subject to all the provisions of state law re-
34 garding state employees and shall be employed under
35 the rules and ~~regulations~~ established by the ~~Person-
36 nel Board~~ Bureau of Human Resources and shall receive
37 such compensation as is provided by the rules and
38 ~~regulations~~ of the ~~Personnel Board~~ Bureau of Human
39 Resources for state employees in similar capacities.
40 The necessary expenses incurred by the board and ex-
41 ecutive director in the operation of the retirement
42 system shall be paid from the funds so allocated. The
43 board of trustees shall set the salary of the execu-
44 tive director.

1 Sec. 29. 5 MRSA §1031, sub-§12, ¶D, as amended
2 by PL 1975, c. 766, §4, is further amended to read:

3 D. The actuary shall determine the equivalent
4 cash compensation value to the members of the
5 system of the benefits provided for them by the
6 retirement system and shall furnish such informa-
7 tion to the ~~Commissioner of Personnel~~ Director of
8 Human Resources.

9 Sec. 30. 5 MRSA §1725-A, sub-§3, as enacted by
10 PL 1983, c. 349, §4, is amended to read:

11 3. Personnel. The director may employ such as-
12 sistants and employees as are necessary, and distrib-
13 ute the duties assigned to the division among such
14 persons as he deems necessary for economy and effi-
15 ciency of administration. Professional employees
16 shall be hired as unclassified employees. All other
17 employees shall be subject to the ~~Personnel~~ Civil
18 Service Law.

19 Sec. 31. 5 MRSA §1742, sub-§20, ¶C, as enacted
20 by PL 1983, c. 824, Pt. Y, is amended to read:

21 C. To review and comment to the Legislature and
22 the ~~Department of Personnel~~ Bureau of Human
23 Resources on positions for telecommunications re-
24 lated personnel requested by state agencies;

25 Sec. 32. 5 MRSA §1852, sub-§4, as enacted by PL
26 1975, c. 322, §3, is amended to read:

27 4. Data processing personnel. To review and com-
28 ment to the Legislature and to the ~~Department of~~
29 ~~Personnel~~ Bureau of Human Resources on positions for
30 data processing personnel requested by state agen-
31 cies;

32 Sec. 33. 5 MRSA §1903, 3rd ¶, as amended by PL
33 1983, c. 580, §1, is further amended to read:

34 Appropriate department, agency or institution
35 heads may request the employment of cooperative edu-
36 cation students on a form provided by the ~~Department~~
37 ~~of Personnel~~ Bureau of Human Resources. Approval by
38 the ~~State Personnel Commissioner~~ Director of Human

1 Resources and the State Budget Officer will consti-
2 tute approval for a student to be employed. Only co-
3 operative education programs that require full-time
4 employment for a period of not less than 10 weeks
5 shall be included. Cooperative education students
6 will be classified as project employees and will be
7 governed by all policies and entitled to all rights
8 and privileges afforded such employees, except that
9 they shall be paid at the prevailing minimum wage.

10 Sec. 34. 5 MRSA §3353, as enacted by PL 1969, c.
11 465, is amended to read:

12 §3353. Executive director, staff

13 The directors shall employ a full-time executive
14 director who shall employ such additional staff as
15 necessary with the approval of the directors. The
16 professional staff shall be unclassified. Clerical
17 staff shall be employed subject to the Personnel Civ-
18 il Service Law.

19 Sec. 35. 5 MRSA §3515, sub-§2, ¶B, as enacted by
20 PL 1983, c. 176, Pt. A, §3, is amended to read:

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

27 Sec. 36. 5 MRSA §4566, sub-§3, as amended by PL
28 1983, c. 550, §1, is further amended to read:

29 3. Personnel. To appoint a full-time executive
30 secretary and counsel to the commission, not subject
31 to the Personnel Civil Service Law, and determine
32 their remuneration; and to appoint, subject to the
33 Personnel Civil Service Law, other personnel includ-
34 ing, but not limited to, investigators, attorneys,
35 compliance personnel and secretaries, as it shall
36 deem necessary to effectuate the purposes of this
37 Act;

38 Sec. 37. 5 MRSA §5004, sub-§3, ¶B, as repealed
39 and replaced by PL 1975, c. 587, §1, is amended to
40 read:

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

7 Sec. 38. 5 MRSA c. 372 is enacted to read:

8 CHAPTER 372

9 STATE CIVIL SERVICE SYSTEM

10 SUBCHAPTER I

11 STRUCTURE AND AUTHORITY

12 ARTICLE I

13 BUREAU OF HUMAN RESOURCES

14 §7031. Purpose and mission

15 The Legislature finds that State Government is
16 the largest single employer in the State and has a
17 substantial impact, not only upon the growth and de-
18 velopment of the State, but also with respect to po-
19 licies that directly affect Maine citizens. The Leg-
20 islature further finds that state employees are a
21 valuable human resource who possess valuable skills
22 and knowledge necessary to the effective operation of
23 State Government and to the general health, safety
24 and welfare of Maine citizens.

25 The Legislature further finds that it is essen-
26 tial to the welfare of all Maine citizens for state
27 employees to undertake their duties and responsibili-
28 ties in a conscientious and dependable manner. It is
29 also of vast importance to the efficient and effec-
30 tive operation of State Government that all qualified
31 Maine citizens have fair and equal opportunity to en-
32 ter the service of State Government on the basis of
33 merit and to work free from the forces of favoritism,
34 nepotism and political patronage.

35 To achieve these goals, it is vital that the per-
36 sonnel administrative organization of State Govern-

1 ment recognize and develop the talents, contributions
2 and potential of state employees.

3 It is the intent of the Legislature to establish
4 the Bureau of Human Resources as the civil service
5 administrative organization of State Government which
6 shall act as a service organization to respond quick-
7 ly and effectively to the needs of state employees
8 and state agencies. It is also the intent of the
9 Legislature that the Bureau of Human Resources oper-
10 ate flexibly to expedite the duties and responsibili-
11 ties of state employees and state agencies. The pri-
12 mary goal of the Bureau of Human Resources shall be
13 service to state employees and state agencies.

14 Every employee of the Bureau of Human resources
15 and any other affected state agency shall act to as-
16 sure that the provisions of the Civil Service Law are
17 carried out in an open, fair and expeditious manner,
18 with the objective of hiring and retaining the best
19 person for a position as quickly as possible. To
20 this end, all state agencies shall take steps to
21 speed up handling of matters to and to reduce and
22 simplify the procedures and paperwork required by the
23 Civil Service Law.

24 It is not the intent of the Legislature in this
25 chapter or any part of it to limit or restrict the
26 rights of state employees to bargain collectively as
27 provided in Title 26.

28 §7032. Definitions

29 As used in this chapter, unless the context oth-
30 erwise indicates, the following terms have the fol-
31 lowing meanings.

32 1. Appeals board. "Appeals board" means the
33 State Civil Service Appeals Board.

34 2. Appointing authority. "Appointing authority"
35 means the officer, board, commission, person or group
36 of persons having the power by virtue of the Consti-
37 tution of Maine, a statute or lawfully delegated au-
38 thority to make appointments.

1 3. Classified service. "Classified service"
2 means all offices and positions of trust and employ-
3 ment in state service, except those placed in the un-
4 classified service by chapter 71.

5 4. Director. "Director" means the Director of
6 Human Resources.

7 5. Eligible register. "Eligible register" means
8 any book or other type of record or list on which the
9 names of persons are placed who are qualified for the
10 specific job classification for which the register is
11 created.

12 6. Employee. "Employee" means any person hold-
13 ing a position subject to appointment by an appoint-
14 ing authority.

15 7. Policy Review Board. "Policy Review Board"
16 means the Policy Review Board, Bureau of Human Re-
17 sources.

18 8. Resident. "Resident" means a person who is
19 domiciled in this State.

20 §7033. Bureau of Human Resources; established

21 1. Goals and objectives. The Bureau of Human
22 Resources is established within the Department of Ad-
23 ministration as the administrative agency for state
24 civil service matters and as a service agency to
25 state agencies and departments. In addition to any
26 other goals and objectives established in this chap-
27 ter, the Bureau of Human Resources shall strive to:

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

30 B. Provide managers with the skills and knowl-
31 edge needed to manage people effectively with
32 particular emphasis on "people soundness;"

33 C. Establish a civil service system that pro-
34 vides State Government with highly qualified and
35 motivated employees;

- 1 D. Encourage state employees to realize their
2 potential and thereby increase the quality of
3 service;
- 4 E. Establish itself as a service agency to as-
5 sist other agencies and departments of State Gov-
6 ernment to perform their duties in an efficient
7 and quality manner;
- 8 F. Preserve the integrity of the civil service
9 system; and
- 10 G. Establish a civil service system with suffi-
11 cient flexibility to adopt new technologies, pro-
12 cedures and policies in order to respond quickly
13 and effectively to the needs of state agencies
14 and employees.

15 §7034. Bureau of Human Resources; duties

16 The Bureau of Human Resources shall be responsi-
17 ble for the administration of the civil service sys-
18 tem of State Government. The bureau shall:

19 1. Act in a professional, courteous manner.
20 Perform its duties in a highly professional and help-
21 ful manner;

22 2. Cooperate with agencies. Cooperate with the
23 Policy Review Board and work closely with all state
24 agencies with respect to the personnel needs and mat-
25 ters of each agency. The bureau shall strive to as-
26 sure that personnel policies are understood and car-
27 ried out by the agencies;

28 3. Respond quickly to requests. Act expedi-
29 tiously upon requests of state agencies and state em-
30 ployees with respect to civil service matters;

31 4. Provide managerial training. Provide train-
32 ing in management and supervision to all persons who
33 enter into management and supervisory positions in
34 State Government and provide management and supervi-
35 sory training on a periodic basis to ensure that man-
36 agerial and supervisory personnel are knowledgeable
37 of the most current management theories and prac-
38 tices.

1 Managerial and supervisory training shall include,
2 among other factors, training in employee evaluation.
3 This training at a minimum shall include at least one
4 day of training for every supervisor during their
5 first probationary period as a supervisor;

6 5. Update registers. Update, at least annually,
7 all registers of eligibility in the classified ser-
8 vice, upon implementation of necessary automated pro-
9 cedures;

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

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

17 §7035. Director of Human Resources

18 The Director of Human Resources shall be quali-
19 fied by education and experience in the administra-
20 tion of personnel systems and in human resource man-
21 agement. The commissioner, following consultation
22 with the Policy Review Board, shall appoint the Di-
23 rector of Human Resources who shall serve at the
24 pleasure of the commissioner and shall serve until
25 his successor has been appointed and qualified. Spe-
26 cifically, the director shall meet the following
27 qualifications:

28 1. Education and experience in personnel sys-
29 tems. An educational background and experience in
30 personnel systems, public or private, to include,
31 among other factors, the following:

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

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

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

1 D. Knowledge, training and experience in the de-
2 sign of career training programs for employees
3 and the design of management and supervisory
4 training programs;

5 2. Restricted political activity. The provi-
6 sions in section 7056, as they relate to the politi-
7 cal activities of employees in the classified ser-
8 vice; and

9 3. Record of achievement. An outstanding record
10 of achievement of at least 5 years in the administra-
11 tion of a personnel or human resource system.

12 §7036. Duties of the director

13 The Director of Human Resources shall be respon-
14 sible for the administration of this chapter. In
15 carrying out his duties and responsibilities, the di-
16 rector shall:

17 1. Develop administrative procedures. Develop
18 administrative procedures which are not subject to
19 the Maine Administrative Procedure Act, chapter 375,
20 with respect to the internal management of the office
21 and the interaction of the office with other state
22 agencies;

23 2. Develop training programs. Develop and im-
24 plement training programs for managerial and supervi-
25 sory personnel to ensure that managers and supervi-
26 sors have the skills and knowledge needed to manage
27 people effectively.

28 The costs of the training programs shall be borne by
29 the individual departments in accordance with a for-
30 mula devised by the director and the Policy Review
31 Board;

32 3. Provide information. Provide information to
33 Bureau of Employee Relations, work with the Policy
34 Review Board and assure that the needs of the depart-
35 ments, agencies and state employees and the policies
36 developed pursuant to these needs are provided to the
37 Bureau of Employee Relations;

1 4. 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 5. 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 rized 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 6. 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 7. 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 propose;
13

14 8. 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 be consistent in
21 its use and application among all classified service
22 employees;

23 9. 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 10. 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 11. 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 12. 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 Bureau of Human Re-
15 sources;

16 13. 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 bu-
2 reau and the number of persons completing these
3 programs in the previous fiscal year;

4 14. 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
7 appointed to major policy-influencing positions shall
8 be unclassified and shall serve at the pleasure of
9 the director. The classified and unclassified em-
10 ployees in the Bureau of Human Resources shall comply
11 with section 7056, defining the political activities
12 in which the employees may engage. All managerial,
13 policy-influencing and professional employees in the
14 bureau shall be qualified by education, training and
15 experience in the administration of personnel sys-
16 tems;

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

21 16. 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 17. 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;

36 G. Certification of payrolls;

- 1 H. Eligible registers;
2 I. Classification of positions in the classified
3 service;
4 J. Compensation plan;
5 K. Examination for admission to the classified
6 service;
7 L. Transfer;
8 M. In-service training;
9 N. Service ratings; and
10 O. Alternative work hours;

11 18. Records. Keep a full and complete record of
12 adjudicatory proceedings, including hearings on mat-
13 ters of classification, reclassification or alloca-
14 tion, in accordance with the Maine Administrative
15 Procedure Act, sections 9059 and 9061, and to keep a
16 record of votes taken in rule-making proceedings in
17 accordance with the Maine Administrative Procedure
18 Act, section 8056 and to keep full and complete min-
19 utes of investigatory hearings. These records and
20 minutes shall be open to public inspection unless
21 otherwise provided by law;

22 19. Hearings. In the course of any investiga-
23 tions under chapters 56, 60, 65, 67, 71 and this
24 chapter, hold hearings for the purpose of gathering
25 information. The hearings are not adjudicatory pro-
26 ceedings under the Maine Administrative Procedure
27 Act, chapter 375. In conjunction with the hearings,
28 he may administer oaths and subpoena and require the
29 attendance of witnesses and the production thereby of
30 books, papers, public records and other documentary
31 evidence pertinent to the investigation.

32 In case of the refusal of any person to comply with
33 any subpoena issued under this subsection or to tes-
34 tify to any matter regarding which he may be lawfully
35 interrogated, the Superior Court in any county on ap-
36 plication of the commissioner may issue an order re-
37 quiring that person to comply with the subpoena and

1 to testify; and any failure to obey the order of the
2 court may be punished by the court as a contempt of
3 the court;

4 20. Contract and enter into agreements. Enter
5 into contracts and agreements to achieve the purposes
6 of this chapter;

7 21. Enforcement. To enforce the observance of
8 the Civil Service Law and the rules made under it;

9 22. Records. To keep a full and complete record
10 of adjudicatory proceedings, including hearings on
11 matters of classification, reclassification or allo-
12 cation, in accordance with the Maine Administrative
13 Procedure Act, chapter 375, sections 9059 and 9061,
14 and to keep a record of votes taken in rule-making
15 proceedings in accordance with the Maine Administra-
16 tive Procedure Act, section 8056, and to keep full
17 and complete minutes of investigatory hearings.
18 These records and minutes shall be open to public in-
19 spection unless otherwise provided by law; and

20 23. Organization and decentralization. To or-
21 ganize the bureau as the director may deem most effi-
22 cient and to decentralize personnel management among
23 the various departments and agencies of the State
24 consistent with the requirements of section 7031 and
25 deemed in the best interest of efficient administra-
26 tion.

27 §7037. Collective bargaining negotiations prohibited

28 No official or employee of the Bureau of Human
29 Resources may enter into or engage in any form of
30 collective bargaining negotiations with any organiza-
31 tion representing state employees. The director
32 shall provide for the attendance of one member from
33 his bureau at collective bargaining sessions to pro-
34 vide information and facilitate communication. No
35 person who is an employee or official of or a partic-
36 ipant in collective bargaining agreements with any
37 organization representing state employees or who
38 fails to meet the provisions of section 7056 may be
39 an employee or official of the Bureau of Human Re-
40 sources.

1 §7038. Communications between management and employ-
2 ees

3 The director in consultation with the Policy Re-
4 view Board shall be responsible for the development
5 and monitoring of a communications' process between
6 management and subordinate employees in each agency
7 of State Government.

8 1. Factors to be considered. In the development
9 of a Communications' process for each agency, the di-
10 rector shall:

11 A. Consider the uniqueness and the responsibili-
12 ties of each agency;

13 B. Consider the valuable information that
14 nonsupervisory employees may contribute to the
15 operation of each agency;

16 C. Consider the means, including confidentiality
17 of identity, by which nonsupervisory employees
18 may communicate information about department po-
19 licies, procedures and practices to the manage-
20 ment without intimidation or fear of reprisal
21 from management;

22 D. Consider the need for communication between
23 supervisory personnel and policy-influencing per-
24 sons which is necessary for the efficient and ef-
25 fective implementation of department policies and
26 procedures;

27 E. Consider employee evaluation of supervisors
28 as a means of improving supervisory skills and
29 management-employee relations;

30 F. Consider the means by which professional and
31 nonprofessional employees discuss issues of mutu-
32 al concern on a regular basis;

33 G. Emphasize an approach that promotes coopera-
34 tion between management and nonsupervisory per-
35 sonnel; and

36 H. Any other variable considered by the director
37 to be important to the process.

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

7 3. Communication on a regular basis. Any commu-
8 nications' process established pursuant to this sec-
9 tion shall function on a regular basis.

10 4. Penalty for failure to comply. The Commis-
11 sioner of Finance shall not authorize payment of any
12 debts or liabilities of a department or salaries of
13 persons in policy-influencing positions in a depart-
14 ment or agency which, upon written notification by
15 the director, is not in compliance with this section.

16 §7039. Civil Service Law

17 The Civil Service Law shall consist of chapters
18 56, 60, 65, 67, 69, 71 and this chapter. Whenever
19 reference is made in statute or rule to the Civil
20 Service Law, the chapters delineated in this section
21 shall apply.

22 ARTICLE II

23 POLICY REVIEW BOARD

24 §7041. Policy Review Board; establishment; member-
25 ship; compensation

26 1. Establishment. The Policy Review Board, as
27 authorized by chapter 379, is established to advise
28 and assist the Commissioner of Administration and
29 the Director of Human Resources and to participate in
30 specific policy-making activities.

31 2. Appointment and membership. The Policy Re-
32 view Board shall consist of the Commissioner of Ad-
33 ministration as an ex-officio nonvoting member and
34 the following persons. For the purpose of this sub-
35 section, the term "designee" means a person in a
36 major-policy influencing position as defined in chap-
37 ter 71.

1 A. The Commissioner of Transportation or his
2 designee;

3 B. The Commissioner of Human Services or his
4 designee;

5 C. The Commissioner of Mental Health and Mental
6 Retardation or his designee;

7 D. The Commissioner of Conservation or his des-
8 ignee;

9 E. The Commissioner of Labor or his designee;

10 F. A representative from the Office of the Gov-
11 ernor; and

12 G. Two persons who are not state employees and
13 who are well qualified by experience, training
14 and education in personnel systems in the private
15 sector with firms which have implemented progres-
16 sive personnel systems.

17 3. Term of office. The term of office of the
18 private sector members shall be for 2 years, except
19 for the first appointed members. Of the first ap-
20 pointed members, one member representing the private
21 sector shall serve a term of one year and the other
22 member shall serve an initial term of 2 years.
23 Thereafter, these members shall be appointed for
24 2-year terms.

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

32 4. Meetings. The board shall meet at least once
33 a month. Additional meetings shall be held as neces-
34 sary to conduct the business of the board and may be
35 convened at the call of the chairman or at the call
36 of 2 members. The board shall annually elect a
37 chairman who may not be the Commissioner of Adminis-
38 tration.

1 5. Compensation. Private sector members and the
2 public sector member shall be compensated in accord-
3 ance with chapter 379.

4 6. Quorum. A majority of the voting members of
5 the board shall constitute a quorum. No action may
6 be taken by the board except by affirmative vote of
7 the majority of those present and voting.

8 §7042. Duties and responsibilities of the Policy Re-
9 view Board

10 The Policy Review Board shall advise the commis-
11 sioner and the Director of the Bureau of Human Re-
12 sources and the Director of the Bureau of Employee
13 Relations of the development and monitoring of poli-
14 cies and procedures affecting personnel. The Policy
15 Review Board, through the Director of the Bureau of
16 Human Resources, shall inform the Bureau of Employee
17 Relations of policies that the board develops or has
18 evaluated to be implemented by the Bureau of Human
19 Resources or which may be submitted to collective
20 bargaining negotiations. The board in conjunction
21 with the director shall undertake the following poli-
22 cy-making tasks:

23 1. Longevity incentives. A study of longevity
24 incentives, including the establishment of senior
25 nonsupervisory positions and other positions into
26 which dependable hardworking and productive state em-
27 ployees may be promoted after a number of years fol-
28 lowing attainment of the highest pay step in the pay
29 range to which their job classifications are as-
30 signed. Other incentives for study include:

31 A. Expanded pay ranges with more steps and
32 greater intervals between pay steps;

33 B. Increased differentials between pay ranges;
34 and

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

37 2. Review job classifications with recruitment
38 and retention problems. A review and analysis of job
39 classifications for which the recruitment or reten-

1 tion of employees is difficult. The Policy Review
2 Board shall delineate the job classifications with
3 recruitment and retention problems on an annual basis
4 and:

5 A. Develop policies and procedures by which
6 these classifications are made subject to direct
7 hire by appointing authorities; and

8 B. Develop policies and procedures for removal
9 of positions made subject to direct hire authori-
10 ty by this section when the reasons for the re-
11 crutment and retention problems have been re-
12 solved and the problems no longer exist;

13 3. Examine training and educational policies of
14 agencies. Examine educational leave and training po-
15 licies and procedures of each department and make
16 recommendations that will further career incentives
17 and employee motivation in each department.

18 The recommendations pursuant to this subsection shall
19 include an evaluation of a policy requiring each de-
20 partment to budget in its Part I budget sufficient
21 money for educational and training purposes that meet
22 the objectives in this subsection;

23 4. Examine the job reclassification and reallo-
24 cation process. Examine the job reclassification and
25 reallocation policies and procedures with the purpose
26 of proposing recommendations that will motivate state
27 employees to be conscientious and enterprising.

28 The recommendations pursuant to this subsection shall
29 include an evaluation of a policy requiring each de-
30 partment to budget sufficient money for job
31 reclassifications and reallocations to pay department
32 employees immediately following a decision that
33 upgrades their wages or salaries. This evaluation
34 shall include a procedure by which each department
35 shall budget sufficient money to fund job
36 reclassifications and reallocations;

37 5. Examine the job performance evaluation pro-
38 cess. Examine the job performance evaluation process
39 with the purpose of proposing recommendations that
40 will make job performance evaluation meaningful and

1 effective. The recommendations pursuant to this sub-
2 section shall include an evaluation of a policy that:

3 A. Establishes a standard nonnumeric rating pro-
4 cedure that is minimally dependent upon subjec-
5 tive evaluation;

6 B. Establishes a simple, uncomplicated perform-
7 ance evaluation form and procedure that applies
8 to all state employees;

9 C. Requires managers and supervisors on a regu-
10 lar basis to mutually discuss the job tasks and
11 responsibilities of each job classification with
12 each person performing the job with the purpose
13 of creating mutual agreement about the job tasks
14 and goals to be achieved;

15 D. Requires managers and supervisors to discuss
16 with their subordinates the subordinates'
17 strengths, weaknesses and areas in need of im-
18 provement; and

19 E. Provides for evaluation of managers and su-
20 pervisors by their subordinates to improve the
21 quality of management and supervision in each de-
22 partment. Any procedure recommended for the
23 evaluation of managers and supervisors provides
24 confidentiality to the evaluators;

25 6. Examine confidential and supervisory pay
26 ranges. Examine the pay ranges of confidential and
27 supervisory state employees with the purpose of pro-
28 posing recommendations that will:

29 A. Establish proper pay ranges for these posi-
30 tions consistent with the duties and responsibil-
31 ities of these positions compared with the duties
32 and responsibilities of other job classifica-
33 tions, particularly those classifications for
34 which persons in confidential and supervisory po-
35 sitions act as supervisors or managers; and

36 B. Establish a mechanism by which the pay range
37 of a confidential or supervisory classification
38 will be adjusted whenever a job reclassification,
39 job reallocation or a pay increase occurs which

1 creates an inconsistency in the pay range of a
2 confidential or supervisory position or classifi-
3 cation;

4 7. Study acting capacity positions. Study act-
5 ing capacity positions with the purpose of proposing
6 recommendations that provide status, including, but
7 not limited to, experience, pay step increases, ap-
8 plication for the position upon the termination of
9 the acting capacity status of the position, fringe
10 benefits and any other factors deemed relevant by the
11 Policy Review Board;

12 8. Rules. Advise the director with respect to
13 rules adopted pursuant to section 7036, subsection
14 16, and provide the director with written recommenda-
15 tions concerning the proposed rules. The written
16 recommendations shall also be sent to the joint
17 standing committee of the Legislature having juris-
18 isdiction over State Government with an explanation of
19 the reasons for the recommendations;

20 9. Report to the Legislature. Report to the
21 joint standing committee of the Legislature having
22 jurisdiction over State Government, on December 15th
23 of each year with respect to:

24 A. The activities and accomplishments of the
25 Policy Review Board. The report shall include a
26 list of all meetings of the board and those who
27 failed to attend each meeting;

28 B. The problems and needs of the civil service
29 system;

30 C. Proposed solutions to these problems and
31 needs; and

32 D. Findings and policies that have been pursued
33 through collective bargaining to implement sub-
34 sections 1 to 7 and the extent that current law
35 prevents accomplishing these goals. The report
36 shall include legislation necessary for recom-
37 mended changes in state laws; and

38 10. Transition. It is the intent of the legis-
39 lature that the matters relating to subsections 1 to

1 7 be dealt with expeditiously and that, to the extent
2 possible, these issues be dealt with when appropriate
3 in current bargaining with state employees, or where
4 necessary, that the current bargaining explore means
5 to resolve these issues during the new contract period
6 through reopener clause, labor-management committees
7 or other appropriate means.

8 SUBCHAPTER II

9 EMPLOYMENT POLICIES, PRACTICES AND RESTRICTIONS

10 ARTICLE I

11 CITIZENSHIP, RESIDENCY, HIRING PRACTICES
12 AND VETERANS' PREFERENCE

13 §7051. General provisions

14 The following provisions apply to the classified
15 and unclassified services or to the specific services
16 as specified in this section.

17 1. Citizenship. In making appointments to or
18 recruiting for any position on an open competitive
19 basis in the classified service, preference shall be
20 given to citizens of the United States. This re-
21 quirement may be waived by the director on an indi-
22 vidual basis when there exists compelling reasons for
23 the waiver.

24 2. Discrimination prohibited. In carrying out
25 this chapter, no discrimination may be made on ac-
26 count of political or religious opinions or affilia-
27 tions or because of race or national origin, sex or
28 marital status or age or physical disability, unless
29 based upon a bona fide occupational qualification.

30 3. Hiring and promoting neutrality. The final
31 decision of whether a person will be hired or pro-
32 moted by the State may not be made in part or wholly
33 by a person related to the job candidate by consan-
34 guinity or affinity within the 4th degree. The di-
35 rector by rules shall insure that this section will
36 not deprive any applicant or employee of full consid-
37 eration for hiring or promotion.

1 4. Employees in military service; substitutes.
2 Whenever any employee, regularly employed in other
3 than a temporary position for a period of at least 6
4 months by the State or by any department, bureau,
5 commission or office of the State, or by the Univer-
6 sity of Maine, vocational-technical institutes, Maine
7 School Building Authority, Maine Turnpike Authority,
8 Finance Authority of Maine or any other state or
9 quasi-state agency, or by any county, municipality,
10 township or school district within the State shall in
11 time of war, contemplated war, emergency or limited
12 emergency, enlist, enroll, be called or ordered or be
13 drafted into the Armed Forces of the United States or
14 any branch or unit thereof, or shall be regularly
15 drafted under federal manpower regulations, he shall
16 not be deemed or held to have thereby resigned from
17 or abandoned his employment, nor shall he be remov-
18 able during the period of his service. "Temporary,"
19 for the purpose of this section means employment
20 based on a seasonal or on-call basis or employment
21 based on a contract of less than 6 months' duration.

22 A. An employee subject to this section, while in
23 the Armed Forces of the United States or still
24 employed after draft under federal manpower regu-
25 lations, shall be considered as on leave of ab-
26 sence without pay and, for the purpose of comput-
27 ing time in regard to pension rights, annual and
28 sick leave accumulation and seniority, shall be
29 considered during the period of his federal ser-
30 vice as in the service of the governmental agency
31 by which he was employed at the time of his entry
32 into federal service. The employee, if he re-
33 ports for duty within a 90-day period from the
34 date of separation under conditions other than
35 dishonorable from the Armed Forces of the United
36 States or if receiving treatment in a hospital at
37 the time of his separation, he reports for duty
38 within 90 days from his discharge from the hospi-
39 tal, shall:

40 (1) If still qualified to perform the du-
41 ties of that position, be restored to that
42 position or to a position of like seniority,
43 status and pay; or

1 (2) If not qualified to perform that position
2 by reason of disability sustained during
3 service, but qualified to perform duties
4 of any other position in the employ of his
5 preservice employer, be restored to such
6 other position the duties of which he is
7 qualified to perform as will provide him
8 like seniority, status and pay, or the near-
9 est approximation consistent with the cir-
10 cumstances in his case.

11 B. Any employee restored to a position under
12 this section shall not be discharged from that
13 position without cause within one year after res-
14 toration to that position.

15 C. This section shall apply to any such employee
16 entering the Armed Forces of the United States
17 under Public Law 759 80th Congress (Selective
18 Service Act of 1948) or while said Public Law 759
19 or any amendment thereto or extension thereof
20 shall be in effect.

21 D. Rights to reemployment, credits toward re-
22 irement under the Maine State Retirement System
23 and vacation or sick leave accumulation shall not
24 be allowed beyond the period of the first enlist-
25 ment or induction, but in no event beyond 4 years
26 from the date of his original call to active duty
27 in the Armed Forces of the United States, except
28 if his return to active duty in the Armed Forces
29 or the extension of his period of service beyond
30 4 years is required by some mandatory provision
31 and he shall present proof satisfactory to the
32 agency concerned.

33 E. When a permanent classified employee is on
34 extended leave, a substitute may be employed,
35 subject to personnel rules, until return or sepa-
36 ration of the incumbent.

37 5. Probationary period; permanent appointments.
38 All original appointments to the classified service
39 and all subsequent promotional appointments within
40 the classified service shall be for a probationary
41 period. The duration of the probationary period
42 shall be determined by the director in consultation

1 with the director or commissioner of the agency, but
2 in no case may it be for less than 6 months.

3 6. Temporary and provisional appointments.
4 Whenever it is impossible to certify eligible persons
5 for appointment to a vacancy in the classified ser-
6 vice, the appointing authority may nominate a person
7 to be the director. If the nominee is found by the
8 director to have had experience and training which
9 appear to qualify him for the position, he may be
10 temporarily appointed to fill the vacancy in accord-
11 ance with policies and procedures developed by the
12 director and the Policy Review Board.

13 A. The director may make a provisional appoint-
14 ment to fill a technical or professional position
15 which requires a specialized knowledge or train-
16 ing to carry out the duties of the position, and
17 which cannot be filled from the eligible regis-
18 ter.

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

24 C. The director may authorize, without requiring
25 competitive tests, the appointment of unskilled
26 laborers or persons engaged in custodial and do-
27 mestic work in state institutions or departments.

28 7. Dismissal and disciplinary action. An ap-
29 pointing authority may dismiss, suspend or otherwise
30 discipline an employee for cause. This right is sub-
31 ject to the right of appeal and arbitration of griev-
32 ances set forth in the applicable labor contract in
33 sections 7081 to 7084 or by civil service rule; and
34 sections 7081 to 7084 shall apply to any employee who
35 has satisfactorily completed an initial probationary
36 period. This subsection does not apply to an employ-
37 ee appointed to a major policy-influencing position
38 listed in sections 932 to 953.

39 Notwithstanding any other provision of law, the head
40 of any institution under the control of the Depart-
41 ment of Mental Health and Mental Retardation as the

1 appointing authority may suspend with pay any employ-
2 ee who is charged by indictment with the commission
3 of a criminal offense involving acts alleged to have
4 been perpetrated upon any resident or residents of
5 any such institution. Any suspension with pay may
6 be authorized by the appointing authority only when
7 to permit the employee to remain on duty at the in-
8 stitution would be against the best interest of any
9 one or more of the residents of the institution, and
10 authorization for suspension with pay shall apply on-
11 ly during the pendency of the criminal proceedings in
12 the trial court, but not longer than 30 working days.
13 Sections 7081 to 7084 shall not apply to suspension
14 with pay ordered by the appointing authority under
15 this paragraph.

16 §7052. Appointments and promotions

17 Appointments to and promotions in the classified
18 service shall be made according to merit and fitness,
19 from eligible lists developed by the director pursu-
20 ant to procedures and policies established by the di-
21 rector and the Policy Review Board. No person may be
22 appointed, transferred, promoted or reduced as an of-
23 ficer, clerk or employee or laborer in the classified
24 service in any manner or by any means other than
25 those prescribed by law or rule pursuant to this
26 chapter.

27 §7053. Intermittent employees

28 It is the policy of the State to permit all em-
29 ployees of the State to participate to the fullest
30 extent possible in the benefits of the civil service
31 system for classified and unclassified employees.
32 This policy shall be extended to full-time, part-
33 time, intermittent and all other categories of em-
34 ployees.

35 The Director of Human Resources shall, not later
36 than the effective date of this section, adopt rules
37 to assure the attainment of this policy for intermit-
38 tent employees. At a minimum, the rules shall:

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

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

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

7 B. Be eligible to receive holiday pay at the
8 same rate, pro rata, at the same rate as full-
9 time state employees, provided that the intermit-
10 tent employee works on the days before and after
11 the holiday;

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

16 D. Be considered a classified employee for the
17 purposes of:

18 (1) Eligible registers;

19 (2) Classification of positions;

20 (3) The compensation plan;

21 (4) Promotion in the classified service;

22 (5) Provisional, emergency, exceptional and
23 temporary appointments;

24 (6) Probationary period;

25 (7) Transfer;

26 (8) Reinstatement;

27 (9) Demotion;

28 (10) Suspension, layoff and dismissal;

29 (11) Leave of absence and resignation;

30 (12) Personnel records;

- 1 (13) In-service training;
2 (14) Service ratings; and
3 (15) Certification of payrolls;

4 E. Be eligible to participate on a pro rata ba-
5 sis in the retirement program for state employ-
6 ees; and

7 F. Be eligible to participate in health and hos-
8 pitalization insurance programs at rates of par-
9 ticipation reduced to reflect the less than full-
10 time status; and

11 3. Restricted application. This section shall
12 not apply if provided pursuant to Title 26, chapter
13 9-B.

14 §7054. Veterans' preference

15 In making appointments to and retention in any
16 position on an open competitive basis in the classi-
17 fied service, preference shall be given to veterans
18 of the Armed Forces of the United States, who have
19 been honorably separated, or to their wives, hus-
20 bands, widows, widowers, mothers or fathers as set
21 forth in this section.

22 1. Definitions. As used in this section, unless
23 the context otherwise indicates, the following terms
24 have the following meanings.

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

27 B. "Honorable separation" means discharge or re-
28 lease from a continuous tour of active duty in
29 any of the Armed Forces, the official records of
30 which show the character of service or type of
31 discharge to have been honorable.

32 C. "Veteran" means a person, male or female, who
33 served on full-time active duty, exclusive of ac-
34 tive duty for training, in the Armed Forces of
35 the United States and who does not receive a
36 nondisability retirement pension for Armed Forces
37 service.

1 D. "War, campaign or expedition" means any of
2 the following periods:

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

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

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

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

7 2. Examination preference. Preference points
8 shall be added to the earned qualifying rating in ex-
9 aminations, provided that a passing grade is at-
10 tained, of veterans applying for positions in the
11 state service in accordance with the following, pro-
12 vided that they have not been previously employed in
13 the classified service after obtaining preference
14 points. A veteran who is receiving a disability pen-
15 sion shall be entitled to preference points under
16 this subsection, notwithstanding his previous employ-
17 ment in the classified service after obtaining pref-
18 erence points.

19 A. A veteran who served on active duty in any of
20 the Armed Forces for at least 90 days consecu-
21 tively during a war, campaign or expedition and
22 who was honorably separated shall be accorded a
23 5-point preference.

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

27 C. A veteran who served on active duty in any of
28 the Armed Forces for at least 90 consecutive
29 days, at any time, was honorably separated, and
30 who has a service-connected disability of 10% or
31 more and receives compensation, pension or dis-
32 ability retirement under public laws administered
33 by the Veterans Administration or by a branch of
34 the Armed Forces shall be accorded a 10-point
35 preference.

36 D. The spouse of a disabled veteran as defined
37 in paragraph C, is entitled to a 10-point prefer-

1 ence in lieu of the veteran when his or her ser-
2 vice-connected disability disqualifies him or her
3 for appointment in the classified service along
4 the general lines of his or her usual occupation.

5 E. The widow or widower, who has never remar-
6 ried, of a veteran who lost his or her life under
7 honorable conditions while serving on active duty
8 in any of the Armed Forces during the war, cam-
9 paign or expedition, or who died as the result of
10 service-connected disability shall be accorded a
11 10-point preference.

12 F. The natural mother or father of a deceased
13 veteran who lost his or her life under honorable
14 conditions while serving on active duty in any of
15 the Armed Forces during a war, campaign or expe-
16 dition, and who is or was married to the father
17 or mother of the veteran on whose service he or
18 she bases his or her claim; and who is widowed,
19 divorced or separated; or who lives with him or
20 her totally and permanently disabled husband or
21 wife, either the veteran's father or mother or
22 the husband or wife of his or her remarriage, is
23 entitled to a 10-point preference.

24 3. Certification preference. Names of prefer-
25 ence veterans shall be entered on appropriate regis-
26 ters as follows.

27 A. The names of 5-point preference veterans
28 shall be entered on appropriate registers in ac-
29 cordance with their respective augmented ratings
30 but they shall be entered ahead of all
31 nonveterans having the same rating.

32 B. The names of qualified 10-point preference
33 veterans, who have a compensable service-con-
34 ected disability of 10% or more, shall be placed
35 at the top of the appropriate register in accord-
36 ance with their respective augmented ratings, in
37 nonprofessional and nonscientific classes below
38 range 12 of the compensation plan.

39 4. Retention preference. In any reduction in
40 personnel in the state service, veteran preference
41 employees shall be retained in preference to all oth-

1 er competing employees in the same classification
2 with equal seniority, status and service ratings.

3 In determining qualifications for examination and ap-
4 pointment with respect to veteran preference eligi-
5 bles under this section, the director or other exam-
6 ining agency may waive requirements as to age, height
7 and weight, provided that any such requirement is not
8 essential to the performance of the duties of the po-
9 sition for which examination is given. The director
10 or other examining agency, after giving due consider-
11 ation to the recommendation of any accredited physi-
12 cian, may waive the physical requirements in the case
13 of any veteran, provided that the veteran is, in the
14 opinion of the director or other examining agency,
15 physically able to discharge efficiently the duties
16 of the position for which the examination is given.

17 This section applies to all examinations for original
18 positions in the State Police, Department of Inland
19 Fisheries and Wildlife, Department of Marine Re-
20 sources, University of Maine, vocational-technical
21 institutes, Maine School Building Authority, Maine
22 Turnpike Authority, Finance Authority of Maine or any
23 other state or quasi-state agency.

24 §7055. Reopening of examinations

25 Veterans with the present existence of a service-
26 connected disability to a compensable degree, wives
27 and husbands of disabled veterans who qualify for
28 10-point preference under section 7054, subsection 2,
29 paragraph B, unmarried widows or widowers of deceased
30 veterans who qualify for 10-point preference under
31 section 7054, subsection 2, paragraph C, mothers and
32 fathers, who are widowed, divorced, separated or
33 whose wives or husbands are permanently and totally
34 disabled, of veterans who died while in the active
35 service of the Armed Forces during any war or who
36 died as a result of service-connected disabilities,
37 may file an application for and reopen an open com-
38 petitive examination during the life of an eligible
39 register resulting from a published announcement.

40 1. No eligible register resulting from published
41 announcement. If no eligible register resulted from a
42 published announcement, applicants qualified accord-

1 ing to this section may file an application for and
2 reopen an open competitive examination within 3 years
3 of the closing date of the published announcement,
4 provided that in all instances the applicant had not
5 previously made application for the examination under
6 conditions of the published announcement.

7 2. Positions held by other than permanent or
8 probationary employees. In the event positions in the
9 classified service are held other than by permanent
10 or probationary employees, applicants qualified ac-
11 ording to this section may file application for an
12 examination to be announced and opened. Examinations
13 shall be conducted for those applicants not later
14 than the quarterly period succeeding that in which
15 the application has been filed with the director.

16 §7056. Political activity

17 1. Use of official authority. No officer or em-
18 ployee in the classified service of this State may
19 use his official authority or influence for the pur-
20 pose of interfering with or affecting the result of
21 an election or a nomination for office.

22 2. Coercion of contributions. No officer or em-
23 ployee in the classified service of this State may
24 directly or indirectly coerce, attempt to coerce,
25 command or advise a state officer or employee to pay,
26 lend or contribute anything of value to a party, com-
27 mittee, organization, agency or person for political
28 purposes.

29 3. Candidacy for elective office. No officer or
30 employee in the classified service of this State may
31 be a candidate for elective office in a partisan pub-
32 lic election. This subsection shall not be construed
33 as to prohibit any such officer or employee of the
34 State from being a candidate in any election if none
35 of the candidates is to be nominated or elected at
36 that election as representing a party, any of whose
37 candidates for presidential elector received votes in
38 the last preceding election at which presidential
39 electors were selected.

40 4. Right of voting and free expression. An of-
41 ficer or employee in the classified service of this

1 State shall retain the right to vote as he chooses
2 and to express his opinions on political subjects and
3 candidates.

4 5. Bureau of Human Resources. Every employee of
5 the Bureau of Human Resources, including the direc-
6 tor, shall be subject to this section.

7 ARTICLE II

8 JOB CLASSIFICATION, COMPENSATION AND QUALIFICATIONS

9 §7061. Classification plan

10 The director, in accordance with policies and
11 procedures established by the director and the Policy
12 Review Board, shall record the duties and responsi-
13 bilities of all positions in state service and estab-
14 lish classes for these positions. The titles of the
15 positions and classes shall be used in all personnel,
16 accounting, budget, appropriation and financial
17 records of all state departments, commissions and in-
18 stitutions.

19 1. Involvement of commissioners and directors.
20 In recording the duties and responsibilities of each
21 position, the commissioners and directors of the de-
22 partments and agencies of State Government shall be
23 involved to the greatest extent possible.

24 2. Development of job classifications. Job clas-
25 sifications created pursuant to this section shall be
26 developed to meet the needs of each department in the
27 most efficient and pertinent manner.

28 The provisions of this section are subject to the
29 requirements of Title 26, section 979-D, subsection
30 1, paragraph E.

31 §7062. Registers of eligibility

32 The director, in accordance with policies and
33 procedures established by the director and the board,
34 shall prepare for each class of positions in the
35 classified service registers of persons eligible for
36 appointment to positions in each class. Each eligi-
37 ble register shall consist of a list of all the per-

1 sons who have shown by competitive tests, as provided
2 in section 7063, that they possess the qualifications
3 which entitle them to be considered eligible for ap-
4 pointment to any position in the class for which the
5 eligible register is to be prepared, and of employees
6 who have resigned or been dismissed, laid off or
7 granted leaves of absence and whose names have been
8 restored to the eligible register in accordance with
9 this chapter.

10 1. Placement of names on register. In estab-
11 lishing registers of eligible persons pursuant to
12 this section, the names of all persons attaining the
13 minimum final earned ratings established by the di-
14 rector shall be placed on the register in order of
15 their ratings. No rating may include a score or rat-
16 ing for experience.

17 2. Establishment of direct hire procedures. The
18 director in consultation with the Policy Review Board
19 shall, based on recruitment and retention needs and
20 the provision of section 7036, subsection 22, estab-
21 lish where practicable direct hire procedures.

22 3. Removal from list prohibited under certain
23 circumstances. No person may be removed from a reg-
24 ister of eligibles for:

25 A. Specifying the conditions under which the ap-
26 plicant will accept employment in a classifica-
27 tion;

28 B. Specifying a department, bureau or division
29 in which the applicant will accept employment in
30 a classification;

31 C. Specifying a department, bureau or division
32 in which the applicant will not accept employment
33 in a classification;

34 D. Failure to respond in less than 3 months'
35 time to a written inquiry of the director or some
36 other appointing authority relative to availabil-
37 ity for appointment, except as provided by sec-
38 tion 7034, subsection 5, with respect to the an-
39 ual update of registers of eligibility. In this
40 case, the register may be closed in the event

1 that the person does not respond expeditiously,
2 but the person's name shall not be removed from
3 the register except in accordance with this para-
4 graph; or

5 E. Failure to be appointed to a position follow-
6 ing certification regardless of the number of
7 certifications an applicant has received.

8 §7063. Examinations

9 Any examinations for positions in the classified
10 service shall relate to those matters which will
11 fairly test the capacity and fitness of the persons
12 examined to discharge the duties of the office or em-
13 ployment for which they apply. For the purpose of
14 sections 7062 and 7063, "competitive test" means any
15 written examination, evaluation of training and expe-
16 rience, service rating, oral board or other device
17 used to measure an applicant's knowledge, skills and
18 abilities or to provide a relative ranking for certi-
19 fication purposes.

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

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

38 1. Examination content. In developing examina-
39 tions for classifications, the examinations shall be
40 constructed to test the most current knowledge,
41 skills and use of equipment required in each classi-
42 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 5. Educational requirements; experience. No ap-
20 plication for a position in State Government may be
21 rejected solely because the applicant lacks educa-
22 tional qualifications. Acceptable equivalent combi-
23 nations of appropriate experience, including
24 verifiable uncompensated experience, or education may
25 be substituted for formal educational qualifications,
26 except where the educational qualifications are re-
27 flected in necessary registrations, such as to prac-
28 tice law, medicine or engineering or where the educa-
29 tional requirements are set as standards by federal
30 agencies making grants-in-aid or otherwise contribut-
31 ing to state programs.

32 §7064. Filling of positions

33 Positions in the classified service shall be
34 filled by original appointment, promotion, transfer,
35 reinstatement or demotion in accordance with policies
36 and procedures developed by the director, with advice
37 from the board. These policies and procedures shall
38 provide for the direct hire of positions in the clas-
39 sified service where appropriate.

40 1. Objective. In developing policies and proce-
41 dures for filling positions, the director and board

1 shall be guided by the principle of filling each po-
2 sition as efficiently and expeditiously as possible.
3 The director shall strive to fill each position in 30
4 days and no later than 45 days from the date a re-
5 quest to fill a position has been received from a
6 state agency.

7 2. Eligibility of unclassified employees for
8 classified service. In addition to any other provi-
9 sions in this chapter, unclassified employees listed
10 in section 931, subsection 1, paragraph H, and other
11 unclassified employees, except those cited in section
12 931, subsection 1, paragraphs A to G, and paragraphs
13 I and J, and in sections 931 to 953, shall be eligi-
14 ble for appointment to the classified service on the
15 same basis as other members of the classified ser-
16 vice.

17 §7065. Compensation plan

18 The director shall, as soon as practicable after
19 the adoption of the classification plan, submit to
20 the Legislature a proposed plan of compensation de-
21 veloped by the director, with the advice of the
22 board, showing for each class or position in the
23 classified service minimum and maximum salary rates
24 and such intermediate rates as he deems desirable.

25 1. Salary reductions. When the compensation
26 plan has become effective through its adoption by the
27 Legislature, it shall constitute the official sched-
28 ule of salaries for all classes or positions in the
29 classified service, except that, if the adoption of a
30 compensation plan results in the reduction of salary
31 of an employee, the director shall certify to the
32 proper fiscal officer of the State that the
33 employee's salary shall not be subject to any reduc-
34 tion for a period of one year from the effective date
35 of adoption of the plan.

36 2. Salary limits. No position may be assigned a
37 salary greater than the maximum or less than the min-
38 imum rates fixed in the compensation plan.

39 3. Salary increases based on merit. Salary ad-
40 vancements within an established range shall not be
41 automatic, but shall be dependent upon specific rec-

1 ommendation of the appointing officer and approval of
2 the commissioner. The recommendation shall be based
3 upon standards of performance as indicated by merit
4 ratings or other pertinent data. No advancements in
5 salary may be made until the employee has completed
6 the probationary period.

7 4. Compensation above the minimum step. In hir-
8 ing any employee, the director or appointing authori-
9 ty may employ a person who is new to a state job
10 classification above the minimum level established
11 for that classification in order to compensate that
12 person for the experience or outstanding qualifica-
13 tions that the person may possess. The director,
14 with the advice of the board, shall establish a poli-
15 cy to reflect the intent of this subsection.

16 ARTICLE III

17 EMPLOYEE BENEFITS, RECORDS AND TRAINING

18 §7068. Obligation to inform employee

19 1. Orientation session. The director shall pro-
20 vide that during the first 6 months of state employ-
21 ment each employee shall attend an employee orienta-
22 tion workshop which shall be work time for the em-
23 ployee. Such training shall describe the nature and
24 costs of benefits available to state employees gener-
25 ally, the nature and costs of benefits available to
26 the employee and the circumstances under which the
27 employee's benefit eligibility or cost may be
28 changed. These benefits include, but are not limited
29 to, vacation, holiday and sick leave, insurance pro-
30 grams and retirement programs.

31 A. In carrying out these programs, the director
32 shall invite and include, to the extent they wish
33 to participate, representatives of the Bureau of
34 Employee Health, the Maine State Retirement Sys-
35 tem and employee representatives who are bargain-
36 ing agents for any or all of the state employees
37 attending the conference. Such employee repre-
38 sentatives shall participate as the director pro-
39 vides in the program, but shall at least be given
40 the chance to address employees in represented
41 bargaining units on the rights and obligations of

1 employees under the contract for their bargaining
2 unit and as to insurance programs and other bene-
3 fits that are available from the employee repre-
4 sentative.

5 2. Information provided to employees. The ap-
6 pointing authority shall be responsible for attend-
7 ance of new employees at the orientation session, and
8 shall provide every new employee with written infor-
9 mation as to the employee's rate of pay and circum-
10 stances under which the rate may be changed, includ-
11 ing merit increases.

12 A. The appointing authority shall also be re-
13 sponsible for distributing to new employees such
14 written information as deemed appropriate by the
15 director to carry out the spirit of this law and
16 such information as provided in applicable labor
17 agreements.

18 §7069. Director to develop brochure or publication

19 The director shall develop a brochure or publica-
20 tion by which the information in section 7068 is
21 clearly and simply presented. The brochure or publi-
22 cation shall be made available to new employees upon
23 arrival at their jobs and to other state employees
24 upon request.

25 §7070. Personnel records

26 Every appointment, transfer, promotion, demotion,
27 dismissal, vacancy, change of salary rate, leave of
28 absence, absence from duty and other temporary or
29 permanent change in status of employees in both the
30 classified service and the unclassified service of
31 the Executive and Legislative Departments shall be
32 reported to the director at such time, in such form
33 and together with such supportive or pertinent infor-
34 mation as he shall by rule prescribe.

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

1 Records of the Bureau of Human Resources shall be
2 public records and open to inspection of the public
3 during regular office hours at reasonable times and
4 in accordance with the procedure as the director may
5 provide.

6 The following records shall be confidential and
7 not open to public inspection, and shall not be "pub-
8 lic records," as defined in Title 1, section 402,
9 subsection 3:

10 1. Papers relating to examinations or evalua-
11 tions of applicants. Working papers, research mater-
12 ial, records and the examinations prepared for and
13 used specifically in the examination or evaluation of
14 applicants for positions within the classified ser-
15 vice of State Government;

16 2. Personal information. Records containing the
17 following, except they may be examined by the employ-
18 ee to whom they relate when the examination is per-
19 mitted or required by law:

20 A. Medical information of any kind, including
21 information pertaining to diagnosis or treatment
22 of mental or emotional disorders;

23 B. Performance evaluations and personal refer-
24 ences submitted in confidence;

25 C. Information pertaining to the credit
26 worthiness of a named employee;

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

30 E. Complaints, charges or accusations of miscon-
31 duct, replies to those complaints, charges or ac-
32 cusations and any other information or materials
33 that may result in disciplinary action. If dis-
34 ciplinary action is taken, the final written de-
35 cision relating to that action shall no longer be
36 confidential after it is completed; and

37 3. Other information. Other information to
38 which access by the general public is prohibited by
39 law.

1 §7071. Employee right to review personnel file

2 The director shall, upon written request from an
3 employee, provide the employee, former employee or
4 his duly authorized representative with an opportuni-
5 ty to review his personnel file. These reviews shall
6 take place in the Bureau of Human Resources and dur-
7 ing its normal office hours. Time spent by an em-
8 ployee in reviewing his personnel file shall not be
9 considered as time worked. For the purposes of this
10 section, a personnel file shall include, but not be
11 limited to, any formal or informal employee evalua-
12 tions and reports relating to the employee's charac-
13 ter, credit, work habits, compensation and benefits
14 which the director has in his possession.

15 §7072. Training and apprenticeship programs

16 The director shall devise plans for and cooperate
17 with appointing authorities and other supervising of-
18 icials in the development and conduct of employee
19 training and registered apprenticeship programs to
20 recruit and develop well qualified employees, to aid
21 in meeting affirmative action requirements and to
22 otherwise carry out the State's role as a responsible
23 and effective employer.

24 The Bureau of Labor Standards shall assist the
25 director in determining which classifications are
26 apprenticeable and in encouraging and assisting state
27 agencies to utilize the benefits of apprenticeship
28 programs or other training programs.

29 Consistent with the Code of Fair Practices and
30 other merit system and affirmative action require-
31 ments, the State, through the Bureau of Human Re-
32 sources, the Bureau of Labor Standards and its other
33 departments and agencies, shall support the policies
34 of the United States Job Opportunity Act of 1981.
35 The State shall seek to meet a target of filling 10%
36 of registered state apprenticeships established with
37 qualified candidates who are recipients of Aid to
38 Families with Dependent Children. The State shall
39 make a good faith effort to expeditiously establish
40 as many of these apprenticeships as possible.

- 1 1. Listing of apprenticeable classifications.
2 With the assistance of the Bureau of Labor Standards
3 and other state agencies, the director shall develop
4 a list of apprenticeable classifications. The list
5 shall be revised annually.
- 6 2. Agency review. The Bureau of Labor Standards
7 and each agency utilizing apprenticeable classifica-
8 tions shall determine where apprenticeships should be
9 established subject to the authorization of the Di-
10 rector of the Bureau of Human Resources and the State
11 Apprenticeship and Training Council.
- 12 3. Annual report. The director shall include in
13 the annual report of the Bureau of Human Resources
14 the following information:
- 15 A. A review of the development and operation of
16 training and apprenticeship programs;
- 17 B. The list of apprenticeable classifications
18 pursuant to subsection 1;
- 19 C. A summary of the agencies and types of posi-
20 tions involved;
- 21 D. A summary of registered apprenticeships;
- 22 E. The number of persons who applied for appren-
23 ticeship positions under this chapter;
- 24 F. The number of persons who were accepted into
25 the apprenticeship program under this chapter;
- 26 G. The number of persons, under this chapter,
27 who successfully completed and the number of per-
28 sons who failed to complete the program estab-
29 lished under this chapter;
- 30 H. The number of persons who, following the suc-
31 cessful completion of the program, remain em-
32 ployed;
- 33 I. A summary of other training programs estab-
34 lished; and

1 J. A breakdown of the total number of persons,
2 defined in paragraphs E, F and G, by sex, race
3 and any other characteristics deemed by the di-
4 rector to be pertinent to the intent of this
5 chapter.

6 4. Bargaining agreements. Nothing in this sec-
7 tion may operate to invalidate or supersede the pro-
8 visions of a collective bargaining agreement between
9 an employee organization and the State.

10 SUBCHAPTER III

11 STATE CIVIL SERVICE APPEALS BOARD

12 §7081. Membership; term; compensation

13 The State Civil Service Appeals Board, estab-
14 lished by section 12004, subsection 3, shall be com-
15 posed of 5 members with experience in personnel man-
16 agement or labor relations. No more than 3 members
17 of the board may be of the same political party. No
18 member may be a state employee.

19 Each member shall be appointed by the Governor,
20 subject to review by the joint standing committee of
21 the Legislature having jurisdiction over State Gov-
22 ernment and to confirmation by the Legislature.

23 One member of the appeals board shall be desig-
24 nated by the Governor as chairman. Except as other-
25 wise provided by law, each member shall be appointed
26 for a term of 4 years and until his successor has
27 been appointed and qualified. Any vacancy shall be
28 filled for the unexpired portion of the term by the
29 Governor, subject to review by the joint standing
30 committee of the Legislature having jurisdiction over
31 State Government and to confirmation by the Legisla-
32 ture.

33 The members of the board shall be compensated as
34 provided by chapter 379.

35 §7082. Powers and duties of the State Civil Service
36 Appeals Board

37 The State Civil Service Appeals Board shall be an
38 impartial board and:

1 1. Administer subchapter. Shall administer this
2 subchapter. In exercising its authority, the board may
3 adopt policies and procedures to administer this sub-
4 chapter. The appeals board shall employ, subject to
5 the Civil Service Law, assistants as may be necessary
6 to carry out this subchapter;

7 2. Adopt rules. Shall adopt rules necessary to
8 effectuate the purposes of this subchapter;

9 3. Report. Shall report biennially to the Gov-
10 ernor and Legislature facts and recommendations re-
11 lating to the administration and needs of the board;

12 4. Mediate grievances and disputes. May mediate
13 the final settlement of all grievances and disputes
14 between individual state employees, both classified
15 and unclassified, and their respective state agen-
16 cies. All complaints between a state employee and
17 the state agency by which he is employed shall be
18 made and heard in the manner provided by this chapter
19 for the mediation and settlement of the complaints.
20 During the procedure for settlement, an employee may
21 be represented at each step by his designated repre-
22 sentative. The decision of the appeals board shall
23 be final and binding upon the state agency and state
24 employees involved in the dispute, and shall super-
25 secede any prior action taken by the state agency with
26 reference to the employment and working conditions of
27 the employees.

28 A. In the course of any investigation under this
29 chapter, any member of the appeals board may sub-
30 poena and require the attendance of witnesses and
31 the production thereby of books, papers, public
32 records and other documentary evidence pertinent
33 to that investigation. In the case of the refus-
34 al of any person to comply with any subpoena is-
35 sued under this subsection or to testify to any
36 matter regarding which he may be lawfully inter-
37 rogated, the Superior Court in any county on ap-
38 plication of any one of the members of the board
39 may issue an order requiring that person to com-
40 ply with the subpoena and to testify. Any failure
41 to obey the order of the court may be punished by
42 the court as a contempt of the court; and

1 5. Hear appeals. May hear appeals in accordance
2 with this subchapter. Except where otherwise provided
3 by a governing bargaining agreement, any employee or
4 appointing authority aggrieved by the determination
5 of the Director of Human Resources concerning the
6 classification of positions, the allocation of new
7 positions or the reallocation of existing positions
8 in the classified service may appeal from the deter-
9 mination to the State Civil Service Appeals Board.
10 The appeal must be made within 30 days after receipt
11 of written notice of the determination from the di-
12 rector. The employee or appointing authority, or his
13 representative, shall be afforded a public hearing
14 before the appeals board. The appeals board shall
15 examine and review the appeal and, upon the vote of
16 at least 3 of its members, make changes in such clas-
17 sification, allocation or reallocation as may be just
18 and equitable. Determinations of the appeals board
19 shall be transmitted to the State Budget Officer, the
20 Director of Human Resources, and the employees and
21 department heads affected by the determinations.

22 A. Any classification of a position and any al-
23 location or reallocation of a position made by
24 the director or the appeals board pursuant to
25 this section shall become effective on the first
26 day of the fiscal year following approval by the
27 State Budget Officer and the appropriation of
28 funds for the classification, except that the
29 State Budget Officer may, if he determines that
30 sufficient funds exist, authorize an effective
31 date prior to the first day of the ensuing fiscal
32 year.

33 B. Any request for classification of positions,
34 the allocation of new positions or the realloca-
35 tion of existing positions in the classified ser-
36 vice or the unclassified service shall be pro-
37 cessed by the director and the director's deter-
38 mination made within 25 days from the date of
39 filing the request with the Bureau of Human Re-
40 sources. Any employee or appointing authority
41 that is a party to the request may appeal to the
42 appeals board within 10 days after the expiration
43 of the 25 days allotted for the process of the
44 requests for hearing and review. The appeals
45 board shall examine and review the appeal and

1 make such changes as provided in this section.
2 The appeals board's decision in the appeal shall
3 be given within 30 days after the hearing on the
4 appeal has been concluded.

5 C. A hearing before the appeals board is an ad-
6 judicatory proceeding under the Maine Administra-
7 tive Procedure Act, chapter 375, and shall be
8 held in accordance with chapter 375, subchapter
9 IV.

10 §7083. Procedure for settlement

11 A grievance or dispute between a state employee
12 and the agency of the State by whom he is employed
13 shall be entertained by the board upon the applica-
14 tion of the employee, provided that there shall have
15 been compliance with the following requirements:

16 1. Adjust dispute. That the employee aggrieved
17 or his representative, or both, shall have attempted
18 to adjust the dispute through oral communication with
19 the employee's immediate supervisor within 7 working
20 days of the time that the employee is aware of the
21 grievable incident. The immediate supervisor is then
22 required to render an oral decision to the employee
23 within 3 working days;

24 2. Grievance in writing. If the employee is
25 dissatisfied with the oral decision of his immediate
26 supervisor, he or his representative, or both, may,
27 before the end of the 10th working day following the
28 day of the oral decision, present the grievance to
29 his supervisor again, this time in written form. The
30 supervisor is then required to make his decision in
31 writing and present it to the employee within 10
32 working days;

33 3. Appeal to the department head. If the em-
34 ployee is dissatisfied with the supervisor's written
35 decision, he or his representative, or both, then
36 may, before the end of the 20th working day following
37 receipt of the decision, appeal in writing to the de-
38 partment head. The department head shall meet with
39 the employee or his designated representative, or
40 both, within 20 working days of receipt of the
41 employee's notice of dissatisfaction and attempt to

1 adjust the dispute. Within 5 working days, the de-
2 partment head shall render a decision in writing to
3 the aggrieved employee and his representative;

4 4. Appeal to Director of Human Resources. If
5 the classified employee is dissatisfied with the
6 written decision following the meeting with the de-
7 partment head, he may appeal in writing to the Direc-
8 tor of Human Resources within 7 working days of meet-
9 ing with the department head. The director shall
10 within 10 working days reply in writing to the ag-
11 grieved employee, his representative and the depart-
12 ment head involved stating his decision, based on the
13 Civil Service Law and rules;

14 5. Submission to board. In the event the griev-
15 ance shall not have been satisfactorily adjusted un-
16 der subsections 1 to 4, within the time limits in
17 those sections, the dispute may be submitted to the
18 appeals board within 10 working days following re-
19 ceipt of the director's written decision. The ap-
20 peals board shall investigate the matters in contro-
21 versy, shall hear all interested persons who come be-
22 fore it and make a written decision, which shall be
23 binding on the parties involved. The appeals board's
24 written decision shall be issued within 30 working
25 days after the hearing on the dispute is concluded,
26 unless both parties agree that an extension of the
27 time limit should be allowed; and

28 6. Procedure. Any member of the appeals board
29 may administer oaths and subpoena and require the at-
30 tendance of witnesses and the production of books,
31 papers, public records and other relevant documentary
32 evidence or certified copies of the evidence by the
33 department head pertinent to the dispute and shall do
34 so if requested in writing by any party to the dis-
35 pute or his representative. A witness summonsed by
36 subpoena shall be entitled to witness fees and travel
37 allowance in the amount allowed for appearance in
38 District Court, the costs of which shall be advanced
39 by the party requesting the subpoena prior to issu-
40 ance of the subpoena. A state employee subpoenaed un-
41 der this subsection shall not lose pay to which he
42 would otherwise be entitled.

43 §7084. Extension of time limit

1 1. Application for extension. The chairman of
2 the appeals board may extend any time limit specified
3 in section 7083, subsections 1 to 4, upon written ap-
4 plication of either party on condition the applica-
5 tion is submitted within time provided for in the ap-
6 licable step. Failure of an employee to pursue a
7 grievance within prescribed time limits shall consti-
8 tute an acceptance of the last response by the de-
9 partment. Failure of the department to respond
10 within stipulated time limits provided for in the ap-
11 licable step shall constitute an automatic waiver of
12 that step and the employee may proceed to the next
13 step as outlined in this section.

14 A. At least one day prior to the presentation of
15 the employee's grievance to his supervisor, the
16 employee's representative, if any, shall have ac-
17 cess to the work location of the employee in-
18 volved during the working hours for the purpose
19 of investigating the grievance.

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

25 §7085. Applications of sections 7081 to 7084

26 This subchapter applies to those employees who
27 are excluded from bargaining pursuant to Title 26,
28 sections 979 and 1021 to 1034.

29 Sec. 39. 5 MRSA §12004, sub-§3, ¶A, sub-¶(3), is
30 repealed and the following enacted in its place:

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

33 Sec. 40. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-B)
34 is enacted to read:

35 (1-B) Civil Service Policy Review Expenses 5 MRSA §704
36 Board Only

37 Sec. 41. 6 MRSA §13, 2nd ¶ from the end, as
38 amended by PL 1979, c. 127, §41, is further amended
39 to read:

1 The director may employ, subject to the approval
2 of the commissioner and in accordance with the
3 ~~Personnel~~ Civil Service Law, such personnel as may be
4 deemed necessary to aid him in the fulfillment of his
5 duties to administer, supervise, program, plan, coordi-
6 nate and enforce all aspects of aviation as out-
7 lined in this chapter or imposed upon him.

8 Sec. 42. 7 MRSA §1, as enacted by PL 1983, c.
9 308, §§1 and 14, is amended to read:

10 §1. Department of Agriculture, Food and Rural Re-
11 sources

12 The Department of Agriculture, Food and Rural Re-
13 sources, as established and in this Title called the
14 "department," shall be maintained for the improvement
15 of agriculture and the advancement of the interests
16 of husbandry, and shall consist of the Commissioner
17 of Agriculture, Food and Rural Resources in this Ti-
18 tle called the "commissioner," and the following as
19 created and established: The Board of Pesticide Con-
20 trol, the Maine Dairy and Nutrition Council Commit-
21 tee, the Maine Dairy Promotion Board, the Maine Milk
22 Commission, the Maine Potato Commission, the Seed Po-
23 tato Board, the Soil and Water Conservation Commis-
24 sion, the Harness Racing Commission, the Board of
25 Veterinary Medicine and the Animal Welfare Board. The
26 commissioner shall be appointed by the Governor, sub-
27 ject to review by the joint standing committee of the
28 Legislature having jurisdiction over agriculture and
29 to confirmation by the Legislature, and shall hold
30 office during the pleasure of the Governor. He shall
31 receive his actual expenses incurred in the perform-
32 ance of his official duties. He may employ such cler-
33 ical labor as may be required, subject to the
34 ~~Personnel~~ Civil Service Law, and he may expend such
35 sums for postage, telephone, telegraph and other gen-
36 eral office expenses as may be necessary in the per-
37 formance of his duties, the same to be paid out of
38 any money appropriated by the Legislature for such
39 purpose.

40 Sec. 43. 7 MRSA §402, as repealed and replaced
41 by PL 1979, c. 672, Pt. A, §15, is amended to read:

42 §402. Advertising of products

1 The commissioner may enter into agreements or co-
2 operative arrangements with any person, firm or cor-
3 poration for the purpose of advertising and increas-
4 ing the sale and consumption of Maine farm products
5 or disseminating information concerning Maine farm
6 products. He may receive, administer and disburse any
7 funds or contributions from these persons, firms or
8 corporations, either independently or in conjunction
9 with state funds allocated to the purpose, provided
10 that funds so contributed shall be used only for the
11 purposes set forth. He may employ such agents and as-
12 sistants, subject to the Personnel Civil Service Law,
13 and make such purchases as may be necessary in the
14 proper performance of his duties.

15 Sec. 44. 7 MRSA §1047, sub-§2 is amended to
16 read:

17 2. Employ qualified persons. To employ qualified
18 persons under the Personnel Civil Service Law and to
19 incur such expenses as may be necessary to carry out
20 this subchapter; and

21 Sec. 45. 7 MRSA §1701 is amended to read:

22 §1701. Animal husbandry expert

23 The commissioner is authorized to employ an ani-
24 mal husbandry expert. He may employ such assistants
25 as he deems necessary, subject to the Personnel Civil
26 Service Law. Such expenses in connection therewith
27 shall be paid as ~~said~~ the commissioner may approve.

28 Sec. 46. 7 MRSA §1704, as amended by PL 1977, c.
29 78, §27, is further amended to read:

30 §1704. Agents

31 The commissioner may employ skilled veterinarians
32 and such other agents and employees as he may deem
33 necessary to carry into effect chapters 201, 207,
34 301, 303 and 305, subject to the Personnel Civil
35 Service Law.

36 Sec. 47. 7 MRSA §2155, sub-§1, as amended by PL
37 1983, c. 812, §51, is further amended to read:

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

16 Sec. 48. 7 MRSA §2952, 3rd ¶, as amended by PL
17 1979, c. 731, §19, is further amended to read:

18 The members of the commission shall elect a
19 chairman. With the approval of the commission, the
20 Commissioner of Agriculture, Food and Rural Resources
21 may employ, subject to the ~~Personnel~~ Civil Service
22 Law, a secretary and such officers, clerks, assist-
23 ants and other employees as shall be deemed neces-
24 sary. The commission may employ such expert, profes-
25 sional or other assistance as the commission deems
26 necessary. Legal services and the services of ex-
27 perts in other lines shall be performed as far as
28 possible by the existing state departments, including
29 the Department of Agriculture, Food and Rural Re-
30 sources, the Department of Human Services and the De-
31 partment of the Attorney General.

32 Sec. 49. 8 MRSA §144, last ¶, as amended by PL
33 1983, c. 553, §46, is amended to read:

34 The Commissioner of Business, Occupational and
35 Professional Regulation shall employ, subject to the
36 ~~Personnel~~ Civil Service Law, the personnel that he
37 deems necessary to discharge the duties of the com-
38 mission, and shall, with the advice of the commis-
39 sion, outline their duties and fix their compensa-
40 tion, subject to the ~~Personnel~~ Civil Service Law.

41 Sec. 50. 8 MRSA §264, as amended by PL 1979, c.
42 731, §19, is further amended to read:

1 §264. Assistants

2 The ~~Commissioner~~ Commissioner of Agriculture, Food
3 and Rural Resources, subject to the ~~Personnel~~ Civil
4 Service Law, is authorized to employ such personnel
5 as he may deem necessary to provide adequate policing
6 and to carry out the purposes of this chapter. The
7 Commissioner of Agriculture, Food and Rural Resources
8 may fix the compensation of ~~said~~ the employees on a
9 per diem basis, subject to the ~~Personnel~~ Civil
10 Service Law.

11 Sec. 51. 8 MRSA §323, as amended by PL 1983, c.
12 553, §46, is further amended to read:

13 §323. Assistants

14 The Commissioner of ~~the Department of~~ Business,
15 Occupational and Professional Regulation is autho-
16 rized to employ such personnel as he may deem neces-
17 sary to provide adequate policing and to carry out
18 the purposes of this chapter at such compensation on
19 a per diem basis as ~~said~~ the commissioner may pre-
20 scribe, subject to the ~~Personnel~~ Civil Service Law.

21 Sec. 52. 8 MRSA §354, sub-§1, ¶B, as repealed
22 and replaced by PL 1977, c. 674, §10, is amended to
23 read:

24 B. Act as the chief administrative officer, hav-
25 ing general charge of the office and records and
26 to employ such personnel as may be necessary to
27 fulfill the purposes of this chapter. The person-
28 nel shall be employed with the approval of the
29 commission and subject to the ~~Personnel~~ Civil
30 Service Law, except for the deputy director who
31 shall be appointed by and serve at the pleasure
32 of the director;

33 Sec. 53. 9-A MRSA §6-104, sub-§1, ¶G, as amended
34 by PL 1983, c. 553, §46, is further amended to read:

35 G. With the approval of the Commissioner of ~~the~~
36 Department of Business, Occupational and Profes-
37 sional Regulation, appoint any necessary hearing
38 examiners, clerks and other employees and agents
39 and fix their compensation, subject to the
40 ~~Personnel~~ Civil Service Law; and

1 Sec. 54. 9-B MRSA §212-A, sub-§1, as enacted by
2 PL 1985, c. 389, §5, is amended to read:

3 1. Securities administrator and other personnel.
4 The superintendent may appoint, subject to the
5 ~~Personnel~~ Civil Service Law, an Administrator of the
6 Securities Division and one or more professionals who
7 shall, under the direction of the superintendent,
8 have charge of the enforcement of the Maine Securi-
9 ties Act and make any necessary investigations under
10 that Act. The salaries and expenses of the Adminis-
11 trator of the Securities Division and staff and all
12 expenses of administration and enforcement shall be
13 paid out of such amounts as the Legislature may ap-
14 propriate.

15 Sec. 55. 10 MRSA §8003, sub-§§1 and 2, as re-
16 pealed and replaced by PL 1983, c. 553, §13, are
17 amended to read:

18 1. Division of Administrative Services. There
19 is created a Division of Administrative Services,
20 which shall constitute a division within the depart-
21 ment, to provide assistance to the commissioner and
22 to the agencies within the department in personnel
23 civil service matters, budgeting and financial mat-
24 ters, purchasing, and clerical and support services,
25 and to perform such other duties as the commissioner
26 may designate. The commissioner may employ a Direc-
27 tor of Administrative Services and such clerical and
28 technical assistants as are necessary to discharge
29 the duties of the division, and shall outline their
30 duties and fix their compensation, subject to the
31 ~~Personnel~~ Civil Service Law.

32 2. Division of Licensing and Enforcement. There
33 is created a Division of Licensing and Enforcement,
34 which shall constitute a division within the depart-
35 ment, to provide assistance to the commissioner and
36 to the agencies within the department in complaint
37 investigation, disciplinary actions and enforcement,
38 and in licensing examinations, and to perform such
39 other duties as the commissioner may designate. The
40 commissioner may employ a Director of Licensing and
41 Enforcement and such clerical and technical assist-
42 ants as are necessary to discharge the duties of the
43 division, and shall outline their duties and fix

1 their compensation, subject to the ~~Personnel~~ Civil
2 Service Law.

3 A. Within the Division of Licensing and Enforcement there shall be a computer services section.
4 It shall be the responsibility of the computer
5 services section to process and issue original
6 and renewal licenses for the department and for
7 those bureaus, boards and commissions within the
8 department as the commissioner may direct. The
9 licenses shall be processed and issued only upon
10 authorization of the appropriate bureau, board or
11 commission, or upon the authorization of the com-
12 missioner in the case of those licenses granted
13 directly by the department. The computer ser-
14 vices section shall maintain a central register
15 containing the name and address of each person or
16 firm licensed by profession, occupation or indus-
17 try and such other information as the commis-
18 sioner may direct for administration, information or
19 planning purposes. The commissioner, with the
20 advice of the respective bureaus, boards and
21 commissions, may determine the type and form of
22 licenses issued by all agencies within the de-
23 partment. The computer services section shall
24 perform such other administrative services for
25 the agencies within the department as the commis-
26 sioner may direct.
27

28 Sec. 56. 10 MRSA §9004, sub-§2, as amended by PL
29 1983, c. 553, §46, is further amended to read:

30 2. Employees. The executive director, with the
31 advice of the board and the commissioner, may employ,
32 subject to the ~~Personnel~~ Civil Service Law persons
33 necessary to carry out this chapter. Any person so
34 employed shall be an employee of the Department of
35 Business, Occupational and Professional Regulation
36 except that they shall be under the direction and su-
37 pervision of the executive director of the board.

38 Sec. 57. 12 MRSA §212, sub-§2, as amended by PL
39 1979, c. 541, Pt. A, §116, is further amended to
40 read:

41 2. Professional soil scientists. The commission
42 may employ professional soil scientists, subject to

1 the Personnel Civil Service Law, to perform soils
2 mapping in Maine. The commission may contract with
3 other state or federal agencies as appropriate to ac-
4 complish necessary soils mapping within this State.

5 Sec. 58. 12 MRSA §542, sub-§3, as enacted by PL
6 1977, c. 360, §6, is amended to read:

7 3. Employees. The survey may employ or retain
8 such professional and other employees, subject to the
9 Personnel Civil Service Law, as are necessary to car-
10 ry out the purposes of this chapter, within the lim-
11 its of the funds available.

12 Sec. 59. 12 MRSA §543, sub-§2, ¶B, as enacted by
13 PL 1977, c. 360, §6, is amended to read:

14 B. The director shall appoint and remove the
15 staff of the survey, subject to the Personnel
16 Civil Service Law, and prescribe their duties as
17 may be necessary to implement the purposes of
18 this chapter.

19 Sec. 60. 12 MRSA §553, sub-§3, ¶B, as enacted by
20 PL 1975, c. 339, §6, is amended to read:

21 B. Appoint and remove the staff of the bureau,
22 subject to the Personnel Civil Service Law, and
23 prescribe their duties as may be necessary to im-
24 plement the purposes of this chapter;

25 Sec. 61. 12 MRSA §602, sub-§10, as amended by PL
26 1973, c. 460, §19, is further amended to read:

27 10. Employees. To fix the duties of and to em-
28 ploy permanently or part time such employees and oth-
29 er personnel, subject to the Personnel Civil Service
30 Law, as the bureau may from time to time deem neces-
31 sary in the discharge of its duties under this chap-
32 ter; and to accept gifts and bequests of money or
33 other personal property to be used in advancing the
34 recreational and conservation interests in state
35 parks.

36 Sec. 62. 12 MRSA §677, as amended by PL 1973, c.
37 460, §17, is further amended to read:

1 §677. Employees

2 The bureau shall fix the duties of and employ
3 permanently or part-time such employees and other
4 personnel, subject to the Personnel Civil Service
5 Law, as the bureau may from time to time deem neces-
6 sary in the discharge of its duties under this chap-
7 ter.

8 Sec. 63. 12 MRSA §904, as amended by PL 1965, c.
9 226, §19, is further amended to read:

10 §904. Agents and representatives

11 The Baxter State Park Authority shall appoint
12 agents or representatives to carry out this subchap-
13 ter. All appointed agents or representatives shall
14 hold office under the rules of the Personnel Civil
15 Service Law. They shall be sworn to the faithful dis-
16 charge of their duties and a certificate thereof
17 shall be returned and filed in the office of the
18 chairman of the authority. They shall be appointed
19 by the authority in accordance with the Personnel
20 Civil Service Law and may be allowed actual necessary
21 expenses of travel.

22 Sec. 64. 12 MRSA §5013, last ¶, as amended by PL
23 1977, c. 360, §22, is further amended to read:

24 Every person appointed as a bureau director, a
25 director of administrative services or of planning
26 and program services, or in another supervisory ca-
27 pacity in the department shall have experience and
28 skill in the field of the functions of such position.
29 So far as is practicable in the judgment of the com-
30 missioner, appointments to such positions shall be
31 made by promoting employees of the State serving in
32 positions which are classified and in every instance
33 when a person is promoted from a classified position
34 upon termination of his service in such classified
35 supervisory position, the employee shall, if he shall
36 so request, be restored to the classified position
37 from which he shall have been promoted or to a posi-
38 tion equivalent thereto in salary grade in the same
39 state agency, without impairment of his personnel
40 status or the loss of seniority, retirement or other
41 rights to which uninterrupted service in the classi-

1 fied position would have entitled him, provided that
2 if his service in such unclassified supervisory posi-
3 tion shall have been terminated for cause, his right
4 to be so restored shall be determined by the
5 Personnel State Civil Service Appeals Board.

6 Sec. 65. 12 MRSA §6022, sub-§3, as amended by PL
7 1983, c. 489, §8, is further amended to read:

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

33 Sec. 66. 12 MRSA §6022, sub-§4, as amended by PL
34 1979, c. 541, Pt. B, §73, is further amended to read:

35 4. Warden code. The commissioner shall prepare a
36 written code governing the operating procedures of
37 the Bureau of Marine Patrol services for submission
38 to the Commissioner of Personnel Director of Human
39 Resources. The code shall become effective when ap-
40 proved by the Commissioner of Personnel Director of
41 Human Resources.

1 Sec. 67. 12 MRSA §6025, sub-§1, as amended by PL
2 1979, c. 541, Pt. B, §14, is further amended to read:

3 1. Appointment. Applicants for the position of a
4 marine patrol officer who qualify under the officer's
5 code and pass the examination administered by the ~~De-~~
6 ~~partment of Personnel, Bureau of Human Resources~~ may
7 be appointed by the commissioner to hold office under
8 Title 5, chapters 51 to 67 and under the officer's
9 code.

10 Sec. 68. 12 MRSA §6251-A, sub-§6, as enacted by
11 PL 1985, c. 481, Pt. A, §39, is amended to read:

12 6. Staff. Subject to appropriation or alloca-
13 tion and in accordance with the ~~Personnel~~ Civil
14 Service Law, staff may be hired to carry out the work
15 of the commission. Hiring and management of the
16 staff shall be the responsibility of the Commissioner
17 of Inland Fisheries and Wildlife.

18 Sec. 69. 12 MRSA §7034, sub-§2-A, as amended by
19 PL 1985, c. 369, §2, is further amended to read:

20 2-A. Employment of personnel. The commissioner
21 shall employ, subject to the ~~Personnel~~ Civil Service
22 Law, such employees as are necessary to carry out the
23 duties of his organization, except that persons in
24 the following positions shall be appointed by and
25 serve at the pleasure of the commissioner: Deputy
26 Commissioner; Game Warden Colonel; and Assistant to
27 the Commissioner for Public Information.

28 The Game Warden Colonel shall be appointed from among
29 the game wardens of the department with the rank of
30 sergeant or higher. In the event that the Game War-
31 den Colonel is not reappointed, he shall have the
32 right to be restored to the classified position from
33 which he shall have been promoted or to a position
34 equivalent thereto in salary grade in an agency,
35 without impairment of his personnel status or the
36 loss of seniority, retirement or other rights to
37 which uninterrupted service in the classified posi-
38 tion would have entitled him. If his service in that
39 unclassified supervisory position shall have been
40 terminated for cause, his right to be so restored
41 shall be determined by the ~~Personnel~~ State Civil Ser-
42 vice Appeals Board.

1 Sec. 70. 12 MRSA §7034, sub-§4, as enacted by PL
2 1979, c. 420, §1, is amended to read:

3 4. Code of operating procedure of warden ser-
4 vice. The commissioner shall prepare a written code
5 covering the operating procedure of the warden ser-
6 vice which becomes effective when approved by the
7 Personnel State Civil Service Appeals Board.

8 Sec. 71. 12 MRSA §7051, sub-§1, as amended by PL
9 1983, c. 440, §2, is further amended to read:

10 1. Qualifications. The commissioner shall ap-
11 point as game wardens persons who have qualified un-
12 der the written code prepared by the commissioner and
13 approved by the Commissioner of Personnel Director of
14 Human Resources.

15 Sec. 72. 12 MRSA §7052, sub-§2, as enacted by PL
16 1979, c. 420, §1, is amended to read:

17 2. Compensation. The compensation of the wardens
18 shall be determined under the Personnel Civil Service
19 Law.

20 Sec. 73. 12 MRSA §8003, sub-§3, ¶B, as enacted
21 by PL 1979, c. 545, §3, is amended to read:

22 B. The director is empowered to appoint and re-
23 move the staff of the bureau, subject to the
24 Personnel Civil Service Law, and prescribe their
25 duties so as to implement the purposes of this
26 Part.

27 Sec. 74. 12 MRSA §8429, sub-§1, as amended by PL
28 1981, c. 278, §11, is further amended to read:

29 1. Position created. There is established within
30 the Bureau of Forestry the position of Forest Insect
31 Manager, which shall be funded by the General Fund or
32 any other funds available. This position is not sub-
33 ject to the Personnel Civil Service Law. The manager
34 shall be appointed by the director with the approval
35 of the Commissioner of Conservation and may be re-
36 moved by the director with the approval of the com-
37 missioner. The manager shall be directly responsible
38 for the development, coordination and implementation
39 of management programs.

1 Sec. 75. 12 MRSA §8602, as enacted by PL 1979,
2 c. 545, §3, is amended to read:

3 §8602. Foresters

4 The director may appoint foresters, subject to
5 the ~~Personnel~~ Civil Service Law, who shall provide
6 technical guidance and service to small woodland own-
7 ers, municipalities and wood processors in order to
8 bring about improvement in the growing, harvesting,
9 marketing and utilization of forest products, as well
10 as such other duties as the director prescribes.

11 Sec. 76. 12 MRSA §8901, sub-§1, as amended by PL
12 1985, c. 108, §2, is further amended to read:

13 1. Appointment. The Director of the Bureau of
14 Forestry shall appoint forest rangers and a state su-
15 pervisor, subject to the ~~Personnel~~ Civil Service Law.

16 Sec. 77. 17 MRSA §1051-B, as enacted by PL 1983,
17 c. 308, §§7 and 14, is amended to read:

18 §1051-B. Executive director; other employees

19 The commissioner may employ with the approval of
20 the board, subject to the ~~Personnel~~ Civil Service
21 Law, an executive director and such other employees
22 as are necessary to assist the board in carrying out
23 its duties and responsibilities. The board shall ap-
24 point part-time humane agents who shall serve as
25 agents of the board in the enforcement of this chap-
26 ter and as otherwise provided by law. These part-time
27 agents shall be unclassified employees whose stan-
28 dards of employment, training, compensation and hours
29 of employment will be determined by the board. The
30 jurisdiction of each part-time humane agent shall ex-
31 tend throughout the State. In connection with its en-
32 forcement responsibilities, the board shall be enti-
33 tled to and shall receive the assistance of the At-
34 torney General and of the several district attorneys
35 and may apply to the Commissioner of Agriculture,
36 Food and Rural Resources for the assistance of state
37 veterinarians.

38 Sec. 78. 20-A MRSA §253, sub-§§2 and 6, as en-
39 acted by PL 1981, c. 693, §§5 and 8, are amended to
40 read:

1 2. Hiring. The commissioner may hire personnel
2 deemed necessary to fulfill the duties of the depart-
3 ment. These personnel shall be subject to the
4 ~~Personnel~~ Civil Service Law, except as provided in
5 section 203.

6 6. Agricultural education consultant. The com-
7 missioner shall appoint, subject to the ~~Personnel~~
8 Civil Service Law, an Education Specialist II or ag-
9 ricultural education consultant to be responsible for
10 supervision of agricultural technical education, in-
11 cluding agribusiness and agriculture's relation to
12 the environment.

13 Sec. 79. 20-A MRSA §405, sub-§5, ¶G, as enacted
14 by PL 1981, c. 693, §§5 and 8, is amended to read:

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

18 (1) It may fix the duties of these employ-
19 ees.

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

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

24 Sec. 80. 20-A MRSA §7503, sub-§4, ¶A, as enacted
25 by PL 1981, c. 693, §§5 and 8, is amended to read:

26 A. May employ officers, teachers and other em-
27 ployees, subject to the ~~Personnel~~ Civil Service
28 Law; and

29 Sec. 81. 20-A MRSA §13006, sub-§3, as enacted by
30 PL 1981, c. 693, §§5 and 8, is amended to read:

31 3. Clerical assistants. The commissioner may
32 employ clerical and other assistants, subject to the
33 ~~Personnel~~ Civil Service Law. They shall perform
34 their duties under the general supervision of the
35 commissioner.

36 Sec. 82. 22 MRSA §1, 3rd ¶, as amended by PL
37 1983, c. 729, §5, is further amended to read:

1 The commissioner may employ any bureau and divi-
2 sion heads, deputies, assistants and employees who
3 may be necessary to carry out the work of the depart-
4 ment. All personnel of the department shall be under
5 the immediate supervision, direction and control of
6 the commissioner. These personnel shall be employed
7 subject to the ~~Personnel~~ Civil Service Law, except
8 the: Deputy Commissioner; Director, Bureau of Social
9 Services; Director, Bureau of Maine's Elderly; Direc-
10 tor, Bureau of Health; Director, Bureau of Rehabili-
11 tation; Director, Bureau of Income Maintenance; Di-
12 rector, State Health Planning and Development Agency;
13 Director, Bureau of Medical Services; and Assistant
14 Deputy Commissioners.

15 Sec. 83. 22 MRSA §7, 2nd ¶, as enacted by PL
16 1965, c. 425, §14-A, is repealed.

17 Sec. 84. 22 MRSA §384, as enacted by PL 1983, c.
18 579, §10, is amended to read:

19 §384. Executive director and staff

20 The commission shall appoint an executive direc-
21 tor, who shall have had experience in the organiza-
22 tion, financing or delivery of health care and who
23 shall perform the duties delegated to him by the com-
24 mission. The executive director shall serve at the
25 pleasure of the commission and his salary shall be
26 set by the commission within the range established by
27 Title 2, section 6-B. The executive director shall
28 appoint a deputy director, who shall perform the du-
29 ties delegated to him by the executive director. The
30 deputy director shall serve at the pleasure of the
31 executive director and his salary shall be set by the
32 executive director within the range established by
33 Title 2, section 6-B. The commission may employ such
34 other staff as it deems necessary. The appointment
35 and compensation of such other staff shall be subject
36 to the ~~Personnel~~ Civil Service Law.

37 Sec. 85. 22 MRSA §1393, as enacted by PL 1985,
38 c. 373, §1, is amended to read:

39 §1393. Staff

1 The director of the program may employ personnel
2 to fulfill the purpose of this chapter. All person-
3 nel in the program shall be subject to the ~~Personnel~~
4 Civil Service Law.

5 Sec. 86. 22 MRSA §1962, as enacted by PL 1977,
6 c. 516, is amended to read:

7 §1962. Director

8 The Commissioner of Human Services shall appoint
9 a Director of Public Health Nursing, subject to the
10 ~~Personnel~~ Civil Service Law, who shall be licensed as
11 a registered nurse in the State and shall have educa-
12 tion and experience in community health nursing.

13 Sec. 87. 22 MRSA §2094, last ¶, as enacted by
14 P&SL 1975, c. 90, §A, is amended to read:

15 The director may employ, subject to the ~~Personnel~~
16 Civil Service Law and within the limits of available
17 funds, competent professional personnel and other
18 staff necessary to carry out the purposes of this
19 chapter. The director shall prescribe the duties of
20 staff and assign a sufficient number of staff to the
21 office to achieve its powers and duties.

22 Sec. 88. 22 MRSA §2162, last ¶ is amended to
23 read:

24 The commissioner may employ such agents and as-
25 sistants, subject to the ~~Personnel~~ Civil Service Law,
26 and make such purchases as may be necessary in the
27 performance of his duties.

28 Sec. 89. 22 MRSA §2701, sub-§1, as amended by PL
29 1975, c. 293, §4, is further amended to read:

30 1. Registrar. The Commissioner of Human Services
31 shall appoint a State Registrar of Vital Statistics,
32 who shall be qualified in accordance with the stan-
33 dards of education and experience prescribed by the
34 State Department of ~~Personnel~~ Bureau of Human
35 Resources.

36 Sec. 90. 22 MRSA §3022, first ¶, as amended by
37 PL 1975, c. 771, §219, is further amended to read:

1 There is created, in the Department of the Attor-
2 ney General, the Office of Chief Medical Examiner for
3 the State of Maine. The Chief Medical Examiner of
4 the State of Maine shall be appointed by the Governor
5 for a term of 7 years and until his successor is ap-
6 pointed and qualified. The Chief Medical Examiner
7 shall possess a degree of doctor of medicine or doc-
8 tor of osteopathy, be licensed to practice in the
9 State of Maine and be certified in the specialty of
10 forensic pathology by either the American Board of
11 Pathology or the American Osteopathic Board of Pa-
12 thology. Any vacancy in the Office of the Chief Medi-
13 cal Examiner shall be filled by appointment by the
14 Governor for a full term of 7 years. The Chief Medi-
15 cal Examiner is authorized to hire, subject to the
16 ~~Personnel~~ Civil Service Law, necessary office and
17 laboratory personnel in order to carry out the proper
18 functioning of his office.

19 Sec. 91. 22 MRSA §3173, first ¶, as repealed and
20 replaced by PL 1979, c. 127, §144, is amended to
21 read:

22 The department is authorized to administer pro-
23 grams of aid, medical or remedial care and services
24 for medically indigent persons. It is empowered to
25 employ, subject to the ~~Personnel~~ Civil Service Law,
26 such assistants as may be necessary to carry out this
27 program and to coordinate their work with that of the
28 other work of the department.

29 Sec. 92. 22 MRSA §3500, as amended by PL 1975,
30 c. 293, §4, is further amended to read:

31 §3500. Division of Eye Care

32 The Division of Eye Care, as heretofore estab-
33 lished within the Department of Human Services and
34 hereafter in this chapter called the "division,"
35 shall be under the jurisdiction of the Director of
36 the Division of Eye Care, hereafter in this chapter
37 called the "director." The commissioner shall appoint
38 the director, subject to the ~~Personnel~~ Civil Service
39 Law.

40 Sec. 93. 22 MRSA §4084, sub-§10 as enacted by
41 PL 1985, c. 441, §3, is amended to read:

1 10. Staff. The board may employ, pursuant to
2 the ~~Personnel~~ Civil Service Law, an executive secre-
3 tary and a clerical assistant as necessary full or
4 part time.

5 Sec. 94. 22 MRSA §5105, last ¶, as repealed and
6 replaced by PL 1973, c. 793, §6, is amended to read:

7 The director may employ, subject to the ~~Personnel~~
8 Civil Service Law and within the limits of available
9 funds, competent professional personnel and other
10 staff necessary to carry out the purposes of this
11 Part. He shall prescribe the duties of staff and as-
12 sign a sufficient number of staff full time to the
13 bureau to achieve its powers and duties. He may ar-
14 range to house staff or assign staff who are respon-
15 sible to him to an area agency designated pursuant to
16 section 5116, subsection 1, paragraph B. Such staff
17 shall report solely and directly to the director.
18 Staff shall not be housed in or assigned to any other
19 organizational unit of the department, except as pro-
20 vided by sections 5104-A and 5111.

21 Sec. 95. 22 MRSA §5111, 2nd ¶, as repealed and
22 replaced by PL 1973, c. 793, §11, is amended to
23 read:

24 The committee is authorized to employ, subject to
25 the ~~Personnel~~ Civil Service Law, such staff as is
26 necessary to carry out its objectives. The committee
27 is authorized to employ consultants and contract for
28 such projects as it deems necessary. The commission-
29 er and the director, to the extent feasible and rea-
30 sonable, shall make available to the committee such
31 staff, facilities, equipment, supplies, information
32 and other assistance as it may reasonably require to
33 carry out its activities.

34 Sec. 96. 22 MRSA §5308, 2nd ¶, as enacted by PL
35 1973, c. 793, §12, is amended to read:

36 It is the intent of this Part that the bureau
37 shall function as a central office administrative
38 unit of the department with the advice of the council
39 and that the powers, duties, authority and responsi-
40 bility of the bureau shall not be delegated, decen-
41 tralized or assigned to regional, local or other

1 units of the department, except as provided in this
2 section, section 5316 and section 6108. Regarding
3 any portion of this Part and Part 2 which relate to
4 provision of services directly to eligible people
5 through staff employed subject to the Personnel Civil
6 Service Law by the department or other organizational
7 units of State Government, the bureau may carry out
8 its powers and duties through regional or other ad-
9 ministrative units of the department or State Govern-
10 ment.

11 Sec. 97. 22 MRSA §5309, last ¶, as enacted by PL
12 1973, c. 793, §12, is amended to read:

13 The director may employ, subject to the Personnel
14 Civil Service Law and within the limits of available
15 funds, competent professional personnel and other
16 staff necessary to carry out the purposes of this
17 Part and Part 2. He shall prescribe the duties of the
18 staff and assign a sufficient number of staff full
19 time to the bureau to achieve its powers and duties.
20 Regarding the provision of human services by the bu-
21 reau directly to eligible people, the director may
22 arrange to house staff or assign staff who are re-
23 sponsible to him to regional or other units of the
24 department or State Government. Regarding the devel-
25 opment, execution and monitoring of agreements, the
26 director shall not house nor assign staff to any oth-
27 er unit of the department or State Government. Such
28 staff shall report solely and directly to him. The
29 director shall assign staff to the council as pro-
30 vided in sections 5305 and 5315.

31 Sec. 98. 22 MRSA §5315, 2nd ¶, as amended by PL
32 1983, c. 409, §5, is further amended to read:

33 The council may employ, subject to the Personnel
34 Civil Service Law, such staff as is necessary to car-
35 ry out its objectives. The council may employ consul-
36 tants and contract for such projects as it deems nec-
37 essary. State agencies, to the extent feasible and
38 reasonable, shall make available to the council such
39 staff, facilities, equipment, supplies, information
40 and other assistance as it may reasonably require to
41 carry out its activities.

1 Sec. 99. 22 MRSA §7105, first and last ¶¶, as
2 amended by PL 1983, c. 464, §6, are further amended
3 to read:

4 The Office of Alcoholism and Drug Abuse Preven-
5 tion shall be administered by a director, who shall
6 be appointed, subject to the ~~Personnel~~ Civil Service
7 Law, under the classified service by the commissioner.
8 The director shall be a person qualified by
9 training and experience with drug abuse, or alcohol-
10 ism and intoxication, or who has had satisfactory ex-
11 perience of a comparable nature in the direction, or-
12 ganization and administration of prevention or treat-
13 ment programs for persons affected by drug abuse or
14 drug dependency.

15 The director may employ, subject to the ~~Personnel~~
16 Civil Service Law and within the limits of funds
17 available, competent professional personnel and other
18 staff necessary to carry out the purposes of this
19 chapter. He shall prescribe the duties of staff and
20 assign a sufficient number of staff full time to the
21 office to achieve its powers and duties. He may ar-
22 range to house staff or assign staff who are respon-
23 sible to him and who are to provide direct service to
24 individuals or small groups of individuals needing
25 drug abuse treatment, to operating units of the de-
26 partment, which are responsible for similar func-
27 tions.

28 Sec. 100. 22 MRSA §7133, last ¶, as enacted by
29 PL 1983, c. 464, §19, is amended to read:

30 The planning director may employ, subject to the
31 ~~Personnel~~ Civil Service Law and within the limits of
32 funds available, competent professional personnel and
33 other staff necessary to carry out the purposes of
34 this chapter. He shall prescribe the duties of staff
35 and assign sufficient staff to the planning committee
36 to perform its powers and duties.

37 Sec. 101. 23 MRSA §152, 5th ¶, as amended by PL
38 1983, c. 553, §23, is further amended to read:

39 The board shall maintain an office in Kennebec
40 County. The Commissioner of Finance and Administra-
41 tion shall appoint, subject to the ~~Personnel~~ Civil

1 Service Law, a clerk of the board to keep its records
2 and to perform such other duties as the board shall
3 prescribe. The clerk shall have authority to certify
4 to all official acts of the board, administer oaths,
5 issue subpoenas, and issue all processes, notices,
6 orders or other documents necessary to the perform-
7 ance of the duties of the board.

8 Sec. 102. 23 MRSA §152, 6th ¶, as amended by PL
9 1983, c. 553, §24, is further amended to read:

10 The Commissioner of Finance and Administration
11 shall appoint and fix the compensation of a reporter
12 to the board, and shall review and approve all
13 charges made by such reporter for transcripts of the
14 record of hearings before the board. The Commissioner
15 of Finance and Administration may appoint, subject
16 to the ~~Personnel~~ Civil Service Law, such clerical as-
17 sistants for the board as he may deem necessary.

18 Sec. 103. 23 MRSA §201, as amended by PL 1981,
19 c. 45, §1, is further amended to read:

20 §201. Appointment

21 The commissioner shall, subject to the ~~Personnel~~
22 Civil Service Law, appoint a civil engineer as chief
23 engineer.

24 Sec. 104. 23 MRSA §1925, as repealed and re-
25 placed by PL 1981, c. 318, §4, is amended to read:

26 §1925. Administration of chapter

27 The commissioner shall administer this chapter
28 with the advice of the Travel Information Advisory
29 Council. The commissioner may employ, subject to the
30 ~~Personnel~~ Civil Service Law, clerical and other as-
31 sistants required for the administration of this
32 chapter. The commissioner may delegate to personnel
33 of the Department of Transportation the authority to
34 administer this chapter. The commissioner may promul-
35 gate rules to administer the various provisions of
36 this chapter that are consistent with the provisions
37 thereof. The commissioner may execute contracts and
38 other agreements to carry out the purposes of this
39 chapter.

1 Sec. 105. 23 MRSA §4206, sub-§4, as amended by
2 PL 1983, c. 489, §11, is further amended to read:

3 4. Personnel. The commissioner may appoint such
4 deputies, directors, assistants, general counsel and
5 other officers and employees as may be needed for the
6 performance of his duties. These appointments shall
7 be subject to the Personnel Civil Service Law, except
8 for the following who shall serve at the pleasure of
9 the commissioner: Deputy Commissioners of Transporta-
10 tion; Chief Counsel, Bureau of Legal Services; As-
11 sistant to the Commissioner; and Assistant to the
12 Commissioner for Public Information.

13 Sec. 106. 24-A MRSA §206, sub-§1, as amended by
14 PL 1983, c. 553, §46, is further amended to read:

15 1. The superintendent, with the approval of the
16 Commissioner of the Department of Business, Occupa-
17 tional and Professional Regulation, may employ, sub-
18 ject to the Personnel Civil Service Law, a first dep-
19 uty superintendent and may employ one or more addi-
20 tional deputies.

21 Sec. 107. 24-A MRSA §207, as amended by PL 1973,
22 c. 585, §12, is further amended to read:

23 §207. Staff

24 Subject to the Personnel Civil Service Law, the
25 superintendent may appoint and dismiss for cause such
26 personnel as conduct of his office may require.

27 Sec. 108. 25 MRSA §1501, 3rd ¶, as amended by PL
28 1983, c. 489, §12, is further amended to read:

29 Subject to the approval of the Commissioner of
30 Public Safety, the chief may appoint 2 commissioned
31 officers of the State Police to act as his deputies
32 and serve at his pleasure. Subject to the Personnel
33 Civil Service Law, the Chief of the State Police may
34 enlist suitable persons as members of the State Po-
35 lice to enforce the law and employ such other employ-
36 ees as may be necessary. The Chief of the State Po-
37 lice shall make rules, subject to the approval of the
38 Personnel State Civil Service Appeals Board, for the
39 discipline and control of the State Police. If a

1 deputy chief is removed or fails to be reappointed
2 for any reason other than malfeasance of office and,
3 at that time, does not have at least 20 years of ser-
4 vice with the State Police, he shall be reinstated at
5 the commissioned rank held at the time of the ap-
6 pointment with all the rights and privileges as pro-
7 vided by law and personnel rules.

8 Sec. 109. 25 MRSA §1504, first ¶, as amended by
9 PL 1975, c. 771, §263, is further amended to read:

10 The Governor shall determine the salary of the
11 chief and deputy chief. The compensation of the other
12 members of the State Police shall be determined under
13 the ~~Personnel~~ Civil Service Law.

14 Sec. 110. 25 MRSA §1541, sub-§2, as enacted by
15 PL 1975, c. 763, §4, is amended to read:

16 2. Personnel. The Chief of the State Police may
17 delegate members of the State Police to serve in the
18 bureau upon request of the commanding officer. The
19 commanding officer shall have the authority to hire
20 such civilian personnel, subject to the ~~Personnel~~
21 Civil Service Law and the approval of the Chief of
22 the State Police, as he may deem necessary.

23 Sec. 111. 25 MRSA §2396, first ¶, as amended by
24 PL 1975, c. 579, §4, is further amended to read:

25 The office of State Fire Marshal is hereby estab-
26 lished as a bureau within the Department of Public
27 Safety. The Commissioner of Public Safety shall ap-
28 point, as State Fire Marshal, a person experienced in
29 fire prevention work, who may be removed for cause by
30 the commissioner. The State Fire Marshal shall ap-
31 point, subject to the ~~Personnel~~ Civil Service Law,
32 such inspectors and other employees as may be neces-
33 sary to carry out the duties assigned to his office.
34 The State Fire Marshal shall carry out all of the du-
35 ties and responsibilities assigned to his office and
36 such other duties as may be prescribed or delegated
37 by the Commissioner of Public Safety and he shall de-
38 vote his full time to the duties of his office.

39 Sec. 112. 25 MRSA §2804-A, last ¶, as enacted by
40 PL 1975, c. 579, §9, is amended to read:

1 The director shall employ, within the limits of
2 funds available, with the approval of the board and
3 the commissioner and subject to the Personnel Civil
4 Service Law, such personnel as may be reasonably nec-
5 essary to carry out the purposes of the academy.

6 Sec. 113. 25 MRSA §2902, last ¶, as enacted by
7 PL 1983, c. 489, §13, is amended to read:

8 Unless specified otherwise by statute, department
9 personnel shall be appointed subject to the Personnel
10 Civil Service Law. Persons holding major
11 policy-influencing positions under Title 5, section
12 711, subsection 2, paragraph A, shall be appointed by
13 and serve at the pleasure of the commissioner, except
14 as otherwise provided by law.

15 Sec. 114. 25 MRSA §2908, first ¶, as enacted by
16 PL 1977, c. 138, §3, is amended to read:

17 The Commissioner of Public Safety is authorized
18 and empowered to appoint and employ, subject to the
19 Personnel Civil Service Law, security officers who
20 shall have the powers of arrest of a sheriff in the
21 Capitol Area, parks, grounds, buildings and appurte-
22 nances owned or leased by the State at the seat of
23 government.

24 Sec. 115. 26 MRSA §41, as amended by PL 1981, c.
25 168, §§5 and 26, is further amended to read:

26 §41. Director; personnel; salaries; expenses

27 A Bureau of Labor Standards within the Department
28 of Labor, as heretofore established and hereinafter
29 in this Title called the "bureau," shall be main-
30 tained under the direction of an officer whose title
31 shall be Director of ~~the Bureau of~~ Labor Standards
32 and state factory inspector, hereinafter in this Ti-
33 tle, except in chapter 13, called the "director." He
34 shall be appointed by the Commissioner of Labor and
35 shall hold office at the pleasure of the commisioner.
36 He shall have an office in the State Capitol. He
37 shall appoint, subject to the Personnel Civil Service
38 Law, such employees as may be necessary and a deputy
39 who shall be clerk of the bureau and deputy state
40 factory inspector.

1 Sec. 116. 26 MRSA §802, 3rd ¶, as enacted by PL
2 1983, c. 176, Pt. A, §9, is amended to read:

3 The committee may employ, subject to the
4 ~~Personnel~~ Civil Service Law, such staff as is neces-
5 sary to carry out its objectives. The committee may
6 employ consultants and contract for such projects as
7 it deems necessary. To the extent feasible and rea-
8 sonable, the committee shall have such staff, facili-
9 ties, equipment, supplies, information and other as-
10 sistance as it may reasonably require to carry out
11 its activities.

12 Sec. 117. 26 MRSA §979-D, sub-§1, ¶E, as amended
13 by PL 1985, c. 289, is further amended to read:

14 E. To confer and negotiate in good faith:

15 (1) To confer and negotiate in good faith
16 with respect to wages, hours, working condi-
17 tions and contract grievance arbitration,
18 except that by such obligation neither party
19 shall be compelled to agree to a proposal or
20 be required to make a concession. All mat-
21 ters relating to the relationship between
22 the employer and employees shall be the sub-
23 ject of collective bargaining, except those
24 matters which are prescribed or controlled
25 by public law. Such matters appropriate for
26 collective bargaining to the extent they are
27 not prescribed or controlled by public law
28 include but are not limited to:

29 (a) Wage and salary schedules to the
30 extent they are inconsistent with rates
31 prevailing in commerce and industry for
32 comparable work within the State;

33 (b) Work schedules relating to as-
34 signed hours and days of the week;

35 (c) Use of vacation or sick leave, or
36 both;

37 (d) General working conditions;

38 (e) Overtime practices;

1 (f) Rules and regulations for person-
2 nel administration, except the follow-
3 ing: Rules and regulations relating to
4 applicants for employment in state ser-
5 vice and classified employees in an
6 initial probationary status, including
7 any extensions thereof, provided such
8 rules and regulations are not discrimi-
9 natory by reason of an applicant's
10 race, color, creed, sex or national or-
11 igin;

12 (g) Compensation system for state em-
13 ployees, which is defined as:

14 (i) Guide charts, if any, and job
15 evaluation factors, including fac-
16 tor language and factor weights,
17 used to evaluate jobs for pay pur-
18 poses;

19 (ii) Job point to pay grade con-
20 version tables;

21 (iii) The number of and spread
22 between pay steps within pay
23 grades;

24 (iv) The number of and spread be-
25 tween pay grades within the sys-
26 tem; and

27 (v) Temporary payment of recruit-
28 ment and retention stipends, pro-
29 vided the stipends are allowed un-
30 der Personnel Civil Service Law;

31 (h) The nature of and procedures gov-
32 erning appeals of the allocation or re-
33 allocation of job classifications to
34 pay grades resulting from any revisions
35 to the compensation system; and

36 (i) Implementation of any revisions to
37 the compensation system

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

5 (3) Cost items shall be submitted for in-
6 clusion in the Governor's next operating
7 budget within 10 days after the date on
8 which the agreement is ratified by the par-
9 ties. If the Legislature rejects any of the
10 cost items submitted to it, all cost items
11 submitted shall be returned to the parties
12 for further bargaining.

13 (4) Collective bargaining over the subjects
14 described in subparagraph (1), divisions
15 (g), (h) and (i), is subject to the follow-
16 ing.

17 (a) Subparagraph (1), division (g),
18 shall not be construed to authorize any
19 more than one system for evaluating
20 jobs of state employees in bargaining
21 units recognized under this chapter.

22 (b) Either the public employer or the
23 bargaining agents may compel the other
24 party to bargain collectively over the
25 subjects described in subparagraph (1),
26 divisions (g), (h) and (i), provided
27 that bargaining over those subjects may
28 not be compelled by either the public
29 employer or the bargaining agents soon-
30 er than 10 years after the parties'
31 last agreement to revise the compensa-
32 tion system made pursuant to a demand
33 to bargain.

34 (c) During the periods of time de-
35 scribed in division (b), when the sub-
36 jects described in subparagraph (1),
37 divisions (g), (h) and (i), are not
38 mandatory subjects of bargaining, they
39 shall be permissive subjects of bar-
40 gaining.

1 (d) Bargaining over the subjects de-
2 scribed in subparagraph (1), divisions
3 (g), (h) and (i), shall be conducted
4 separately and apart from bargaining
5 with individual bargaining agents over
6 all other negotiable subjects and shall
7 be conducted within a committee com-
8 posed of representatives of management
9 and of the bargaining units recognized
10 under this chapter.

11 (e) The labor representatives on the
12 committee shall consist of equal num-
13 bers of representatives from each of
14 the bargaining units recognized under
15 this chapter. Each bargaining unit
16 shall have one vote, regardless of the
17 number of representatives, on any mat-
18 ter addressed by the committee. The
19 labor position on any matter addressed
20 by the committee shall be established
21 by majority vote of the units recog-
22 nized under this chapter. A majority
23 vote of the units is necessary to ini-
24 tiate bargaining over the matters de-
25 scribed in subparagraph (1), divisions
26 (g), (h) and (i).

27 (f) Notwithstanding the time frame
28 provided in subparagraph (3), cost
29 items resulting from revisions to the
30 compensation system may only be submit-
31 ted to the Legislature for funding af-
32 ter all appeals from the allocation or
33 reallocation of job classifications un-
34 der the revised system have been final-
35 ly decided. The cost items relating to
36 an individual bargaining unit shall be
37 submitted to the Legislature for fund-
38 ing as part of the next legislation
39 submitted pursuant to subparagraph (3)
40 to fund a collective bargaining agree-
41 ment between the State and that bar-
42 gaining unit.

43 (g) Bargaining over the subjects de-
44 scribed in subparagraph (1), divisions

1 (g), (h) and (i), shall be subject to
2 the dispute resolution procedures of
3 subsections 2, 3 and 4. For purposes
4 of subsection 4, paragraph D, contro-
5 versies over the subjects described in
6 subparagraph (1), divisions (g), (h)
7 and (i), shall be deemed "controversies
8 over salaries."

9 (5) Nothing in this chapter may be con-
10 structed to exclude from the scope of collec-
11 tive bargaining the subjects described in
12 subparagraph (1), divisions (g), (h) and
13 (i).

14 Sec. 118. 26 MRSA §979-K, as amended by PL 1981,
15 c. 289, §12, is further amended to read:

16 §979-K. Grievance arbitration

17 An agreement between a bargaining agent and the
18 public employer may provide for binding arbitration
19 as the final step of a grievance procedure, provided
20 that any such grievance procedure shall be exclusive
21 and shall supersede any otherwise applicable grievance
22 procedure provided by law. If no such provision
23 is contained in the collective bargaining agreement,
24 the parties shall submit their differences for resolu-
25 tion by the State Personnel Civil Service Appeals
26 Board.

27 Sec. 119. 26 MRSA §979-Q is enacted to read:

28 §979-Q. Separation of roles

29 1. Officers and employees. No officer or em-
30 ployee of the Bureau of Employee Relations may be an
31 employee or officer of the Bureau of Human Resources.
32 No officer or employee of the Bureau of Employee Re-
33 lations may engage in any of the duties, responsibil-
34 ities or tasks assigned to or undertaken by the Bu-
35 reau of Human Resources.

36 Sec. 120. 26 MRSA §1082, sub-§4, as amended by
37 PL 1983, c. 351, §10, is further amended to read:

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

23 Sec. 121. 26 MRSA §1401, sub-§2, as repealed and
24 replaced by PL 1983, c. 650, §4, is amended to read:

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

26 A. Assistant to the Commissioner;

27 B. Assistant to the Commissioner for Public Af-
28 fairs;

29 C. Director, Planning and Program Services;

30 D. Director, Bureau of Labor Standards;

31 E. Executive Director, Bureau of Employment Se-
32 curity;

33 F. Director, Maine Job Training Council;

34 G. Executive Secretary, Maine Occupational In-
35 formation Coordinating Committee; and

36 H. Executive Director, Bureau of Employment and
37 Training Programs.

1 The commissioner may appoint, subject to the
2 ~~Personnel~~ Civil Service Law, such other personnel as
3 may be necessary to carry out the functions of the
4 department. The commissioner may transfer personnel
5 within the department to insure the efficient utili-
6 zation of department personnel;

7 Sec. 122. 26 MRSA §1454, first ¶, as enacted by
8 PL 1981, c. 705, Pt. O, §1, is amended to read:

9 The chairman shall nominate an executive director
10 for appointment by the committee, who shall serve at
11 the committee's pleasure. With the committee's ap-
12 proval, the executive director may appoint, subject
13 to the ~~Personnel~~ Civil Service Law, such personnel as
14 are necessary and who are authorized.

15 Sec. 123. 27 MRSA §1, 2nd ¶, as amended by PL
16 1971, c. 610, §13, is further amended to read:

17 The librarian may employ, subject to the
18 ~~Personnel~~ Civil Service Law and the approval of the
19 Commissioner of Educational and Cultural Services, a
20 deputy state librarian, and such assistants as the
21 business of the office may require.

22 Sec. 124. 27 MRSA §85, sub-§2, as amended by PL
23 1971, c. 610, §16, is further amended to read:

24 2. Administration. To administer the office of
25 Museum Director. In exercising his administration,
26 the Museum Director shall promulgate operating poli-
27 cies, establish organizational and operational proce-
28 dures, and exercise supervision of museum activities.
29 He shall employ, subject to the ~~Personnel~~ Civil
30 Service Law and the approval of the Commissioner of
31 Educational and Cultural Services, such assistants as
32 may be necessary to carry out the purposes of this
33 chapter. The Museum Director shall adopt a seal for
34 use in the official business of the museum;

35 Sec. 125. 27 MRSA §505, sub-§1, as enacted by PL
36 1979, c. 21, is amended to read:

37 1. Appointment. The Maine Historic Preservation
38 Commission may appoint a director, with the approval
39 of the Commissioner of Educational and Cultural Ser-

1 vices, who shall be qualified by special training or
2 experience in the field of historic preservation and
3 who shall also serve as the State Historic Preserva-
4 tion Officer upon appointment by the Governor and
5 shall be subject to removal for cause under the
6 Personnel Civil Service Law.

7 Sec. 126. 28 MRSA §58, 2nd ¶, as enacted by PL
8 1975, c. 741, §4, is amended to read:

9 The Director of the Bureau of Alcoholic Beverages
10 shall have general charge of the office and records
11 and shall employ, with the approval of the Commis-
12 sioner of Finance and Administration and the State
13 Liquor Commission, subject to the Personnel Civil
14 Service Law, such personnel and make expenditures as
15 may be necessary to fulfill the purposes of this Ti-
16 tle.

17 Sec. 127. 28 MRSA §59, sub-§1, as amended by PL
18 1985, c. 506, Pt. A, §52, is further amended to read:

19 1. Bureau of Liquor Enforcement. The enforcement
20 division of the State Liquor Commission shall be the
21 Bureau of Liquor Enforcement within the Department of
22 Public Safety, as heretofore created. The Commission-
23 er of Public Safety shall appoint as Director of the
24 Bureau of Liquor Enforcement a person experienced in
25 law enforcement or enforcement of liquor laws, who
26 may be removed for cause by the commissioner. The di-
27 rector, subject to the Personnel Civil Service Law,
28 may appoint as many liquor enforcement officers as
29 may be found necessary. The liquor enforcement offi-
30 cers shall be under the direct supervision and con-
31 trol of the director.

32 Notwithstanding any other provisions of law, the De-
33 partment of Public Safety shall be responsible for
34 the enforcement of the liquor laws and the rules of
35 the commission.

36 All business and financial records of licensees shall
37 be confidential.

38 Sec. 128. 29, §2713, sub-§3, as amended by PL
39 1985, c. 350, §1, is further amended to read:

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

5 A. There shall be allocated to the Department of
6 Public Safety for State Police up to \$1,100,000
7 annually from the fund to carry out the statutory
8 duties of the bureau imposed by this chapter and
9 Title 35 and for related activities.

10 C. Any balance in the fund in excess of that re-
11 quired for the purposes of paragraph A may be al-
12 located in the same manner and for the same pur-
13 poses as moneys in the Highway Fund, but with
14 special emphasis on matters relating to transpor-
15 tation safety. Any allocation of this balance
16 shall be identified as to source.

17 Sec. 129. 32 MRSA §63-A, sub-§5, as enacted by
18 PL 1985, c. 233, §6, is amended to read:

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

26 Sec. 130. 32 MRSA §351, sub-§3, as amended by PL
27 1977, c. 604, §9, is further amended to read:

28 3. Employees. The board shall employ, subject to
29 the ~~Personnel~~ Civil Service Law, an executive secre-
30 tary. The salary of the executive secretary shall be
31 determined by the ~~State Personnel Board~~ Bureau of Hu-
32 man Resources and shall be paid from funds received
33 under this chapter. The executive secretary of the
34 board shall keep a record of all proceedings, certifi-
35 cates of registration and licenses; issue all no-
36 tices, except those required to be issued by the Ad-
37 ministrative Court Judge under Title 4, chapter 25;
38 attest all such papers and orders as the board shall
39 direct; make sanitary inspections at least twice a
40 year of shops and other establishments subject to li-
41 cense under this chapter as directed by the board,

1 and shall, on or before August 1st of each year, sub-
2 mit a report to the Commissioner of Business, Occupa-
3 tional and Professional Regulation, for the preceding
4 fiscal year ending June 30th, giving a full statement
5 of all receipts and expenditures and a statement of
6 the work performed by the board during the year, to-
7 gether with such recommendations as deemed necessary.
8 The board shall employ, subject to the Personnel Civil
9 Service Law, inspectors who may be registered bar-
10 bers and who shall, under the direction of the execu-
11 tive secretary, make inspections of shops and other
12 establishments subject to license. The salary of such
13 inspectors shall be determined by the State Personnel
14 Board Bureau of Human Resources and shall be paid
15 from funds received under this chapter. The board
16 shall have the right to dismiss, for cause, the execu-
17 tive secretary or the inspectors.

18 Sec. 131. 32 MRSA §1152, first ¶, as amended by
19 PL 1983, c. 553, §46, is further amended to read:

20 The Commissioner of Business, Occupational and
21 Professional Regulation, with the advice and consent
22 of the board, shall be empowered to appoint, subject
23 to the Personnel Civil Service Law, such employees as
24 may be necessary to carry out this chapter. Any per-
25 son so employed shall be located in the Department of
26 Business, Occupational and Professional Regulation
27 and under the administrative and supervisory direc-
28 tion of the Commissioner of Business, Occupational
29 and Professional Regulation.

30 Sec. 132. 32 MRSA §1601, sub-§3, as amended by
31 PL 1983, c. 553, §46, is further amended to read:

32 3. Employees. The board shall employ, subject to
33 the Personnel Civil Service Law, an executive secre-
34 tary. The salary of the executive secretary shall be
35 determined by the State Personnel Board Bureau of Hu-
36 man Resources and shall be paid from funds received
37 under this chapter. The executive secretary of the
38 board shall keep a record of all proceedings, certif-
39 icates of registration and licenses; issue all no-
40 tices, except those required to be issued by the Ad-
41 ministrative Court Judge under Title 4, chapter 25;
42 attest all papers and orders as the board shall di-

1 rect; make sanitary inspections at least twice a year
2 of shops and other establishments subject to a li-
3 cense under this chapter as directed by the board,
4 and shall report annually on or before August 1st of
5 each year to the Commissioner of Business Regulation,
6 for the preceding fiscal year ending June 30th, giv-
7 ing a full statement of all receipts and expenditures
8 and a statement of the work performed by the board
9 during the year, together with recommendations as
10 deemed necessary. The board shall employ, subject to
11 the ~~Personnel~~ Civil Service Law, inspectors who may
12 be registered cosmetologists and who shall, under the
13 direction of the executive secretary, make inspec-
14 tions of shops and other establishments subject to
15 license. The salary of such inspectors shall be de-
16 termined by the ~~State Personnel Board~~ Bureau of Human
17 Resources and shall be paid from funds received under
18 this chapter. The board shall have the right to dis-
19 miss, for cause, the executive secretary or the in-
20 spectors.

21 Sec. 133. 32 MRSA §1660-B, sub-§10, as amended
22 by PL 1983, c. 413, §84, is further amended to read:

23 10. Appoint employees. To appoint or employ
24 subordinate employees, subject to the ~~Personnel~~ Civil
25 Service Law; and

26 Sec. 134. 32 MRSA §2275, sub-§2, as enacted by
27 PL 1983, c. 746, §2, is amended to read:

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

35 Sec. 135. 32 MRSA §2352, first ¶, as amended by
36 PL 1983, c. 553, §46, is further amended to read:

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-

1 sons so employed shall be located in the Department
2 of Business, Occupational and Professional Regulation
3 and under the administrative and supervisory direc-
4 tion of the Commissioner of Business, Occupational
5 and Professional Regulation. In addition, the board
6 may enter into contracts to carry out its responsi-
7 bilities under this chapter.

8 Sec. 136. 32 MRSA §2853, first ¶ is amended to
9 read:

10 The board shall be empowered to appoint and re-
11 move, subject to the ~~Personnel~~ Civil Service Law, a
12 drug inspector to enforce this chapter and Title 22,
13 chapter 551, subchapter II and chapter 557 and the
14 rules and regulations of the board.

15 Sec. 137. 32 MRSA §3112, sub-§5, ¶J, as amended
16 by PL 1983, c. 553, §46, is further amended to read:

17 J. To furnish advice and consent to the Commis-
18 sioner of Business, Occupational and Professional
19 Regulation, who shall be empowered to appoint,
20 subject to the ~~Personnel~~ Civil Service Law, such
21 employees as may be necessary to carry out this
22 chapter. Any person so employed shall be located
23 in the Department of Business, Occupational and
24 Professional Regulation and under the commis-
25 sioner's supervision; and

26 Sec. 138. 32 MRSA §3402, first ¶, as amended by
27 PL 1985, c. 389, §18, is further amended to read:

28 The commissioner, with the advice and consent of
29 the board, may appoint, subject to the ~~Personnel~~ Civ-
30 il Service Law, such employees as may be necessary to
31 carry out this chapter. Any person so employed shall
32 be located in the department and under the adminis-
33 trative and supervisory direction of the commis-
34 sioner.

35 Sec. 139. 32 MRSA §4051-C, sub-§1, as amended by
36 PL 1983, c. 553, §46, is further amended to read:

37 1. Appointment. The Commissioner of Business,
38 Occupational and Professional Regulation, with the
39 advice of the Real Estate Commission and subject to

1 the Personnel Civil Service Law, shall appoint a di-
2 rector of the commission.

3 Sec. 140. 32 MRSA §4053-A, as enacted by PL
4 1981, c. 359, §9, is amended to read:

5 §4053-A. Employees

6 The director may employ a deputy and such clerical
7 assistants, technical assistants and investigators
8 as deemed necessary to discharge the duties im-
9 posed by this chapter and shall outline their duties
10 and fix their compensation, subject to the Personnel
11 Civil Service Law.

12 Sec. 141. 32 MRSA §4855, 3rd ¶, as enacted by PL
13 1975, c. 477, §4, is amended to read:

14 The commissioner shall have authority, subject to
15 the Personnel Civil Service Law, to employ such per-
16 sonnel as may be deemed necessary to carry out the
17 purposes of this chapter.

18 Sec. 142. 32 MRSA §4904, as repealed and re-
19 placed by PL 1979, c. 89, §1, is amended to read:

20 §4904. Corporations, partnerships, associations and
21 government agencies

22 This chapter does not prohibit one or more
23 geologists or soil scientists from practicing through
24 the medium of a sole proprietorship, partnership,
25 corporation or government agency. In such partnership
26 or corporation whose primary activity consists of ge-
27 ological services, or in a government agency in which
28 geological work is done, at least one partner, offi-
29 cer or employee shall be a certified geologist. In
30 such partnership or corporation whose primary activi-
31 ty consists of soil science services, or in a govern-
32 ment agency in which soil science work is done, at
33 least one partner, officer or employee shall be a
34 certified soil scientist. In the case of an agency of
35 State Government, the Department of Personnel Bureau
36 of Human Resources shall classify officers and em-
37 ployees under the Personnel Civil Service Law in a
38 manner that ensures that at least one certified geol-
39 ogist or soil scientist shall work for each agency in

1 which, as the case may be, geological or soil science
2 work is done and that any officer or employee who is
3 engaged in the practice of geology or soil science
4 and who is uncertified works as a subordinate to a
5 certified geologist or soil scientist, as the case
6 may be, and does not have responsible charge of work
7 or evaluation.

8 Sec. 143. 32 MRSA §4908, sub-§3, as amended by
9 PL 1983, c. 553, §46, is further amended to read:

10 3. Employees. The Commissioner of Business, Oc-
11 cupational and Professional Regulation, with the ad-
12 vice and consent of the board, shall be empowered to
13 appoint, subject to the Personnel Civil Service Law,
14 such employees as may be necessary to carry out this
15 chapter. Any person employed shall be located in the
16 Department of Business, Occupational and Professional
17 Regulation and under the administrative and supervi-
18 sory direction of the Commissioner of Business, Occu-
19 pational and Professional Regulation.

20 Sec. 144. 32 MRSA §5011-C, as amended by PL
21 1983, c. 553, §46, is further amended to read:

22 §5011-C. Employees

23 The Commissioner of Business, Occupational and
24 Professional Regulation, with the advice and consent
25 of the board, shall be empowered to appoint, subject
26 to the Personnel Civil Service Law, such employees as
27 may be necessary to carry out this chapter. Any per-
28 son so employed shall be located in the Department of
29 Business, Occupational and Professional Regulation
30 and under the administrative and supervisory direc-
31 tion of the Commissioner of Business, Occupational
32 and Professional Regulation.

33 Sec. 145. 32 MRSA §9704, sub-§7, as enacted by
34 PL 1985, c. 288, §3, is amended to read:

35 7. Employees. With the advice of the board, the
36 commissioner may appoint, subject to the Personnel
37 Civil Service Law, such employees as may be necessary
38 to carry out this chapter. Any person so employed
39 shall be located in the department and under the ad-
40 ministrative and supervisory direction of the commis-
41 sioner.

1 Sec. 146. 32 MRSA §9905, sub-§1, as enacted by
2 PL 1985, c. 389, §28, is amended to read:

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

10 Sec. 147. 32 MRSA §10005, sub-§2, as enacted by
11 PL 1985, c. 496, Pt. A, §2, is amended to read:

12 2. Employees. With the advice of the board, the
13 commissioner may appoint, subject to the ~~Persenne~~
14 Civil Service Law, such employees as may be necessary
15 to carry out this chapter. Any person so employed
16 shall be located in the department and under the ad-
17 ministrative and supervisory direction of the commis-
18 sioner.

19 Sec. 148. 34 MRSA §1591, 2nd ¶, as amended by PL
20 1979, c. 217, §1, is further amended to read:

21 The Division of Probation and Parole shall be un-
22 der the direction of the Director of Probation and
23 Parole, in this chapter called the "director," who
24 shall be appointed by the commissioner upon the rec-
25 ommendation of the Director of Corrections, subject
26 to the Persenne Civil Service Law.

27 Sec. 149. 34 MRSA §1592, sub-§2, as amended by
28 PL 1971, c. 528, §5, is further amended to read:

29 2. Appointees. Appoint, subject to the ~~Persenne~~
30 Civil Service Law, district probation and parole su-
31 pervisors, field probation and parole officers and
32 such other employees as may be required to carry out
33 adequate supervision of all probationers and of all
34 parolees from the penal and correctional institu-
35 tions, and prescribe their powers and duties;

36 Sec. 150. 34-A MRSA §1209, sub-§4, ¶C, as en-
37 acted by PL 1983, c. 581, §§10 and 59, is amended to
38 read:

1 C. The department may employ a full-time juve-
2 nile justice specialist, subject to the approval
3 of the group, and such additional staff as neces-
4 sary.

5 (1) The professional staff shall be unclas-
6 sified.

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

9 Sec. 151. 34-A MRSA §1403, sub-§2, ¶A, as en-
10 acted by PL 1983, c. 459, §6, is amended to read:

11 A. The commissioner may appoint, subject to the
12 ~~Personnel~~ Civil Service Law and except as other-
13 wise provided, any employees who may be neces-
14 sary.

15 Sec. 152. 34-A MRSA §3005, sub-§2, as enacted by
16 PL 1983, c. 459, §6, is amended to read:

17 2. Compensation. Any personnel transferred are
18 entitled to receive compensation as required by the
19 ~~Personnel~~ Civil Service Law, rules and contract
20 terms.

21 Sec. 153. 34-A MRSA §3009, sub-§2, as enacted by
22 PL 1983, c. 459, §6, is amended to read:

23 2. Special police officers. The chief adminis-
24 trative officers of correctional facilities may ap-
25 point and employ, subject to the ~~Personnel~~ Civil
26 Service Law, special police officers for the purpose
27 of enforcing rules promulgated under subsection 1.

28 A. The special police officers shall:

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

31 (2) Enforce rules promulgated under this
32 section; and

33 (3) Arrest and prosecute violators of the
34 rules.

1 B. The State Police, sheriffs, deputy sheriffs,
2 police officers and constables who have jurisdic-
3 tion over the areas in which the correctional fa-
4 cilities are located shall, insofar as possible,
5 cooperate with the special police officers in the
6 enforcement of the rules promulgated under sub-
7 section 1.

8 Sec. 154. 34-A MRSA §3231, sub-§1, ¶A, as en-
9 acted by PL 1983, c. 459, §6, is amended to read:

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

12 Sec. 155. 34-A MRSA §3232, sub-§1, as enacted by
13 PL 1983, c. 459, §6, is amended to read:

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

16 Sec. 156. 34-A MRSA §3402, sub-§3, ¶A, as en-
17 acted by PL 1983, c. 459, §6, is amended to read:

18 A. The superintendent may appoint 2 assistant
19 superintendents, subject to the Personnel Civil
20 Service Law. An assistant superintendent desig-
21 nated by the superintendent has the powers, du-
22 ties, obligations and liabilities of the superin-
23 tendent when the superintendent is absent from
24 the center location or is unable to perform the
25 duties of the office.

26 Sec. 157. 34-A MRSA §3603, sub-§3, as enacted by
27 PL 1983, c. 459, §6, is amended to read:

28 3. Powers. In addition to other powers granted
29 in this Title, the director may appoint one assistant
30 director, subject to the Personnel Civil Service Law,
31 and the assistant director has the powers, duties,
32 obligations and liabilities of the director when the
33 director is absent or unable to perform his duties.

34 Sec. 158. 34-A MRSA §3804-A, first ¶, as enacted
35 by PL 1983, c. 581, §§46 and 59, is amended to read:

36 The superintendent may appoint 2 assistant super-
37 intendents, subject to the Personnel Civil Service
38 Law.

1 Sec. 159. 34-A MRSA §3903, sub-§3, as enacted by
2 PL 1983, c. 861, §1, 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. 160. 34-A MRSA §5402, sub-§1, as enacted by
10 PL 1983, c. 459, §6, is amended to read:

11 1. Appointment. The commissioner shall appoint
12 the Director of Probation and Parole, subject to the
13 Personnel Civil Service Law.

14 Sec. 161. 34-A MRSA §5402, sub-§2, ¶B, as en-
15 acted by PL 1983, c. 459, §6, is amended to read:

16 B. Appoint, subject to the Personnel Civil
17 Service Law, district probation and parole super-
18 visors, field probation and parole officers and
19 such other employees as may be required to carry
20 out adequate supervision of all probationers and
21 of all parolees from the correctional facilities;

22 Sec. 162. 34-B MRSA §1204, sub-§2, ¶A, as en-
23 acted by PL 1983, c. 459, §7, is amended to read:

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

28 Sec. 163. 34-B MRSA §1405, sub-§2, as enacted by
29 PL 1983, c. 459, §7, is amended to read:

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

34 Sec. 164. 34-B MRSA §1411, sub-2, as enacted by
35 PL 1983, c. 459, §7, is amended to read:

1 2. Special police officers. The chief adminis-
2 trative officers of state institutions may appoint
3 and employ, subject to the Personnel Civil Service
4 Law, special police officers for the purpose of en-
5 forcing rules promulgated under subsection 1.

6 A. The special police officers shall:

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

9 (2) Enforce rules promulgated under this
10 section; and

11 (3) Arrest and prosecute violators of the
12 rules.

13 B. The State Police, sheriffs, deputy sheriffs,
14 police officers and constables who have jurisdic-
15 tion over the areas in which the institutions are
16 located shall, insofar as possible, cooperate
17 with the special police officers in the enforce-
18 ment of the rules promulgated under subsection 1.

19 Sec. 165. 35 MRSA §1, as amended by PL 1985, c.
20 481, Pt. A, §65, is further amended to read:

21 §1. Members; terms; vacancies; seal; clerks; office
22 and equipment; salary; expenses

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

1 set by the commission. Each commissioner is entitled
2 to full access to the Public Utilities Commission
3 staff and to any information available at the commis-
4 sion. The chairman shall be the principal executive
5 officer of the commission in carrying out its poli-
6 cies and shall preside at meetings of the commission.
7 The chairman shall be responsible for the expedient
8 organization of the work of the commission. When ab-
9 sent one working day or more, the chairman shall name
10 another commissioner to act as chairman. For any par-
11 ticular hearing or series of hearings before the com-
12 mission, the chairman may assign a commissioner, in-
13 cluding the chairman, to attend. The commission
14 shall adopt and have a seal and be provided with of-
15 fice space. The commission shall appoint an adminis-
16 trative director, a director of finance and a direc-
17 tor of technical analysis. It shall appoint, with
18 the approval of the Attorney General, a general coun-
19 sel. It shall appoint, subject to the Personnel Civil
20 Service Law, an assistant to the administrative di-
21 rector. The administrative director shall keep a full
22 and minute record of the proceedings of the commis-
23 sion which shall be open to public inspection at all
24 times. The assistant director shall assist the direc-
25 tor in the performance of his duties, and in the ab-
26 sence of the director shall have the same powers as
27 the director. The administrative director shall have
28 authority to certify to all official acts of the com-
29 mission, administer oaths, issue subpoenas and issue
30 all processes, notices, orders or other documents
31 necessary to the performance of the duties of the
32 commission. The commission may delegate to its staff
33 such powers and duties as the commission finds prop-
34 er. All delegations existing as of the effective date
35 of this section shall remain valid.

36 The salaries of the other subordinate officials
37 and employees of that commission, other than those of
38 the general counsel, the Administrative Director, the
39 director of finance and the director of technical
40 analysis, staff attorney, financial analyst and chief
41 utility accountant positions, shall be subject to the
42 Personnel Civil Service Law. The general counsel,
43 the Administrative Director, the Director of Finance
44 and the Director of Technical Analysis shall serve at
45 the pleasure of the commission and their salaries
46 shall be set by the commission within the range es-

1 established by Title 2, section 6-A. After successful
2 completion of a probationary period, the employees
3 occupying the staff attorney, financial analyst and
4 chief utility accountant positions may be dismissed,
5 suspended or otherwise disciplined only for cause.
6 The compensation of staff attorney, financial analyst
7 and chief utility accountant positions shall be
8 fixed by the commission with the approval of the Gov-
9 ernor, but the compensations shall not in the aggre-
10 gate exceed the total amount appropriated or allo-
11 cated in the commission's budget. The commissioners
12 and all employees shall receive actual expenses when
13 traveling on official business.

14 Sec. 166. 35 MRSA §1-A, sub-§3, as repealed and
15 replaced by PL 1981, c. 586, is amended to read:

16 3. Service. The professional employees of the
17 Public Advocate shall serve during the pleasure of
18 the Public Advocate; all other employees of the Pub-
19 lic Advocate shall be subject to the ~~Personnel~~ Civil
20 Service Law.

21 Sec. 167. 35 MRSA §302 is amended to read:

22 §302. Record of proceedings

23 A full and complete record shall be kept of all
24 proceedings had before the commission and of any in-
25 vestigation or formal public hearing and all testimo-
26 ny shall be taken by a hearings reporter to be ap-
27 pointed by the commission subject to the ~~Personnel~~
28 Civil Service Law.

29 Sec. 168. 36 MRSA §112, sub-§2, as enacted by PL
30 1981, c. 364, §7, is amended to read:

31 2. Organization. The State Tax Assessor may em-
32 ploy such deputies, assistants and employees, subject
33 to the ~~Personnel~~ Civil Service Law, as are necessary,
34 and distribute the duties given to him or to the Bu-
35 reau of Taxation among such persons or divisions in
36 that bureau as he deems necessary for economy and ef-
37 ficiency in administration. An officer within each
38 division of the bureau shall be designated by the
39 State Tax Assessor as director of that division. The
40 State Tax Assessor, for enforcement and administra-

1 tive purposes, may divide the State into a reasonable
2 number of districts in which branch offices may be
3 maintained.

4 Sec. 169. 36 MRSA §4379 is amended to read:

5 §4379. Administration; rulings and regulations

6 The administration of this chapter is vested in
7 the State Tax Assessor. All forms necessary and prop-
8 er for the enforcement of this chapter shall be pre-
9 scribed and furnished by the State Tax Assessor. The
10 State Tax Assessor shall appoint such agents, clerks,
11 stenographers and other assistants as he may deem
12 necessary for effecting the purpose of this chapter,
13 subject to the ~~Personnel~~ Civil Service Law. The State
14 Tax Assessor may prescribe regulations and rulings,
15 not inconsistent with law, to carry into effect this
16 chapter, which regulations and rulings, when reason-
17 ably designed to carry out the intent and purpose of
18 this chapter, shall be prima facie evidence of its
19 proper interpretation. The State Tax Assessor shall,
20 at least annually, and oftener in his discretion,
21 publish for distribution all regulations prescribed
22 and such rulings as appear to him to be of general
23 interest.

24 Sec. 170. 36 MRSA §4503, last ¶, as enacted by
25 PL 1983, c. 573, §5, is amended to read:

26 The members of the board shall elect a chairman.
27 The commissioner may employ a director and such
28 clerks and assistants as he may deem necessary and
29 may prescribe their duties and fix their compensa-
30 tion, subject to the ~~Personnel~~ Civil Service Law.

31 Sec. 171. 36 MRSA §4523, 4th ¶, as enacted by PL
32 1983, c. 573, §13, is amended to read:

33 The members of the council shall elect a chair-
34 man. The commissioner may employ such personnel for
35 the council as he deems necessary, subject to the
36 ~~Personnel~~ Civil Service Law.

37 Sec. 172. 36 MRSA §4563, sub-§5, as repealed and
38 replaced by PL 1971, c. 428, §1, is amended to read:

1 5. Administration. The commission is authorized
2 to select and employ an executive director to admin-
3 ister the policies established by the commission, and
4 to fix his salary and term of employment. The execu-
5 tive director, with the consent of the commission, is
6 authorized to engage sufficient clerical personnel
7 and other employees for the efficient performance of
8 his duties. Neither the employment of the executive
9 director by the commission nor the employment of oth-
10 er employees by the executive director shall be sub-
11 ject to the Personnel Civil Service Law.

12 Sec. 173. 36 MRSA §4693, 3rd ¶, as amended by PL
13 1983, c. 812, §281, is further amended to read:

14 The members of the council shall be compensated
15 according to the provisions of Title 5, chapter 379.
16 They are authorized to select and employ an executive
17 director-advertising and merchandising manager to ad-
18 minister the advertising, merchandising, research and
19 development program, in concurrence with the Commis-
20 sioner of Marine Resources, and fix his salary. The
21 council is authorized to consult with the Commis-
22 sioner of Agriculture, Food and Rural Resources consist-
23 ent with Title 32, chapter 61. The executive direc-
24 tor, with the consent of the council, is authorized,
25 subject to the Personnel Civil Service Law, to engage
26 sufficient clerical personnel and other employees for
27 the efficient performance of his duties.

28 Sec. 174. 37-B MRSA §503, sub-§1, as enacted by
29 PL 1983, c. 460, §3, is amended to read:

30 1. Employment of personnel. The director may
31 employ, subject to the Personnel Civil Service Law,
32 the personnel necessary to administer this chapter.
33 All full-time permanent employees, except clerical
34 employees, shall be persons who served on active duty
35 in the United States Armed Forces during any federal-
36 ly recognized period of conflict, as defined in sec-
37 tion 504, subsection 4, paragraph A, subparagraph
38 (3).

39 Sec. 175. 37-B MRSA §704, 2nd ¶, as enacted by
40 PL 1983, c. 460, §3, is amended to read:

1 The director may employ technical, clerical,
2 stenographic, administrative and operative assistants
3 and other personnel, subject to the ~~Persenne~~ Civil
4 Service Law, and make expenditures, with approval of
5 the Adjutant General, which are necessary to carry
6 out the purposes of this chapter.

7 Sec. 176. 37-B MRSA §785, as enacted by PL 1983,
8 c. 460, §3, is amended to read:

9 §785. State Civil Service Appeals Board services

10 Local civil emergency preparedness agencies or-
11 ganized pursuant to this subchapter may accept the
12 services of the ~~State Personnel Board Bureau of Human~~
13 Resources and adopt board rules for the purpose of
14 qualifying for federal funds. The ~~State Personnel~~
15 Board Bureau of Human Resources may enter into agree-
16 ments with the civil emergency preparedness agencies
17 for the purpose of furnishing merit system coverage
18 for civil emergency preparedness employees or employ-
19 ees of other agencies and departments assigned full
20 time to civil emergency preparedness duties. The
21 ~~State Personnel Board Bureau of Human Resources~~ may
22 charge for services rendered. The fee shall be con-
23 sistent with the cost of coverage per state employee
24 multiplied by the number of local, interjurisdic-
25 tional, county or regional employees covered. Fees
26 received by the board shall be credited to the Gener-
27 al Fund.

28 Sec. 177. 38 MRSA §342, sub-§2, as enacted by PL
29 1971, c. 618, §8, is amended to read:

30 2. Employment of personnel. He may employ, sub-
31 ject to the ~~Persenne~~ Civil Service Law, such person-
32 nel and prescribe the duties of such employees, in-
33 cluding bureau directors, as he deems necessary, to
34 fulfill the duties of the department and of the Board
35 of Environmental Protection.

36 Sec. 178. 38 MRSA §549, as amended by PL 1985,
37 c. 496, Pt. A, §12, is further amended to read:

38 §549. Personnel and equipment

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

20 Sec. 179. 38 MRSA §570-B, as enacted by PL 1985,
21 c. 496, Pt. A, §14, is amended to read:

22 §570-B. Personnel and equipment

23 The department shall establish and maintain at
24 such locations as it shall determine to be appropri-
25 ate, such employees and equipment as in its judgment
26 may be necessary to carry out this subchapter. The
27 commissioner, subject to the ~~Personnel~~ Civil Service
28 Law, may employ such personnel as may be necessary to
29 carry out the purposes of this subchapter and shall
30 prescribe the duties of those employees. The salaries
31 of those employees and the cost of that equipment
32 shall be paid from the Ground Water Oil Clean-up Fund
33 established by this subchapter.

34 Sec. 180. 39 MRSA §92, sub-§8, as enacted by PL
35 1985, c. 372, Pt. A, §31, is amended to read:

36 8. Office of Employment Rehabilitation. The
37 chairman shall provide adequate funding for an Office
38 of Employment Rehabilitation and shall appoint a Re-
39 habilitation Administrator under section 82. The
40 chairman shall, subject to the ~~Personnel~~ Civil
41 Service Law, appoint such personnel as are necessary
42 to carry out the functions of the office.

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

3 A. He shall, subject to the Personnel Civil
4 Service Law, appoint at least 2 abuse investiga-
5 tors for this unit. Investigators must be quali-
6 fied by experience and training to perform their
7 duties.

8 Sec. 182. Savings clause. Nothing in Part B is
9 intended to conflict or be inconsistent with current
10 retirement law which shall prevail.

11 Sec. 183. Transition provision. The Governor
12 shall appoint the Policy Review Board prior to June
13 16, 1986. The Policy Review Board shall begin to un-
14 dertake the studies and analyses as defined in Part B
15 of this Act no later than July 17, 1986. During this
16 transition period, the Policy Review Board shall re-
17 ceive staff assistance from the Department of Person-
18 nel. Any expenses of the Policy Review Board shall
19 be paid from the Department of Personnel and the de-
20 partments represented on the board.

21 1. Funds transferred. Notwithstanding the Maine
22 Revised Statutes, Title 5, sections 1585 and 1586,
23 all accrued expenditures, assets, liabilities, bal-
24 ances, appropriations or allocations, transfers, rev-
25 enues or other available funds in any account or sub-
26 division of an account of the Department of Personnel
27 shall be reallocated to the Bureau of Human Resources
28 upon the effective date of Part B of this Act.

29 2. Personnel transferred. All classified em-
30 ployees of the Department of Personnel shall be
31 transferred to the Bureau of Human Resources. The
32 accrued fringe benefits, including vacation and sick
33 leave, health and life insurance and retirement of
34 these personnel shall remain with these personnel.
35 To comply with this Act, positions and incumbent em-
36 ployees of the Training Division of the Governor's
37 Office of Employee Relations shall be transferred to
38 the Bureau of Human Resources together with such Per-
39 sonal Services funding and supporting funds and
40 equipment as necessary.

1 3. Provisions of law, rules, agreements contrary
2 to provisions of this Act. Any provisions of law,
3 rules, agreements, contracts that are in violation of
4 the provisions of this Act shall be deemed null and
5 void on the effective dates of this Act.

6 4. Rules and procedures. All rules and proce-
7 dures currently in effect and operation pertaining to
8 the Department of Personnel and to the State Person-
9 nel Board and which are in compliance with the revi-
10 sions of this Act shall be transferred to the Bureau
11 of Human Resources and the State Personnel Board, re-
12 spectively, and shall remain in effect until rescin-
13 ded or amended by the Bureau of Human Resources
14 or the State Civil Service Appeals Board.

15 5. Equipment and property transferred. All
16 equipment and property of the State used by employees
17 and officials of the Department of Personnel shall be
18 transferred to the Bureau of Human Resources.

19 6. Contracts and agreements. All contracts and
20 agreements currently in effect with the Department of
21 Personnel shall remain in effect following the effec-
22 tive date of this Act until rescinded, terminated or
23 modified by the Bureau of Human Resources.

24 7. Organization and operation of department.
25 Notwithstanding any other provision of law, any ap-
26 pointment required by this Act and preparation work
27 may be made or occur prior to the effective date of
28 this Act, but shall not become binding until the ef-
29 fective date of this Act.

30 8. Members of State Personnel Board. Members of
31 the State Personnel Board who have been appointed to
32 terms extending beyond the effective date of this Act
33 shall continue to serve in their appointed terms of
34 office under the State Civil Service Appeals Board
35 and shall serve until their successors are appointed
36 and qualified.

37 9. Policy Review Board review. The Policy Re-
38 view Board shall review the provisions of this Act
39 during the transition period for the purpose of pro-
40 posing recommendations relating to the structure and
41 operation of the number of personnel in, and the nec-

1 The director shall provide the commissioner with
2 an annual report detailing the objectives, program-
3 ming and performance of the bureau.

4 The director shall work with the Bureau of Em-
5 ployee Relations and with labor-management groups
6 created through the bargaining process to maximize
7 the involvement of state employees and their repre-
8 sentatives in the planning and execution of all pro-
9 grams under the charge of the bureau, including, but
10 not limited to, the health insurance issues, the em-
11 ployee assistance program and the planning and use of
12 the State Employee Health Internal Service Fund Ac-
13 count.

14 \$956. Bureau of State Employee Health Internal Ser-
15 vice Fund Account

16 The Bureau of State Employee Health Internal Ser-
17 vice Fund Account is established to include appropri-
18 ations made to the bureau, funds transferred to the
19 bureau from within the department, funds from the ad-
20 ministrative allowance provided in section 286, funds
21 from the reserve fund provided in section 1731, funds
22 received for special services provided to state agen-
23 cies and employees and funds from operational charges
24 levied upon state agencies.

25 State agency operational charges shall be a per
26 employee fee paid by each agency in the same manner
27 as premiums for state employee health insurance. The
28 Director of State Employee Health shall recommend a
29 fee to the commissioner. The rationale for the rec-
30 ommended fee shall be well documented and shall in-
31 clude the program costs to be met by the fee. The
32 Commissioner of Administration shall provide his fi-
33 nal recommended fee to the Governor. The Governor
34 shall determine the per employee fee to be included
35 in the normal budget process.

36 Sec. 2. 5 MRSA §1731, as amended by PL 1983, c.
37 349, §12, is repealed and the following enacted in
38 its place:

39 §1731. Reserve fund for self-insured retention
40 losses

1 A reserve fund, in this chapter called the
2 "fund," is created to indemnify the State for
3 self-insured retention losses and related loss ad-
4 justment expenses from those perils insured against
5 under a deductible or self-insured retention program,
6 as recommended by the director and approved by the
7 commissioner. With the approval of the commissioner,
8 the fund may be used for loss prevention programs ad-
9 ministered by either the Risk Management Division or
10 the Bureau of State Employee Health. The total
11 amount of the fund provided for loss prevention pro-
12 grams in any given year may not exceed 5% of the fund
13 as of July 1st of that fiscal year. The fund shall
14 be a continuing fund and shall not lapse. Funds pro-
15 vided from the reserve fund to the Bureau of State
16 Employee Health shall be similarly nonlapsing and
17 shall be carried forward through the Bureau of State
18 Employee Health Internal Service Fund Account.

19 Sec. 3. 22 MRSA §7, 2nd ¶, as enacted by PL
20 1965, c. 425, §14-A, is repealed.

21 Sec. 4. Transitional provisions.

22 1. Rules and procedures. All existing rules
23 currently in effect and operation in agencies and
24 programs affected by this reorganization shall con-
25 tinue in effect, unless in conflict with this Act,
26 until rescinded, amended or changed.

27 "Rules" shall included, but are not limited to,
28 any rule, order, administrative procedure, policy,
29 determination, directive, authorization, permit, li-
30 cense, privilege, requirement, designation or agree-
31 ment.

32 2. Funds, positions and equipment transferred.
33 The funds, positions and equipment of the State Em-
34 ployee Assistance Program and the first aid and
35 health service in the State House complex are trans-
36 ferred to the Bureau of State Employee Health.

37 Notwithstanding the Maine Revised Statutes, Title
38 5, section 1585, and related appropriation and allo-
39 cation Acts, appropriate positions, property, equip-
40 ment and all accrued expenditures, assets, liabili-
41 ties, balances of appropriations, transfers, revenues

1 or other available funds in any account, of subdivi-
2 sion of an account, of agencies reallocated to another
3 department or bureau as a result of this reorganiz-
4 ation, shall be transferred to the appropriate place
5 in the new structure by the State Controller upon
6 recommendation of the department head and the State
7 Budget Officer and upon approval by the Governor.

8 3. Allocation; loss prevention programs. The
9 provisions for use of a portion of the reserve fund
10 for self-insured retention losses provided in this
11 Act shall include an allocation from the fund to the
12 Bureau of State Employee Health for fiscal years 1986
13 and 1987 to be used for loss prevention programs and
14 any initial personnel, operating and equipment costs
15 of the bureau.

16 4. Director; initial duties. The Director of
17 State Employee Health shall develop a plan for the
18 most effective continuing operation, operation pro-
19 gramming and staffing of the bureau, subject to the
20 approval of the commissioner. The plan, together
21 with any further implementing legislation which may
22 be needed, shall be submitted to the joint standing
23 committee of the Legislature having jurisdiction over
24 State Government by February 20, 1987.

25 PART D

26 Sec. 1. Study Commission on Emotionally
27 Stressful Job Classifications in State Government;
28 established. The Study Commission on Emotionally
29 Stressful Job Classifications in State Government,
30 referred to as the "commission," is established to
31 consist of the following 12 members: Six members ap-
32 pointed by the Governor representing management in
33 State Government to include the Department of Correc-
34 tions, the Department of Human Services and the De-
35 partment of Mental Health and Mental Retardation; and
36 6 members appointed from the Institutional Services,
37 Professional-technical and Supervisory Bargaining
38 Units. Two members from each bargaining unit shall
39 be appointed by the bargaining agent for each unit.

40 Sec. 2. Duties of commission. The commission
41 shall conduct a study, including, but not limited to,
42 the following:

1 1. The job classifications within the Department
2 of Corrections, the Department of Human Services and
3 the Department of Mental Health and Mental Retarda-
4 tion that have significant emotional or mental
5 stress associated with these classifications;

6 2. The causes for the emotional stress in these
7 various classifications; and

8 3. Solutions to the problems and remedial mea-
9 sures to reduce emotional stress in these job classi-
10 fications, including:

11 A. An evaluation of diversifying job responsi-
12 bilities to reduce emotional stress;

13 B. An evaluation of providing respite time to
14 reduce "burnout;"

15 C. An evaluation of job sharing or job switching
16 among different job classifications to reduce
17 "burnout;" and

18 D. Any other alternative deemed feasible by the
19 study commission.

20 **Sec. 3. Organizational meeting.** The commission
21 shall hold an organizational meeting called by the
22 Chairman of the Legislative Council within 15 days
23 following the effective date of this Act and shall
24 elect a chairman and vice-chairman from any of the
25 members at that meeting.

26 **Sec. 4. Interagency cooperation.** All agencies
27 and departments of State Government shall cooperate
28 with the commission and shall expeditiously provide
29 the commission with the information and materials
30 that it needs.

31 **Sec. 5. Report.** The commission shall report its
32 findings, together with implementing legislation, to
33 the joint standing committee of the Legislature hav-
34 ing jurisdiction over State Government for considera-
35 tion at the First Regular Session of the 113th Legis-
36 lature.

1 **Sec. 6. Compensation.** The members of the com-
2 mission shall receive no compensation. Members of
3 the commission representing agencies of State Govern-
4 ment shall be reimbursed for all necessary expenses
5 from the budgets of the respective agencies. The em-
6 ployee members representing employee unions or asso-
7 ciations shall be reimbursed for expenses from the
8 budgets of the departments in which they are em-
9 ployed.

10 **Sec. 7. Employee members' compensation and bene-**
11 **fits.** For the purpose of Part D, the employee mem-
12 bers of the commission representing state employee
13 unions or associations shall continue to receive
14 their regular wages or salaries for time spent in the
15 work of the commission. The time that the employee
16 representatives spend in the work of the commission
17 shall be deemed part of the regular duties of these
18 employee members and shall accrue for the purposes of
19 fringe benefits, including vacation and sick leave,
20 health and life insurance and retirement.

21 **Sec. 8. Staff.** The Department of Personnel
22 shall provide staff to the commission to assist the
23 commission in all its work.

24 **Emergency clause.** In view of the emergency cited
25 in the preamble, this Act shall take effect on July
26 1, 1986, except: Part A, section 2 shall take effect
27 on July 1, 1987; Part A, only that portion of section
28 47 enacting the Maine Revised Statutes, Title 5, sec-
29 tion 947-A, subsection 1, paragraph D, shall take ef-
30 fect on July 1, 1987; Part A, only that portion of
31 section 78 enacting the Maine Revised Statutes, Title
32 5, section 1875, subsection 1, paragraph C, shall
33 take effect on July 1, 1987; Part B, only that por-
34 tion of section 38 enacting the Maine Revised Stat-
35 utes, Title 5, chapter 372, subchapter I, Article II
36 and subchapter III, shall take effect 90 days after
37 adjournment of the Legislature; and the remaining
38 sections of Part B shall take effect on July 1, 1987.

1 STATEMENT OF FACT

2 This new draft incorporates the provisions of 3
3 other bills in order to assure consistency throughout
4 many Titles of the Maine Revised Statutes. The spe-
5 cific details of the bill propose:

6 1. The creation of the Department of Finance to
7 consist of the following:

- 8 A. Bureau of the Budget;
9 B. Bureau of Accounts and Control;
10 C. Bureau of Taxation;
11 D. Bureau of the Lottery; and
12 E. Bureau of Alcoholic Beverages;

13 2. The creation of the Department of Administra-
14 tion to consist of the following:

- 15 A. Office of Information Services;
16 B. Bureau of Data Processing;
17 C. Bureau of Human Resources, effective July 1,
18 1987;
19 D. Bureau of Employee Relations;
20 E. Bureau of State Employee Health;
21 F. Bureau of Public Improvements;
22 G. Bureau of Purchases;
23 H. Division of Risk Management; and
24 I. Board of Trustees - Group Accident and Sick-
25 ness or Health Insurance;

26 3. The coordination of Data Processing activi-
27 ties throughout State Government under the direction
28 of the Deputy Commissioner of Administration and the
29 Information Services Policy Board to include:

- 1 A. Centralization of purchase or acquisition of
2 data processing equipment, services and software;
- 3 B. Supervision of data processing activities;
- 4 C. Implementation of training programs for data
5 processing personnel, computer program personnel
6 and systems analysts;
- 7 D. Creation of a comprehensive master plan for
8 data processing to include plans developed by
9 each department and agency of State Government;
10 and
- 11 E. Creation of standards of data processing;
- 12 4. The creation of the Information Services Pol-
13 icy Board to serve as a policy-making body with re-
14 spect to data processing and to consist of the fol-
15 lowing:
 - 16 A. The Commissioner of Administration;
 - 17 B. The Commissioner of Finance;
 - 18 C. The Commissioner of Human Services;
 - 19 D. The Commissioner of Labor;
 - 20 E. The Commissioner of Transportation;
 - 21 F. The Deputy Secretary of State, Division of
22 Motor Vehicles;
 - 23 G. A representative from the Governor's office;
 - 24 H. Two members representing other state agen-
25 cies; and
 - 26 I. Two members representing the private sector
27 with experience, knowledge and training in the
28 administration of data processing systems.

29 This board will work with the Deputy Commissioner
30 of Administration, for information services, to es-
31 tablish data processing policies and to monitor data
32 processing activities in State Government. In addi-

1 tion, this board will study the proposition to cen-
2 tralize data processing personnel, professional and
3 support staff and data processing equipment. The
4 board may study alternative proposals to centraliza-
5 tion.

6 The board will present the findings and recommen-
7 dations as well as implementing legislation to the
8 113th Legislature by March 30, 1987, as an interim or
9 final report. The board may continue its analyses
10 and produce a final report to be presented to the
11 Second Regular Session of the 113th Legislature;

12 5. The creation of the Deputy Commissioner for
13 Information Services within the Department of Admin-
14 istration to assist in the development of data pro-
15 cessing policies and to implement these policies.
16 The deputy commissioner is required to be an
17 exceptionally well-qualified professional with expe-
18 rience, knowledge and training in the administration
19 and operation of data processing systems.

20 In order to attract a person of outstanding abil-
21 ities to this position, the new draft provides that
22 severance pay equal to 1/2 of his salary will be pro-
23 vided to a former deputy commissioner who has been
24 removed for reasons other than just cause;

25 6. The creation of the Bureau of Human Re-
26 sources, in Part B of the new draft, to be incorpo-
27 rated on July 1, 1987, within the Department of Ad-
28 ministration. The Bureau of Human Resources will act
29 as a service agency to other state agencies with an
30 emphasis on serving the needs of state agencies and
31 state employees. In addition, the new draft provides
32 that:

33 A. The Bureau of Human Resources will be di-
34 rected and staffed by persons well qualified by
35 education, training and experience in the manage-
36 ment of personnel systems. In addition, the di-
37 rector and staff of the office will be subject to
38 the political restrictions that currently apply
39 to classified state employees. The bureau will
40 be prohibited from engaging in collective bar-
41 gaining, and no person employed in the Governor's
42 Office of Employee Relations or similar organiza-

1 tion may be employed or serve in the Bureau of
2 Human Resources;

3 B. The Director of Human Resources will be as-
4 sisted by a Policy Review Board which will act in
5 an advisory capacity in some matters and serve in
6 a policy-making function in other areas. The
7 Policy Review Board specifically will:

8 (1) Address longevity incentives to encour-
9 age state employees to be conscientious and
10 remain in State Government;

11 (2) Review job classifications with employ-
12 ee recruitment and retention problems on an
13 annual basis and develop policies and proce-
14 dures to recognize and resolve this problem;

15 (3) Examine training and educational poli-
16 cies of agencies and evaluate the adoption
17 of a policy requiring each department to
18 budget adequate funds for the training and
19 education of state employees;

20 (4) Examine the job reclassification and
21 reallocation process and develop procedures
22 and policies with the purpose of proposing
23 recommendations to motivate state employees
24 to be conscientious and enterprising. In-
25 cluded in this task is an evaluation of the
26 adoption of a policy to require departments
27 to budget funds for job reclassifications
28 and reallocations that may be funded immedi-
29 ately following a decision authorizing the
30 reclassification;

31 (5) Examine the job performance evaluation
32 process and develop policies and procedures
33 to implement an effective process. This
34 will include an objective performance rat-
35 ing, the use of a simple and uncomplicated
36 evaluation form and a requirement of mutual
37 discussion between managers and subordinates
38 concerning job performance and the evalua-
39 tion; and

1 (6) Examine pay ranges, particularly confi-
2 dential and supervisory pay ranges, with re-
3 spect to the degree of appropriateness of
4 the various pay ranges compared to other pay
5 ranges, especially those for nonsupervisory
6 employees;

7 C. In addition to managing the civil service
8 system, the Director of Human Resources will:

9 (1) Meet, at least once a year, with the
10 commissioners and directors of each state
11 agency to discuss individually, with each
12 agency manager, the personnel needs and
13 problems of each agency;

14 (2) Develop training programs;

15 (3) Develop career information and an ex-
16 planation of the civil service system for
17 state employees;

18 (4) Undertake short-term and long-term
19 planning with respect to the positions,
20 qualifications and technologies required in
21 the civil service system in the short terms
22 and long terms; and

23 (5) Be responsible for overseeing the de-
24 velopment and implementation of communica-
25 tions between management and agency employ-
26 ees which will take into account the
27 uniqueness of each agency;

28 7. To transform the State Personnel Board into
29 the State Civil Service Appeals Board which will
30 serve only in an adjudicatory capacity to hear ap-
31 peals with respect to job classifications and
32 reclassifications, disciplinary action and other ap-
33 pealable issues;

34 8. The creation of a labor-management team to
35 study job classifications currently in or near a cri-
36 sis situation as a result of profound stress charac-
37 teristics associated with these job classifications.

1 The job classifications and members of the study
2 team will represent the Department of Corrections,
3 the Department of Human Services and the Department
4 of Mental Health and Mental Retardation which cur-
5 rently experience the most serious problems with
6 stressful jobs; and

7 9. The creation of the Bureau of State Employee
8 Health within the Department of Administration. The
9 Bureau of State Employee Health will administer the
10 Employee Assistance Program and a health program for
11 state employees. The purpose of the change is to
12 demonstrate the State's commitment to reduce the di-
13 rect costs of health insurance, disability retirement
14 and workers' compensation, as well as the indirect
15 costs associated with poor health of employees and
16 inadequate work place safety.

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