

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 219

H.P. 175 House of Representatives, February 4, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative GWADOSKY of Fairfield.
Cosponsored by Representative VOSE of Eastport, Speaker
MARTIN of Eagle Lake and Senator USHER of Cumberland.

STATE OF MAINE

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

1 AN ACT Relating to Major Policy-influencing
2 Positions in State Government.
3

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

6 Sec. 1. 5 MRSA §931, sub-§2, ¶¶A and B, as en-
7 acted by PL 1985, c. 785, Pt. A, §45, are repealed.

8 Sec. 2. Application. The protection provided to
9 applicable state employees under the Maine Revised
10 Statutes, Title 5, section 931, subsection 2, para-
11 graphs A and B, shall remain with only those employ-
12 ees whose positions become major policy-influencing
13 positions between July 1, 1986, and the effective
14 date of this Act. For those state employees in the
15 Department of Environmental Protection whose posi-
16 tions became major policy-influencing positions pur-

1 suant to Public Law 1985, chapter 746, the provisions
2 of Public Law 1985, chapter 746, section 36 apply.

3 STATEMENT OF FACT

4 This bill removes the provisions that provide
5 lifetime protection to state employees occupying ma-
6 jor policy-influencing positions who previously held
7 these same positions as classified or unclassified
8 employees. The "permanent grandfather" protection
9 provision defeats the purpose for creating major
10 policy-influencing positions. Major
11 policy-influencing positions are intended to be occu-
12 pied by persons who are willing to cooperate with the
13 commissioner and the Governor to help formulate and
14 implement a gubernatorial policy and program. When-
15 ever an occupant of a major policy-influencing posi-
16 tion fails to assist in this process, the employee is
17 replaced. As a result, the Governor and commission-
18 ers are assured that gubernatorial and department po-
19 licies and programs are not sabotaged from within.

20 Any person who occupies a classified or unclassi-
21 fied position which is made a major
22 policy-influencing position is allowed to remain in
23 the major policy-influencing position for one year.
24 At the end of the year, the employee is required to
25 make a decision to either remain in the major
26 policy-influencing position or to return to a classi-
27 fied or unclassified position with a pay range simi-
28 lar to that of the position prior to its transforma-
29 tion to a major policy-influencing position.

30 This bill also clarifies the provisions of law
31 that apply to the positions in the Department of En-
32 vironmental Protection which were made major
33 policy-influencing positions by Public Law 1985,
34 chapter 746. The transition provision, section 36,
35 of this law applies to those positions.

1 There is sufficient protection for state employ-
2 ees whose positions could become major policy influ-
3 encing positions. The disadvantages associated with
4 lifetime tenure for occupants in major
5 policy-influencing positions greatly outweigh any
6 benefits attributed to this policy. Lifetime tenure
7 is unfair to future governors and executive branch
8 agencies.

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