

MAINE STATE LEGISLATURE

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(Governor's Bill)
(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 393

H.P. 307 House of Representatives, February 18, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by President PRAY of Penobscot,
Representative GWADOSKY of Fairfield and Senator TUTTLE of
York.

STATE OF MAINE

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

1 AN ACT to Clarify the Authority of the
2 Executive Department with Respect to
3 Unclassified Employees.
4

5 Emergency preamble. Whereas, Acts of the Legis-
6 lature do not become effective until 90 days after
7 adjournment unless enacted as emergencies; and

8 Whereas, Acts of the previous Legislature have
9 resulted in uncertainties and confusion regarding
10 legislative intent; and

11 Whereas, certain provisions of Public Law 1985,
12 c. 785, "AN ACT to Reorganize the Department of Fi-
13 nance and Administration and the Department of Per-

1 sonnel," create an uncertainty regarding the job sta-
2 tus of certain unclassified employees; and

3 Whereas, it is vitally necessary that these un-
4 certainties and this confusion be resolved in order
5 to prevent any injustice or hardship to the citizens
6 of the State; and

7 Whereas, in the judgment of the Legislature,
8 these facts create an emergency within the meaning of
9 the Constitution of Maine and require the following
10 legislation as immediately necessary for the preser-
11 vation of the public peace, health and safety; now,
12 therefore,

13 Be it enacted by the People of the State of Maine as
14 follows:

15 5 MRSAs §7051, sub-§7, as enacted by PL 1985, c.
16 785, Pt. B, §38, is amended to read:

17 7. Dismissal and disciplinary action. An ap-
18 pointing authority may dismiss, suspend or otherwise
19 discipline an employee in the classified service for
20 cause. This right is subject to the right of appeal
21 and arbitration of grievances set forth in the appli-
22 cable labor contract, in sections 7081 to 7084 or by
23 civil service rule; and sections 7081 to 7084 shall
24 apply to any employee who has satisfactorily com-
25 pleted an initial probationary period. This subsec-
26 tion does not apply to an employee appointed to a ma-
27 jor policy-influencing position listed in sections
28 932 to 953, or to the unclassified service.

29 Notwithstanding any other provision of law, the head
30 of any institution under the control of the Depart-
31 ment of Mental Health and Mental Retardation as the
32 appointing authority may suspend with pay any employ-
33 ee who is charged by indictment with the commission
34 of a criminal offense involving acts alleged to have
35 been perpetrated upon any resident or residents of
36 any such institution. Any suspension with pay may
37 be authorized by the appointing authority only when
38 to permit the employee to remain on duty at the in-
39 stitution would be against the best interest of any
40 one or more of the residents of the institution, and

1 authorization for suspension with pay shall apply on-
2 ly during the pendency of the criminal proceedings in
3 the trial court, but not longer than 30 working days.
4 Sections 7081 to 7084 shall not apply to suspension
5 with pay ordered by the appointing authority under
6 this paragraph.

7 Emergency clause. In view of the emergency cited
8 in the preamble, this Act shall take effect when ap-
9 proved.

10

STATEMENT OF FACT

11 In attempting to recodify the State's Civil Ser-
12 vice System, a portion of the Act reorganizing the
13 Department of Finance and Administration provides
14 that classified and unclassified employees are to be
15 treated virtually the same with respect to job sta-
16 tus. It was not the intent of the reorganization Act
17 to alter broadly the job status of unclassified em-
18 ployees. This bill clarifies the status of the un-
19 classified employees.

20

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