

# MAINE STATE LEGISLATURE

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(Governor's)  
(EMERGENCY)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1624

H.P. 1192 House of Representatives, May 19, 1987  
Reference to the Committee on State and Local Government  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative STROUT of Windham.

Cosponsored by Representatives LACROIX of Oakland, HUSSEY  
of Milo, and Senator GOULD of Waldo.

STATE OF MAINE

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

1 AN ACT to Clarify the Authority for  
2 Recruitment and Retention Stipends.  
3

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

7 Whereas, the Maine Revised Statutes, Title 5,  
8 section 634, which included an authority for the De-  
9 partment of Personnel to identify the need for re-  
10 cruitment and retention stipends in addition to regu-  
11 lar salary until June 30, 1987, has been deleted from  
12 the Civil Service Law now in effect; and

13 Whereas, Title 5, section 7065, which is the re-  
14 placement legislation for Title 5, section 634, omits

1 the authority for recruitment and retention stipends;  
2 and

3 Whereas, many departments have shown a critical  
4 need for stipends and progress has already been made  
5 in this respect; and

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

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

14 Sec. 1. 5 MRSA §7065, sub-§2, as enacted by PL  
15 1985, c. 785, Pt. B, §38, is amended to read:

16 2. Salary limits. No position may be assigned a  
17 salary greater than the maximum or less than the min-  
18 imum rates fixed in the compensation plan except as  
19 provided by subsections 2-A, 2-B and 2-C.

20 Sec. 2. 5 MRSA §7065, sub-§§2-A to 2-C are en-  
21 acted to read:

22 2-A. Recruitment and retention adjustments.  
23 Subject to Title 26, section 979-D, subsection 1,  
24 paragraph E, the director may approve payment of re-  
25 ruitment and retention adjustments for occupations  
26 in State Government when the payment of a labor mar-  
27 ket adjustment is required to recruit and retain an  
28 adequate work force. Payment of a recruitment and  
29 retention adjustment may be authorized only when jus-  
30 tified by the following conditions:

31 A. High turnover exists or long-term vacancies  
32 exist within State Government in the relevant oc-  
33 cupational classifications or job series;

34 B. The relevant occupational classification or  
35 job series has a clear, geographically definable  
36 labor market within which the State must compete;

1 C. All appropriate recruitment and retention ef-  
2 forts have been attempted and have proven inef-  
3 fective at the current levels of compensation;  
4 and

5 D. Comprehensive, verifiable documentation of  
6 labor market compensation levels for the relevant  
7 occupation has been compiled to determine compet-  
8 itive pay levels within the defined labor market.  
9 This documentation must demonstrate that a labor  
10 market disparity exists and that the disparity  
11 represents a long-term, not transitory or season-  
12 al, problem.

13 2-B. Limitations on recruitment and retention  
14 adjustments. The payment of recruitment and reten-  
15 tion adjustments authorized under this subsection  
16 shall be subject to the following provisions.

17 A. The labor market adjustment shall be reviewed  
18 no less frequently than once every 2 years and  
19 shall be adjusted to changes in the labor market  
20 or the overall relation of the standard pay poli-  
21 cy to the specialized labor market.

22 B. If the subsequent review provided in para-  
23 graph A results in the adjustment being decreased  
24 or discontinued, no employee receiving the re-  
25 cruitment and retention adjustment may be subject  
26 to a reduction in pay.

27 Emergency clause. In view of the emergency cited  
28 in the preamble, this Act shall take effect when ap-  
29 proved.

1 STATEMENT OF FACT

2 On April 17, 1986, emergency legislation was en-  
3 acted to provide an authority to provide recruitment  
4 and retention stipends to address situations where  
5 labor market conditions have established higher wages  
6 and salaries in the private sector than for the same  
7 job classification in State Government. This author-  
8 ity was provided until June 30, 1987, by amendment of  
9 the Maine Revised Statutes, Title 5, section 634. As  
10 explained in the emergency preamble, this authority  
11 was omitted from the recent recodification of the  
12 Civil Service Law. This bill restores the authority  
13 for stipends as originally provided.

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