

# MAINE STATE LEGISLATURE

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(Emergency)  
(New Draft of S.P. 310, L.D. 889)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1652

S.P. 547

In Senate, May 21, 1987

Reported by Senator Tuttle of York for the Committee on State and Local Government and printed under Joint Rule 2. Original Bill sponsored by Senator Bustin of Kennebec. Cosponsored by: Representative Lacroix of Oakland.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

1 AN ACT to Amend the Civil Service Law.  
2

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

6 Whereas, it is essential for departments to be  
7 able to hire persons for intermittent positions, par-  
8 ticularly before the summer season begins; and

9 Whereas, the definition of intermittent employee  
10 needs to be changed with respect to the limitation on  
11 the hours for intermittent position from a weekly ba-  
12 sis to an annual basis; and

1       Whereas, the use of recruitment and retention  
2 stipends are necessary to attract and retain employ-  
3 ees in certain positions; and

4       Whereas, the law authorizing these stipends  
5 statutorily "sunsets" on July 1, 1987; 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 §634, sub-§3, as enacted by PL  
15 1985, c. 720, is repealed.

16       Sec. 2. 5 MRSA §7042, sub-§7, as enacted by PL  
17 1985, c. 785, Pt. B, §38, is amended to read:

18       7. Study acting capacity positions. Study act-  
19 ing capacity positions with the purpose of proposing  
20 recommendations that provide status, including, but  
21 not limited to, experience, pay step increases, ap-  
22 plication for the position upon the termination of  
23 the acting capacity status of the position, fringe  
24 benefits and any other factors deemed relevant by the  
25 Policy Review Board; study the feasibility of appro-  
26 priate alternatives to temporary service contract em-  
27 ployment, including the establishment of an adminis-  
28 trative support services pool, made up of classified  
29 employees, to be utilized to assist agencies and de-  
30 partments with temporary absences or excessive sea-  
31 sonal workloads and to abolish the use of temporary  
32 service contracts;

33       Sec. 3. 5 MRSA §7051, sub-§5, ¶¶A and B are en-  
34 acted to read:

35       A. Probationary employees shall be reviewed at  
36 the end of their 3rd month of employment by their  
37 supervisors. The supervisor and the employee  
38 shall mutually discuss the job tasks and the per-

1. formance of the employee, including any necessary  
2. improvements.

3. B. Probationary employees shall be included in  
4. the payroll of the department in which they have  
5. been hired at the time of the commencement of  
6. their duties. Probationary employees shall be  
7. compensated in the same manner as permanent full-  
8. time employees, provided they have been hired in  
9. accordance with all applicable laws and proce-  
10. dures.

11. Emergency clause. In view of the emergency cited  
12. in the preamble, this Act shall take effect when ap-  
13. proved.

14. STATEMENT OF FACT

15. This new draft requires the Policy Review Board  
16. to study the feasibility of appropriate alternatives,  
17. including the use of an administrative support ser-  
18. vices pool to the use of temporary service contracts  
19. for employment with state agencies. In addition,  
20. this new draft requires probationary employees to be  
21. reviewed, at least once, at the end of their 3rd  
22. month of employment with the State. The new draft  
23. also removes the sunset provision on recruitment and  
24. retention stipends which are necessary to attract and  
25. retain employees in certain positions.

26.

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