

# MAINE STATE LEGISLATURE

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L.D. 119  
(Filing No. S- 104)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 100, L.D. 119, Bill, "An Act Relating to State Personnel Administration"

Amend the bill by striking out all of sections 2, 3 and 4 and inserting in their place the following:

Sec. 2. 5 MRSA §7062, sub-§3, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed and the following enacted in its place:

3. Removal from list prohibited under certain circumstances. No person may be removed from a register of eligibles for specifying:

A. The conditions under which the applicant will accept employment in a classification;

B. A department, bureau or division in which the applicant will accept employment in a classification; or

C. A department, bureau or division in which the applicant will not accept employment in a classification.

Sec. 3. 5 MRSA §7062, sub-§4 is enacted to read:

4. Updating of registers of eligibility. In the process of updating a register of eligibility, no applicant may be removed from an employment register without notice. Removal notices shall provide the applicant with an opportunity to respond. Rules adopted under this chapter shall provide a mechanism for requesting the expeditious reinstatement of an applicant to an employment register when the applicant can demonstrate reasonable grounds, including, but not limited to, an inability to respond to an inquiry of interest or availability within the prescribed time period.

Sec. 4. 5 MRSA §7065, sub-§5 is enacted to read:

5. Compensation of confidential employees. For the purpose of this subsection, "confidential employees" are employees within

1 the Executive Branch who are excluded from bargaining units under  
2 Title 26, section 979-A, subsection 6, paragraphs B, C, D, H, I,  
3 and J.

5 A. Supervisory differentials may be paid in accordance with  
6 this paragraph. An appointing authority may recommend and  
7 the Governor may approve the payment of a salary  
8 differential to a confidential employee who is at the  
9 maximum of the employee's salary grade and who is earning  
10 less than a subordinate who is at the maximum of the  
11 subordinate's grade and who is receiving nonstandard premium  
12 pay pursuant to a labor agreement or a salary differential  
13 pursuant to this paragraph. The total salary paid to any  
14 such confidential employee shall equal 103% of the total  
15 salary of the subordinate.

17 B. The appointing authority shall provide continued salary  
18 benefits to a confidential employee in the event of that  
19 employee's temporary disability, in accordance with this  
20 paragraph.

21 (1) Any confidential employee employed by the State in  
22 that position for more than 6 months who becomes  
23 totally disabled shall receive a benefit payment while  
24 the employee remains totally disabled and under the  
25 care of a licensed physician if:

27 (a) The employee incurs a loss of time from work  
28 as a result of the disability including sickness  
29 or accidental bodily injury; and

31 (b) The disability prevents the employee from  
32 performing the duties of that employee's  
33 occupation.

35 (2) The benefit payment shall commence on the day  
36 immediately following exhaustion of the employee's  
37 accumulated sick leave or 30 days of continuous total  
38 disability, whichever occurs last. It shall continue  
39 until whichever occurs first:

41 (a) The day before the day the employee returns  
42 to any gainful occupation;

44 (b) The balance of a 180-day period of continuous  
45 disability; or

47 (c) The first day the employee is eligible for a  
48 disability retirement allowance under Title 5,  
49 chapter 423, subchapter 5, article 3.

51

1           (3) The benefit payment shall equal 2/3 of the  
3           employee's weekly salary at the date of disablement.  
5           Any state retirement allowance shall be deducted from  
          the benefit payment. No payment may be made if the  
          employee's disability is compensable under Title 39.

7           (4) The Director of the Bureau of Human Resources may  
9           adopt rules for the uniform administration of this  
          temporary disability plan.

11           (5) An employee who is provided temporary compensation  
13           under this paragraph shall continue to receive the  
          benefits which were provided immediately before the  
          first date of disability.

15           **Sec. 5. PL 1979, c. 739, §§7 and 10 are repealed.'**

17           Further amend the bill by renumbering the sections to read  
19 consecutively.

21           Further amend the bill by adding before the statement of  
23 fact the following:

25                                   **FISCAL NOTE**

27           This bill will increase state civil service administration  
29 costs by a minor amount. The Bureau of Human Resources will be  
          able to absorb these costs within existing budgeted resources.'

31                                   **STATEMENT OF FACT**

33           This amendment incorporates Public Law 1979, chapter 739,  
35 which pertains to confidential employees, into the civil service  
          law. This amendment also corrects a statutory reference to the  
          Maine State Retirement System law.

37           The committee amendment also provides that the process for  
39 the removal of state employees' names from registers of  
41 eligibility will be governed by the adoption of civil service  
43 rules. The rules and any collective bargaining agreements must  
45 contain provisions for notice to state employees about removal of  
          their names from the registers of eligibility and for the  
          expeditious reinstatement of the names of state employees on  
          registers of eligibility who state a continued interest in  
          remaining on registers of eligibility.

Reported by Senator Carpenter for the Committee on State  
and Local Government. Reproduced and Distributed Pursuant  
to Senate Rule 12.

(5/9/89)

(Filing No. S-104)