

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

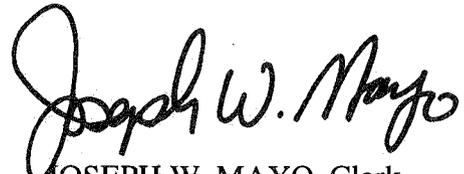
No. 1266

H.P. 923

House of Representatives, February 27, 1997

An Act to Require the Deputy Commissioner of Inland Fisheries and Wildlife to be Appointed by the Governor and Confirmed by the Senate.

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative UNDERWOOD of Oxford.
Cosponsored by Senator HALL of Piscataquis and
Representatives: CROSS of Dover-Foxcroft, GOODWIN of Pembroke, PERKINS of
Penobscot, TRUE of Fryeburg, WATERHOUSE of Bridgton.

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

2 **Sec. 1. 12 MRSA §7031**, as amended by PL 1989, c. 493, §3, is
4 further amended to read:

6 **§7031. Appointment**

8 The commissioner shall--be and deputy commissioner are
10 appointed by the Governor, subject to review by the joint
12 standing committee of the Legislature having jurisdiction over
14 fisheries and wildlife matters and to confirmation by the
16 Legislature. The commissioner shall and deputy commissioner
18 serve during the pleasure of the Governor. Any candidate for the
20 office of commissioner shall must have a record of demonstrated
support for, and an understanding of, the basics of modern
wildlife and fisheries management and shall must have experience
in hunting, fishing or trapping. Any candidate for the office of
deputy commissioner must be qualified by training and experience
in fisheries and wildlife management or conservation law
enforcement.

22 **Sec. 2. 12 MRSA §7034, sub-§1**, as amended by PL 1995, c. 667,
Pt. A, §4, is further amended to read:

24 **1. Duties of deputy.** ~~The commissioner shall appoint, to~~
26 ~~serve at the commissioner's pleasure, a Deputy Commissioner of~~
~~Inland Fisheries and Wildlife, who must be qualified by training~~
28 ~~and experience in fisheries and wildlife management or~~
~~conservation law enforcement.~~ Under the commissioner's
30 direction, the deputy commissioner shall assist in the
administration of the department. The deputy commissioner shall
32 serve as the commissioner if the commissioner is disabled or
absent or if the office of the commissioner becomes vacant. The
34 commissioner may appoint an appropriate administrative officer in
the department to perform the functions of the commissioner if
36 both the commissioner and deputy commissioner are disabled or
absent.

38 **Sec. 3. 12 MRSA §7034, sub-§2-A**, as amended by PL 1993, c. 10,
40 §1, is further amended to read:

42 **2-A. Employment of personnel.** The commissioner shall
44 employ, subject to the Civil Service Law, such employees as are
necessary to carry out the duties of the department, except that
46 persons in the following positions are appointed by and serve at
the pleasure of the commissioner: ~~Deputy Commissioner;~~ Game
48 Warden Colonel; and Assistant to the Commissioner for Public
Information.

2 The Game Warden Colonel is appointed from among the game wardens
of the department. In the event that the Game Warden Colonel is
4 not reappointed, the Game Warden Colonel has the right to be
restored to the classified position from which the Game Warden
6 Colonel was promoted or to a position equivalent in salary grade
in an agency, without impairment of personnel status or the loss
8 of seniority, retirement or other rights to which uninterrupted
service in the classified position would have entitled the Game
10 Warden Colonel. If service in that unclassified supervisory
position is terminated for cause, the right to be restored to
12 that position must be determined by the State Civil Service
Appeals Board.

14

SUMMARY

16

Current law requires the Commissioner of Inland Fisheries
18 and Wildlife to appoint a deputy commissioner. This bill removes
that authority and makes the deputy commissioner an appointee of
20 the Governor subject to confirmation by the Legislature.