

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1468

H.P. 1073

House of Representatives, March 27, 2003

**An Act To Amend the Civil Service Law with Respect to Classified
Employees Who Accept Appointment to the Unclassified Service**

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative McLAUGHLIN of Cape Elizabeth.
Cosponsored by Representative: PEAVEY-HASKELL of Greenbush.

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

4 **Sec. 1. 5 MRSA §7064**, as amended by PL 1987, c. 402, Pt. B, §10, is further amended to read:

6 **§7064. Filling of positions**

8 Positions in the classified service shall must be filled by
10 original appointment, promotion, transfer, reinstatement or
12 demotion in accordance with policies and procedures developed by
14 the director, with advice from the board. These policies and
16 procedures shall must provide for the direct hire of positions in
18 the classified service where appropriate.

20 **1. Objective.** In developing policies and procedures for
22 filling positions, the director and board shall must be guided by
24 the principle of filling each position as efficiently and
26 expeditiously as possible. The director shall strive to fill
28 each position in 30 days and no later than 45 days from the date
30 a request to fill a position has been received from a state
agency.

2. **Eligibility of unclassified employees for classified
service.** In addition to any other provisions in this chapter,
unclassified employees listed in section 931, subsection 1,
paragraph H, and other unclassified employees, except those cited
in section 931, subsection 1, paragraphs A to G, and paragraphs I
and J, and in sections 932 to 953, shall ~~be~~ are eligible for
appointment to the classified service on the same basis as other
members of the classified service.

32 Notwithstanding any provision of this section to the
34 contrary, a permanent, classified employee who accepts
36 appointment to a major policy-influencing position listed in
section 931 and in sections 932 to 952 retains, for the duration
of the appointment, promotion, transfer and demotion rights
consistent with section 7064.

40 **SUMMARY**

42 This bill permits a classified state employee who leaves the
44 classified service to serve in an appointive position to retain
46 promotion, transfer and demotion rights in the civil service for
48 the duration of that employee's appointment in the unclassified
50 service. The bill does not have an impact on unclassified
employees who were appointed from outside of State Government.
The bill would provide greater incentive for classified state
employees to serve in long-term appointments to the unclassified
service.

2 The bill does not affect the 12-month restoration right
provided to a classified employee in the Maine Revised Statutes,
4 Title 5, section 931, subsection 2, paragraph C.