

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 449

S. P. 266

In Senate, February 10, 1937.

Referred to Committee on Judiciary and 1000 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator McKinnon of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Civil Service Examination of Employees under the
State Liquor Commission.

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

Sec. 1. Term "commission." The term "commission" when used in this act shall mean the state liquor commission.

Sec. 2. Rules. The commission shall prepare suitable rules for carrying into effect the provisions of the following sections, and when said rules shall have been promulgated by the commission, it shall be the duty of all persons affected thereby to aid in all proper ways in enforcing and complying with said rules, and any modifications thereof.

Sec. 3. Rules; examinations. Among other things said rules shall provide and declare, as nearly as the conditions of good administration will warrant, as follows:

(1) That open, competitive examinations for testing the fitness of applicants for permanent employment in the service of said commission shall be given. Such examinations shall be practical in their character, and so far as may be shall relate to those matters which will fairly test the relative

capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

(2) That all new permanent employments in the service of the said commission shall be filled by selections according to grade from among those graded highest as the results of such competitive examinations. But no aforesaid employment shall be considered as permanent until the expiration of a probationary period of sufficient length to satisfy the commission of the ability and fitness of the candidate to discharge the duties of the service into which he seeks to be appointed.

(3) That no person habitually using intoxicating beverages to excess shall be appointed to, or retained in, the service of the state liquor commission.

The said rules may provide for such other matters as may be deemed fitting and proper.

Sec. 4. All permanent employees to be included in these provisions; present permanent employees to be retained. The provisions of the foregoing sections shall apply to all permanent employees. All present permanent employees shall be considered as if appointed under said conditions hereinbefore enumerated.

Sec. 5. Examinations to be advertised; conduct of. Notice of the time and the place of examination shall be published in the state paper, and also in some newspaper in the locality or county where a vacancy is to be filled, and examinations shall be conducted under the direction and supervision of the commission.

Sec. 6. Modification of rules. Rules may be modified at any time by the said commission.

Sec. 7. Removal from service. No person who has been appointed an employee or agent of the state liquor commission shall be removed therefrom except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing, and may submit affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the commission. Copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the commission, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the said

state liquor commission also shall, upon request, be furnished copies of the same.

Such employee or agent so removed, within 10 days of the receipt by him of notice of his removal by said state liquor commission, may appeal from such decision to a disinterested tribunal to be composed of 3 persons; namely, the commissioner of labor and industry, who shall act as chairman, 1 person to be chosen by the appellant, and 1 person to be chosen by the said state liquor commission, which shall, after due notice, give hearing, receive depositions and affidavits, and render its decision thereon, which shall be final. This decision shall be made a part of the records of the state liquor commission and notice of the same shall be given to each party. In case the decision of said appellate tribunal is favorable to the appellant, he shall continue in the employ of said state liquor commission, and he shall be paid, during the pendency of his appeal, at the same rate of compensation he was receiving at the time charges were preferred against him. In case his appeal is dismissed, he shall receive no compensation subsequent to the time of the rendition of the decision of the state liquor commission.