

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. 475

H. P. 1312

House of Representatives, February 11, 1937.

Referred to Committee on Sea and Shore Fisheries and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Sleeper of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT to Establish an Advisory Council for the Department of Sea and Shore Fisheries.

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

Sec 1. R. S., c. 50, additional. Chapter 50 of the revised statutes, as revised by chapter 2 of the public laws of 1933, is hereby amended by inserting therein new sections, to be numbered sections 2-A to 2-I, and to read as follows:

‘Sec. 2-A. Advisory council. An advisory council, consisting of 8 members appointed by the governor with the advice and consent of his council and chosen, 1 from each of the coastal counties, to wit, York, Cumberland, Sagadahoc, Lincoln, Knox, Waldo, Hancock, and Washington shall render to the commissioner information and advise concerning the department.

‘Of the first members of the council appointed under the provisions of this section, 3 shall be appointed for terms expiring the 3rd Tuesday of January, 1943, 3 members for terms expiring the 3rd Tuesday of January, 1941, and 2 members for terms expiring the 3rd Tuesday of January, 1939; thereafter appointments shall be for the term of 6 years and until suc-

cessors are appointed and qualified. Upon the death, resignation, or removal from office of any person so appointed, the governor, with the advise and consent of his council, shall appoint a member to serve for the unexpired term. The members of the advisory council shall receive no compensation for their services, but said council shall be allowed actual expenses not to exceed \$500 for each fiscal year. The council shall hold regular meetings with the commissioner or his deputy at the office of the department on the 1st Thursday of January and July, annually, and special meetings at such other times and places within the state as to him or them seem advisable. At the meeting held on the 1st Thursday of January each year, the council may elect 1 of its members as chairman and 1 as vice-chairman.'

'Sec. 2-B. Civil service commission. A sub-committee of 3 members of the advisory council of the department of sea and shore fisheries, to be chosen by a vote of that body, is hereby constituted a civil service commission for the purpose of drawing up and putting into effect a code for civil service examinations for permanent employees of the department in the fish warden service and in the fish hatchery service, and is hereby authorized so to do. Such code shall not become effective until approved by the commissioner.'

'Sec. 2-C. Rules, enforcement of. Said civil service commission shall prepare suitable rules for carrying into effect the provisions of sections 2-A to 2-I, inclusive, and when said rules shall have been promulgated and approved by the commissioner, 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. 2-D. 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 fish warden service and the fish hatchery service 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 fish warden service or in the fish hatchery service 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 per-

manent until the expiration of a probationary period of sufficient length to satisfy the commissioner 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 fish warden service or the fish hatchery service.

‘(4) That the said civil service commission is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the fish warden service and the fish hatchery service may be made.

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

‘Sec. 2-E. Application. The provisions of sections 2-A to 2-I, inclusive, shall apply to all permanent employees, including the commissioner, and he shall be required to take the examination as herein provided. All present permanent employees, including the commissioner shall be considered as if appointed under such civil service as herein set forth.’

‘Sec. 2-F. Examination of commissioner. The examination of the commissioner shall be conducted under the direction and supervision of the governor and council.’

‘Sec. 2-G. Notice. Notice of the time and 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 commissioner.’

‘Sec. 2-H. Modification of rules. Rules may be modified at any time by the said civil service commission, but shall be approved by the commissioner before going into effect.’

‘Sec. 2-I. Removal. No person in the fish warden service or in the fish hatchery service 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 commissioner. 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 department, as shall also the reasons for reduc-

tion in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the said civil service commission also shall, upon request, be furnished copies of the same.'

Sec. 2. Repealing clause. All acts or parts of acts inconsistent herewith are hereby repealed.