

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1417

S. P. 504

In Senate, March 27, 1957.

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Rogerson of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Revising and Relating to State Personnel Laws.

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

Sec. 1. R. S., c. 16, § 15, sub-§ II-A, additional. Section 15 of chapter 16 of the Revised Statutes is hereby amended by adding thereto a new subsection to be numbered II-A, to read as follows:

'II-A. Bureau of Personnel, the head of which shall be the Director of Personnel.'

Sec. 2. R. S., c. 16, §§ 53-A - 53-A-1, additional. Chapter 16 of the Revised Statutes is hereby amended by adding thereto 28 new sections to be numbered 53-A to 53-A-1, to read as follows:

'Bureau of Personnel.

Sec. 53-A. General purpose. The general purpose of sections 53-A to 53-A-1, inclusive, is to establish for the State of Maine a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, lay-off, removal and discipline of its employees, and other incidents of State employment. All appointments and promotions to positions in the state service shall be made solely on the basis of merit fitness, to be ascertained by competitive examinations, except as otherwise specified.

Sec. 53-B. Title. Sections 53-A to 53-A-1, inclusive, and all acts amendatory thereof shall be known and may be cited as the "Personnel Law."

Sec. 53-C. Definitions. Certain words and phrases used in sections 53-A to 53-A-1, inclusive, shall have, for the purposes of this chapter, the following meaning:

I. "Appointing authority" means the officer, board, commission, person or group of persons having the power by virtue of the Constitution, a statute or lawfully delegated authority to make appointments.

II. "Board" means the "State Personnel Board."

III. "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by sections 53-A to 53-A-1, inclusive.

IV. "Director" means the "State Personnel Director."

V. "Eligible register" means whatever type of book, binder or other record which may be used having thereon the names of persons qualified by examinations to fill positions in the classified service.

VI. "Employee" means any person holding a position subject to appointment by an appointing authority.

Sec. 53-D. Bureau of Personnel. There shall be in the Department of Finance and Administration a Bureau of Personnel, the administrative head of which shall be the Director of Personnel.

In the Bureau there shall be a State Personnel Board of 5 members with the powers and duties enumerated.

Sec. 53-E. State Personnel Board; organization and composition. The members of the Board shall be persons in sympathy with the application of merit principles to public employment. No member of the Board shall be a member of any local, state or national committee of a political party or an officer or member of a committee or in any partisan political club or organization, or shall hold, or be a candidate for, any elective office.

The State Personnel Board, as heretofore established, shall be composed of 5 members. Three members, not more than 2 of whom shall be of the same political party, shall represent the public, and shall be appointed by the Governor with the advice and consent of the Council. One member of the Board shall be designated by the Governor as Chairman. The term of the public members of the Board shall be 4 years and until their successors are appointed and qualified. Vacancies in the public membership of the Board shall be filled within 60 days after the vacancy occurred by the Governor with the advice and consent of the Council for the unexpired portion of the term. The public members of the Board shall receive \$10 a day for the time actually spent in the discharge of their duties, and their necessary expenses. One member, a state employee, shall be duly elected for a 2-year term by the council of the Maine State Employees Association. The 5th member of the Board shall be elected by the other 4 members of the Board from department heads for a 2-year term, and until their successors are elected and qualified. Vacancies in the employees' or department heads' membership of the Board shall be filled by the original process of election. Board members representing state employees and department heads shall do so without compensation except for their necessary expenses.

Sec. 53-F. State Personnel Board; powers and duties. In addition to the duties set forth elsewhere in sections 53-A to 53-A-1, inclusive, the State Personnel Board shall have the power and duty:

I. To advise the Governor, the Commissioner of Finance and Administration and the Personnel Director on problems concerning personnel administration.

II. To foster the interest of the general public, institutions of learning, and civic, professional and employee organizations in the improvement of personnel standards in state service.

III. Upon recommendation of the Director and after a public hearing, and subject to the requirements of sections 53-A to 53-A-1, inclusive, to prescribe or amend rules and regulations relative to:

- A. Eligible registers,
- B. Classification of positions in the classified service,
- C. Compensation plan,
- D. Examination for admission to the classified service,
- E. Promotion in the classified service,
- F. Provisional, emergency, exceptional and temporary appointments,
- G. Probationary period,
- H. Transfer,
- I. Reinstatement,
- J. Demotion,
- I. Demotion,
- K. Suspension, layoff and dismissal,
- L. Leave of absence, resignation, hours of service, vacations and sick leave,
- M. Personnel records,
- N. In-service training,
- O. Service ratings, and
- P. Certification of payrolls; which rules and regulations shall be in effect and have the force of law upon the approval of the Governor.

IV. To make investigations either at the direction of the Governor or of the Legislature, or upon the petition of an employee or a citizen, or of its own motion concerning the enforcement and effect of this chapter.

In the course of any investigation under the provisions of sections 53-A to 53-A-1, inclusive, through any member of the Board, to have the power to administer oaths and to subpoena and require the attendance of witnesses and the production thereof of books, papers, public records and other documentary evidence pertinent to such investigation.

In the case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the Superior Court in any county on the application of any one of the members of the Board or of the Director, when authorized by the Board, may issue an order requiring such a person to comply with such subpoena and to testify; and any failure to obey such an order of the Court may be punished by the Court as a contempt thereof.

V. To receive, review and transmit to the Commissioner of Finance and Administration and to the Governor the annual report of the Director. The report of the Director may be supplemented by any additional comment, criticism or suggestions to the more effective accomplishment of the purposes of sections 53-A to 53-A-1, inclusive, that the Board may care to submit.

VI. To keep full and complete minutes of its proceedings, which shall, subject to reasonable regulations, be open to public inspection.

VII. To call together representatives of the following groups: the Governor, the Executive Council, the Senate, the House of Representatives, department heads, the employe's association, the budget and the public to the end that a better understanding and appreciation of the objectives of a real civil service system may be brought about; and as a result of such an understanding to give council and advice to the Director of Personnel in relation to the over-all administration of the merit system in State Government.

Sec. 53-G. Director of Personnel. The Commissioner of Finance and Administration shall appoint a Director of Personnel who shall be experienced in the field of personnel administration, and who is in known sympathy with the application of merit principles and public employment. He shall be in the classified service for all purposes other than appointment and removal.

Sec. 53-H. Director of Personnel; powers and duties. The Director, as executive head of the Bureau, shall direct and supervise all its administrative and technical activities. In addition to the duties imposed upon him under the provisions of sections 53-A to 53-A-1, inclusive, shall be his duty:

I. To apply and carry out the provisions of sections 53-A to 53-A-1, inclusive, and the rules adopted thereunder.

II. To attend all meetings with the Board and to act as secretary and to keep minutes of its proceedings.

III. To establish and maintain a roster of all employees in the state service, in which there shall be set forth, as to each employee, a class title of the positions held, the pay or salary, any change in class title, pay or status, and other pertinent data.

IV. To appoint under the provisions of sections 53-A to 53-A-1, inclusive, such employees of the Bureau and such experts as special assistants as may be necessary to carry out effectively the provisions of sections 53-A to 53-A-1, inclusive.

V. To foster and develop, in cooperation with the appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counselling and welfare.

VI. To encourage and exercise leadership in the development of effective personnel administration within the several departments in the state service to make available the facilities of the Bureau of Personnel to this end.

VII. To investigate from time to time the operation and effect of sections 53-A to 53-A-1, inclusive, by the rules made thereunder and to report his find-

ings and recommendations to the Personnel Board, the Commissioner of Finance and Administration, and to the Governor.

VIII. To make an annual report regarding the work of the Bureau, and such special reports as he may consider desirable, to the Personnel Board, to the Commissioner of Finance and Administration, and to the Governor.

IX. To perform any other lawful acts which he may consider necessary or desirable to carry out the purposes and provisions of sections 53-A to 53-A-1, inclusive.

The Director may designate an employee of the Bureau to act as his Deputy in the absence of the Director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon his Deputy.

Sec. 53-I. Classified service and exemptions. The classified service to which sections 53-A to 53-A-1, inclusive, shall apply shall comprise all positions in the state service now existing or hereafter established, except the following specific exemptions:

I. Officers and employees chosen by popular election or appointed to fill an elective office.

II. Officers who, under the Constitution or statutes, are chosen by the Legislature.

III. Heads of departments and members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the Council, bureau directors, and the official clerk of the Public Utilities Commission and of the State Liquor Commission.

IV. Officers and employees in the judicial service of the State.

V. Officers and employees of the Senate and House of Representatives of the Legislature.

VI. Officers and enlisted men in the national guard and naval militia of the State.

VII. The private secretary, assistant secretary and stenographers in the Governor's office, and the employees working at the Blaine Mansion.

VIII. Commissioned officers, non-commissioned officers and patrolmen of the State Police. The Chief may avail himself of the facilities of the Personnel Bureau in the examination of applicants for the position of police officer. The appointment, training, promotion, supervision, dismissal and administration of the State Police shall continue to be governed by the provisions of chapter 15.

IX. Officers and employees of the University of Maine, of the several state normal schools and teachers' colleges and of the unorganized territory school system.

X. Wardens of the Department of Inland Fisheries and Game, except that the compensation of such wardens shall be determined under the provisions of sections 53-A to 53-A-1, inclusive.

XI. Wardens of the Department of Sea and Shore Fisheries, except that the compensation of such wardens shall be determined under the provisions of sections 53-A to 53-A-1, inclusive.

XII. All officers and employees of the Maine Forestry District.

XIII. Deputy and assistants of the Attorney General's Department.

The classified service shall be separated into the following divisions:

I. Competitive

II. Noncompetitive

III. Labor,

in accordance with rules and regulations prescribed by the Board.

Sec. 53-J. Positions in the classified service filled. Positions in the classified service shall be filled by original employment, promotion, transfer, reinstatement, or demotion in pursuance of rules and regulations, established by the Board and administered by the Director.

Appointments to and promotions in the classified service shall be made according to merit and fitness, from eligible files prepared upon the basis of examinations, which so far as practicable shall be competitive. No person shall be appointed, transferred, promoted or reduced as an officer, clerk or employee or laborer in the classified service in any manner or by any means other than those prescribed in sections 53-A to 53-A-1, inclusive, and in the rules of the Board made in pursuance to sections 53-A to 53-A-1, inclusive.

Sec. 53-K. Examinations. All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them, but due regard shall be shown for the capacity of the applicant for promotion to higher positions in the service.

The Director shall determine the character, type and content of examination for admission to the classified service; the time and place of holding examinations; the form of application blanks for admission to the examination to be filled by applicants provided that admission to examinations shall be open only to those who have been legal residents of Maine for at least one year except that at the request of the appointing authority the residence requirement may be waived in exceptional or emergency cases in which the Director deems such action necessary for the good of the service; the minimum requirements for admission to the examination; and the value for each phase of the tests used in determining the average rating of the applicant. Public notice of the time, place and general scope or nature of every examination or test shall be given in the manner prescribed by rules drawn up by the Director and approved by the Board.

Sec. 53-L. Eligible registers. The Director shall prepare for each class of positions in the classified service registers of persons eligible for appointment to positions in each such class. Each eligible register shall consist of a list of all persons, who have shown by competitive tests, that they possess the qualifica-

tions which entitle them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared, and of employees who have resigned or been dismissed, laid off or granted leaves of absence and whose names have been restored to the eligible register in accordance with the provisions of sections 53-A to 53-A-1, inclusive.

The names of all persons attaining the earned minimum final ratings established by the Director in advance of the giving of the test shall be placed upon the register in order of their ratings.

All persons competing in any test shall be given written notice of their final earned ratings, and of their relative standing upon the eligible register, or of their failure to attain a place upon the register.

Sec. 53-M. Probationary period; permanent appointment. All original appointments to the classified service shall be for a probationary period. The duration of such probationary period shall be determined by the Director, but in no case shall it be for less than 6 months.

Sec. 53-N. Temporary and provisional appointments. Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the Director. If such nominee is found by the Director to have had experience and training which appears to qualify him for the position, he may be temporarily appointed to fill such vacancy but only until an appropriate eligible register can be established and an appointment made therefrom. The Director may make a provisional appointment to fill a technical or professional position, which requires a specialized knowledge or training to carry out the duties of the position, and cannot be filled from the eligible register. In no event shall a temporary appointment be continued for more than 3 months. Successive temporary appointment of the same person shall not be made; not more than one temporary appointment shall be made to any position within any 12 month period. The Director may authorize without requiring competitive tests the appointment of unskilled laborers or persons engaged in custodial and domestic work in State Institutions or Departments.

Sec. 53-O. Preference in state employment for veterans. In making appointments to any position on an open competitive basis in the classified service, preference in appointment shall be given to honorably discharged male and female veterans and widows of such, and to the wives of disabled veterans who themselves are not qualified but whose wives are qualified to hold such positions. The classes of veteran preference shall be as follows:

I. Five-point preference is so called because, for this class, 5 points are added to earned qualifying ratings in examination. Any veteran who has performed active duty in any branch of the armed forces of the United States during any war is entitled to 5-point preference upon honorably discharge or release therefrom.

A. Five-point preference is also accorded to unmarried widows of deceased veterans who performed active duty in any branch of the armed forces of the United States during any war, and were honorably discharged or released therefrom.

II. Ten-point preference is a term applying to veteran preference which entitles the holder to an addition of 10 points to earned qualifying ratings in examination. The classes of 10-point preference are as follows:

A. Disability preference applies to honorably discharged veterans who established by official records the present existence of a service-connected disability, and who are certified by the Veterans Administration to be disabled with a disability rating of more than 0%.

B. When veterans entitled to disability preference on the basis of service-connected disability cannot be directly benefited thereby because of being disqualified for appointment by reason of the physical disability on which the preference is based, 10-point preference may be granted to their wives instead. This constitutes "wife preference."

C. Ten-point preference is accorded to unmarried widows of deceased veterans who dies while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities.

D. Ten-point preference is accorded to mothers, who are widowed, divorced, separated, or whose husbands are permanently and totally disabled, of veterans who died while in the active service of the armed forces during any war, or who died as a result of service-connected disabilities.

The term "veteran" as used in this section means a person, male or female, who served in the active service of the United States' armed forces for a period of not less than 90 days during a period of war in which the United States has been, or is, engaged; and who has been discharged or released therefrom under honorable conditions.

For the carrying out of the provisions of this section, the following dates of active service in the United States' armed forces shall be:

- I. World War I, on or after April 6, 1917, and before November 11, 1918.
- II. World War II, December 7, 1941, and before September 2, 1945.
- III. Korean campaign, June 27, 1950, and before February 1, 1955.

In determining qualifications for examination, appointment, promotion, retention, transfer or reinstatement with respect to preference eligibles under this section, the Director may waive requirements as to age, height and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Director after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Director, physically able to discharge efficiently the duties of the position for which the examination is given. The provisions of this section shall apply to all examinations for original positions in the State Police and in the Departments of Inland Fisheries and Game and Sea and Shore Fisheries.

Sec 53-00. Reopen open competitive examinations. Veterans with the present existence of a service-connected disability to a compensable degree, wives of disabled veterans who qualify for 10-point preference under paragraph

B of subsection II of section 53-O, unmarried widows of deceased veterans who qualify for 10-point preference under paragraph C of subsection II of section 53-O and mothers, who are widowed, divorced, separated or whose husbands are permanently and totally disabled, of veterans who died while in the active service of the armed forces during any war, or who died as the result of service-connected disabilities, may file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement. If no eligible register resulted from a published announcement, applicants as above qualified may file an application for and reopen an open competitive examination within 3 years of the closing date of the published announcement, provided in all instances that the applicant had not previously made application for the examination under conditions of the published announcement. In the event positions in the classified service are held other than by permanent or probationary employees, applicants as above qualified may file application for an examination to be announced and opened. Examinations shall be conducted for such applicants not later than the quarterly period succeeding that in which the application has been filed with the Department of Personnel.

Sec. 53-P. Employees in military or naval service; substitutions. Whenever any employee, regularly employed for a period of at least 6 months by the State or by any department, bureau, commission or office thereof, or by any county, municipality, township or school district within the State, and who has attained permanent status in such employment, shall in time of war, contemplated war, emergency called or ordered, or be drafted in the military or naval service of the United States or any branch or unit thereof, or shall be regularly drafted under federal man power regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service, but the duties of his said employment shall, if there is no other person authorized by law to perform the powers and duties of such employee during said period, be performed by a substitute who shall be appointed for the interim by the same authority who appointed such employee if such authority shall deem the employment of such substitute necessary. Such employee while in the military or naval service of the United States or still employed after draft under federal man power regulations shall be considered as on leave of absence without pay, and for the purpose of computing time in regard to pension rights and seniority, shall be considered during the period of his federal service as in the service of the governmental agency by which he was employed at the time of his entry into such federal service. Said interim appointments may be considered permanent if the employee granted the military leave fails to report for duty within a 90-day period from the date of his discharge from the military or naval forces of the United States, and provided such discharges must have been effective not later than 6 months after the state of war ceases between the United States and every foreign government except in cases where a male or female veteran of World War II or the Korean Campaign was receiving treatment in a hospital at the time of his or her discharge, and except in cases where such veteran has not been returned from and discharged from foreign service, in which event his or her status shall be governed by section 2 of chapter 300 of the public laws of 1943.

The provisions of this section shall apply to any such employee entering the armed forces of the United States under the provisions of Public Law 759, 80th Congress, Selective Service Act of 1948, or while said Public Law 759 or any amendment thereto or extension thereof shall be in effect.

Sec. 53-Q. Classification plan. It shall be the duty of the Director to ascertain and record the duties and responsibilities of all positions in the service and to establish classes for such position in conformity with regulations adopted therefor by the Board as provided in section 53-F. The titles so classified and established shall be used in all personnel accounting, budget, appropriations and financial records of all state departments, commissions and institutions.

Sec. 53-R. Compensation plan. The Director shall, as soon as practicable after the adoption of the classification plan, submit to the Board a proposed plan of compensation showing for each class of position in the classified service minimum and maximum salary rates and such intermediate rates as he deems desirable. When the compensation plan has become effective through its adoption by the Board as provided in section 53-F, it shall constitute the official schedule of salaries for all classes of positions in the classified service. No position shall be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan. Salaries of persons holding positions in the classified service shall not be approved by paying authorities unless such salaries conform to the adopted compensation plan.

Salary advancements within an established range shall not be automatic, but shall be dependent upon the specific recommendation of the appointing authority and the approval of the Director. Such recommendation shall be based upon standards of performance as indicated by merit ratings or other pertinent data. No advancements of salaries shall be made until the employee has completed the probationary period.

Sec. 53-S. Personnel records. Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty and other temporary or permanent change in status of any employee in the state service shall be reported to the Director at such time, in such form and together with such supporting or pertinent information as the Board shall by rule prescribe. The Director shall maintain a perpetual roster of all officers and employees showing for each person such data as the Board deems pertinent.

Sec. 53-T. Training programs. The Director shall devise plans for and cooperate with appointing authorities and other supervising officials in the conduct of employee training programs to the end that quality of service rendered by persons in the classified service may be continually improved.

Sec. 53-U. Service ratings. The Director shall establish standards of performance for each class of positions and a system of service ratings based upon such standards, which shall be in effect upon their approval by the Board.

Sec. 53-V. Certification of payrolls. No fiscal officer of the State shall draw, sign or issue or authorize the drawing, signing or issuing of any warrant or check upon the Treasurer of State or other disbursing officer of the State for the payment of a salary or other compensation for personal services, nor shall

the Treasurer of State or other disbursing officer of the State pay any salary or other compensation for personal services, unless a payroll or account for such salary or other compensation, containing the names of all persons to be paid and the amounts to be paid them, has been certified by the Director or a person designated by him. Any payment, made in violation of the provisions of the compensation plan or the rules pertaining thereto or made to a person appointed or established in his position in a manner contrary to the provisions of sections 53-A to 53-A-1, inclusive, may be recovered from the appointing authority, the Director or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person. Action for such recovery may be maintained by the Board or any member thereof, any officer or employee of the state service or any citizen of the State. All moneys recovered under the provisions of this section shall be paid into the State Treasury and credited to the general fund.

Sec. 53-W. Dismissal and disciplinary action. An appointing authority may dismiss, suspend or otherwise discipline a classified employee for cause. In every case of such dismissal, suspension or other disciplinary action, at the request of the employee, the Board shall investigate the circumstances relating to the action, and the fairness thereof, and if it shall find the charges unwarranted, the Board shall direct the immediate reinstatement of the affected employee to his former position with no loss of pay, seniority or other rights and benefits resulting from the dismissal or disciplinary action which shall be enforced by the Director. At the request of the employee the Board may recommend the transfer of the employee to the same or similar class of position in another department or institution, provided such transfer shall be made to such department or institution only with the approval of the appointing authority thereof. At the request of the employee, the Board shall investigate the circumstances relating to an action of an appointing authority which lays off, demotes or otherwise deprives an employee of rights established by sections 53-A to 53-A-1, inclusive, or by rules prescribed in subsection II of section 53-F, and if it shall find the action to be contrary to said sections 53-A to 53-A-1, inclusive, and rules, the Board shall direct the immediate reinstatement of the employee to his former position with no loss of pay, seniority or other rights or benefits resulting from such action which direction shall be enforced by the Director.

Sec. 53-X. Solicitation of political campaign contributions. No officer or employee in the classified service of this State shall, directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution or political service, whether voluntary or involuntary, for any political purpose whatever from any officer, agent, clerk or employee of the State or from any person.

Sec. 53-Y. Discrimination. In carrying out the provisions of section 53-A to 53-A-1, inclusive, no discrimination shall be made on account of political or religious opinions or affiliations, sex or marital status.

Sec. 53-Z. Unlawful acts prohibited. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of sections 53-A to 53-A-1, inclusive, or

in any manner commit or attempt to commit any fraud preventing the impartial execution of sections 53-A to 53-A-1, inclusive, and the rules.

No person shall, directly or indirectly give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.

No employee of the Bureau, examiner or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under the provisions of section 53-A to 53-A-1, inclusive, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Sec. 53-A-1. Penalties. Any person who willfully violates any provision of sections 53-A to 53-Z, inclusive, or of the rules shall be guilty of a misdemeanor, and shall upon conviction be punished therefor.

Any person who is convicted of a misdemeanor under sections 53-A to 53-Z, inclusive, shall, for a period of 5 years, be ineligible for appointment to or employment in a position in the state service, and if he is an officer or employee of the State shall forfeit his office or position.'

Sec. 3. Legislative intent. It is the intent of the Legislature that this act shall in no way affect the tenure of office of the present members of the Personnel Board or the present Director of Personnel or such departmental personnel as may be determined by the Commissioner of Finance and Administration to be essential to the efficient operation of the Bureau of Personnel.

Sec. 4. Rules and regulations declared lawful. Rules and regulations duly and properly promulgated by the Personnel Board as authorized under the provisions of laws in effect prior to the effective date of this act, which rules and regulations were in effect prior to the effective date of this act, are hereby declared lawful and in effect.

Nothing contained herein shall be construed as depriving the Personnel Board of the right to amend, revise or otherwise change its rules and regulations in accordance with existing law in their present form or as amended or supplemented.

Sec. 5. R. S., c. 63, repealed. Chapter 63 of the Revised Statutes as amended is hereby repealed.