

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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PUBLIC LAWS
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commission for the appeal of its decision, in which action any other party to the proceedings before the commission shall be made a defendant.

Sec. 2. 26 MRSA § 1194, sub-§ 9, 8th sentence is amended to read:

An appeal may be taken from the decision of the Superior Court of ~~Kennebec County~~ to the Supreme Judicial Court of the State, in the same manner, but not inconsistent with this chapter, as is provided in civil actions.

Effective July 6, 1978

CHAPTER 667

AN ACT to Clarify the Status of Intermittent State Employees.

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

Sec. 1. 5 MRSA § 553-A is enacted to read:

§ 553-A. Appointing authority obligation to inform employee

Every appointing authority shall inform every employee, holding a position subject to appointment by the appointing authority, in writing, of the following:

1. Employee's rate of pay and circumstances under which rate may be changed. The employee's rate of pay and the circumstances under which that rate may be changed including longevity and merit increases;

2. Nature of benefits available. The nature and costs of benefits available to state employees generally, the nature and costs of benefits available to the employee and the circumstances under which the employee's benefit eligibility or cost may be changed. For the purposes of this subsection, the word "benefits" shall mean, but not be limited to:

A. Vacation, holiday and sick leave;

B. Insurance programs;

C. Retirement programs; and

D. Any other gain made available by the State to any of its employees, whether in cash or in kind; and

3. Rights of state employees. The rights of state employees and of the employee, including the right to appeal decisions made with respect to his employment.

Sec. 2. 5 MRSA § 559 is enacted to read:

§ 559. Intermittent employees

It shall be the policy of the State to permit all employees of the State to participate to the fullest extent possible in the benefits of the civil service system for classified and unclassified employees. This policy shall be extended to full-time, part-time, intermittent and all other categories of employees.

The Commissioner of Personnel shall, not later than the effective date of this section, adopt rules to assure the attainment of this policy for intermittent employees. At a minimum, the rules shall:

1. Definition of intermittent positions. Define intermittent positions, and shall in the definition limit the use of any position to employment for not more than 19 hours per week or 25 weeks per year; and

2. Eligibility provisions. Provide that a person who, subsequent to the effective date of this section, has been employed in an intermittent position for more than 1,040 hours shall:

A. Be eligible to accrue and use vacation and sick leave days at the same rate, pro rata, as full-time state employees;

B. Be eligible to receive holiday pay at the same rate, pro rata, at the same rate as full-time state employees, provided the intermittent employee works on the days before and after the holiday;

C. Be eligible to receive an increase in salary to the next step on the same basis as full-time employees, i.e., after completing 2,080 hours of work;

D. Be considered a classified employee for the purposes of:

- (1) Eligible registers;
- (2) Classification of positions;
- (3) The compensation plan;
- (4) Promotion in the classified service;
- (5) Provisional, emergency, exceptional and temporary appointments;
- (6) Probationary period;

- (7) Transfer;
- (8) Reinstatement;
- (9) Demotion;
- (10) Suspension, layoff and dismissal;
- (11) Leave of absence and resignation;
- (12) Personnel records;
- (13) In-service training;
- (14) Service ratings; and
- (15) Certification of payrolls;

E. Be eligible to participate on a pro rata basis in the retirement program for state employees; and

F. Be eligible to participate in health and hospitalization insurance programs at rates of participation reduced to reflect the less than full-time status.

3. Recognition of intermittent employee. Any intermittent employee who worked 1,040 hours as an intermittent state employee for either the calendar year beginning January 1, 1976 or January 1, 1977 shall, if the employee so desires, be immediately designated as either permanent part-time or permanent full-time, whichever designation is more appropriate.

This section shall not apply if provided pursuant to Title 26, chapter 9-B.

Effective July 6, 1978

CHAPTER 668

AN ACT to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code.

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

Sec. 1. 36 MRSA § 57, sub-§§ 2 and 3, as enacted by PL 1977, c. 477, § 3-A, are repealed.