

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

A. Exception. In a town, ward clerks are not appointed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 9, 1984.

CHAPTER 729

S.P. 898 - L.D. 2415

AN ACT to Change the Titles of 3
Policy-influencing Positions and to Establish
New Policy-influencing Positions within
the Department of Corrections and the
Department of Mental Health and Mental
Retardation.

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

Sec. 1. 2 MRSA §6-A, sub-§3, as amended by PL 1983, c. 344, §1, is further amended to read:

3. Other employees. The salaries of the following employees shall be at within salary range 88, step 6:

- A. General counsel;
- B. Director of finance;
- C. ~~Secretary~~ Administrative Director; and
- D. Director of technical analysis.

Sec. 2. 2 MRSA §6-A, sub-§4, as enacted by PL 1981, c. 452, §3, is repealed.

Sec. 3. 5 MRSA c. 59, as amended, is repealed.

Sec. 4. 5 MRSA c. 71 is enacted to read:

CHAPTER 71

UNCLASSIFIED SERVICE

§931. Unclassified service

The unclassified service comprises positions held by officers and employees as follows.

1. Officers and employees. Certain elective, legislative, executive, judicial and other officers and employees as follows:

A. Elective officers, chosen by popular election or appointed to fill an elective office;

B. Officers who, under the Constitution of Maine or statutes, are chosen by the Legislature;

C. Heads of departments and members of boards and commissions required by law to be appointed by the Governor, some bureau directors and the Administrative Director of the Public Utilities Commission;

D. Officers and employees in the judicial service of the State;

E. Officers and employees of the Senate and House of Representatives of the Legislature;

F. Officers and enlisted men in the National Guard and Naval Militia of the State;

G. Employees working in the Governor's office and at the Blaine Mansion;

H. Officers and employees of the unorganized territory school system and the teachers and principals of the school systems in state vocational schools and state institutions; and

I. Deputies, assistants, staff attorneys, research assistants and the secretary to the Attorney General of the Department of Attorney General.

§932. Department of Attorney General

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Attorney General. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

A. Deputy Attorneys General; and

B. . Assistant Attorneys General.

§933. Department of Agriculture, Food and Rural Resources

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Commissioner;
- B. Associate Commissioner for Policy Development;
- C. Director, Bureau of Agricultural Productions;
- D. Director, Bureau of Agricultural Marketing;
- E. Director, Bureau of Agriculture and Rural Resources;
- F. Director, Bureau of Public Services; and
- G. Assistant to the Commissioner for Public Information.

§934. Department of Business, Occupational and Professional Regulation

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Business, Occupational and Professional Regulation. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Superintendent, Bureau of Banking;
- B. Superintendent, Bureau of Consumer Credit Protection;
- C. Superintendent, Bureau of Insurance; and
- D. Assistant to the Commissioner.

§935. Department of Conservation

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Conservation. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Director, Administrative Services;
- B. Director, Planning and Program Services;
- C. Director, Bureau of Forestry;
- D. Director, Maine Geological Survey;
- E. Executive Director, Maine Land Use Regulation Commission;
- F. Director, Bureau of Parks and Recreation;
- G. Director, Bureau of Public Lands;
- H. Forest Insect Manager, Bureau of Forestry;
- I. Assistant to the Commissioner for Public Information; and
- J. Assistant to the Commissioner;

§936. Department of Corrections

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Corrections. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Associate Commissioner; and
- B. Director, Correctional Programs.

§937. Department of Educational and Cultural Services

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Educational and Cultural Services. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Assistant to the Commissioner;
- B. Deputy Commissioner;
- C. Associate Commissioner, Bureau of School Management;
- D. Associate Commissioner, Bureau of Instruction;

E. Associate Commissioner, Bureau of Vocational Education;

F. Director, Planning and Management Information; and

G. Federal and State Education Program Coordinator.

§938. Department of Environmental Protection

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Environmental Protection. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

A. Deputy Commissioner; and

B. Assistant to the Commissioner.

§939. Department of Finance and Administration

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Finance and Administration. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

A. State Controller;

B. State Purchasing Agent;

C. State Tax Assessor;

D. Director, Bureau of Public Improvements;

E. Director, Bureau of Alcoholic Beverages;

F. State Budget Officer;

G. Assistant to the Commissioner; and

H. Director, Risk Management.

§940. Department of Human Services

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Human Services. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Commissioners;
- B. Director, Bureau of Maine's Elderly;
- C. Director, Bureau of Social Services;
- D. Director, Bureau of Health;
- E. Director, Bureau of Rehabilitation;
- F. Director, Bureau of Income Maintenance;
- G. Director, State Health Planning and Development Agency;
- H. Director, Bureau of Medical Services; and
- I. Assistant Deputy Commissioners.

§941. Maine Human Rights Commission

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Maine Human Rights Commission. Notwithstanding any other provisions of law, these positions and their successor positions shall be subject to this chapter:

- A. Executive Director; and
- B. Chief Compliance Officer.

§942. Department of Inland Fisheries and Wildlife

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Inland Fisheries and Wildlife. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Commissioner;
- B. Game Warden Colonel;
- C. Assistant to the Commissioner for Public Information; and
- D. Assistant to the Commissioner.

§943. Department of Labor

1. Major policy-influencing positions. The following positions are major policy-influencing posi-

tions within the Department of Labor. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Director, Maine Job Training Council;
- B. Director, Bureau of Labor Standards;
- C. Executive Director, Maine Labor Relations Board;
- D. Assistant to the Commissioner;
- E. Assistant to the Commissioner for Public Information;
- F. Director, Planning and Program Services;
- G. Executive Director, Bureau of Employment Security;
- H. Executive Secretary, Maine Occupational Information Coordinating Committee; and
- I. Executive Director, Bureau of Employment Training Programs.

§944. Maine State Lottery Commission

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Maine State Lottery Commission. Notwithstanding any other provision of law, these positions shall be subject to this chapter:

- A. Deputy Director.

§945. Department of Marine Resources

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Marine Resources. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Commissioner;
- B. Chief, Bureau of Marine Patrol; and
- C. Assistant to the Commissioner.

§946. Department of Mental Health and Mental Retardation

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Mental Health and Mental Retardation. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Associate Commissioner;
- B. Director, Bureau of Mental Health;
- C. Superintendent, Augusta Mental Health Institute;
- D. Superintendent, Bangor Mental Health Institute;
- E. Director, Bureau of Mental Retardation;
- F. Superintendent, Pineland Center;
- G. Children's Services Executive Director;
- H. Director, Mental Retardation Facility;
- I. Director, Elizabeth Levinson Center; and
- J. Assistant to the Commissioner for Public Information.

§947. Department of Personnel

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Personnel. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Assistant to the Commissioner; and
- B. Director, Planning and Operations.

§948. Department of Public Safety

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Public Safety. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Chief, Bureau of State Police;
- B. . Director, Bureau of Liquor Enforcement;
- C. Director, Office of State Fire Marshal;
- D. Director, Maine Criminal Justice Academy;
- E. Assistant to the Commissioner for Public In-
formation;
- F. Assistant to the Commissioner; and
- G. Two Deputy Chiefs, State Police.

§949. Public Utilities Commission

1. Major policy-influencing positions. The fol-
lowing positions are major policy-influencing posi-
tions within the Public Utilities Commission. Not-
withstanding any other provision of law, these posi-
tions and their successor positions shall be subject
to this chapter:

- A. General Counsel - Public Utilities Commission
- B. Director of Finance;
- C. Administrative Director; and
- D. Director of Technical Analysis.

§950. Department of the Secretary of State

1. Major policy-influencing positions. The fol-
lowing positions are major policy-influencing posi-
tions within the Department of the Secretary of
State. Notwithstanding any other provision of law,
these positions and their successor positions shall
be subject to this chapter:

- A. Deputy Secretaries of State; and
- B. State Archivist.

§951. Department of Transportation

1. Major policy-influencing positions. The fol-
lowing positions are major policy-influencing posi-
tions within the Department of Transportation. Not-
withstanding any other provision of law, these posi-
tions and their successor positions shall be subject
to this chapter:

- A. Deputy Commissioners;
- B. Chief Counsel, Bureau of Legal Services;
- C. Assistant to the Commissioner; and
- D. Assistant to the Commissioner for Public Information.

§952. Department of Defense and Veterans' Services

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Defense and Veterans' Services. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Adjutant General;
- B. Director, Bureau of Civil Emergency Preparedness; and
- C. Director, Bureau of Veterans' Services.

Sec. 5. 22 MRSA §1, 3rd ¶, as amended by PL 1981, c. 10, §1, is further amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate supervision, direction and control of the commissioner. These personnel shall be employed subject to the Personnel Law, except the: Deputy Commissioner; Director, Bureau of Social Services; Director, Bureau of Maine's Elderly; Director, Bureau of Health; Director, Bureau of Rehabilitation; Director, Bureau of Income Maintenance; and Director, State Health Planning and Development Agency; Director, Bureau of Medical Services; and Assistant Deputy Commissioners. ~~Deputy commissioners shall be appointed by the commissioner and shall serve at the pleasure of the commissioner.~~

Sec. 6. 34-A MRSA §1403, sub-§2, ¶C is enacted to read:

C. The commissioner shall appoint the following officials to serve at his pleasure:

- (1) Associate Commissioner;
- (2) Assistant to the Commissioner; and

(3) Director, Correctional Program.

Sec. 7. 34-B MRSA §1204, sub-§2, ¶C is enacted to read:

C. The commissioner shall appoint the following officials to serve at his pleasure:

(1) Associate Commissioners;

(2) Director, Bureau of Mental Health;

(3) Superintendent, Augusta Mental Health Institute;

(4) Superintendent, Bangor Mental Health Institute;

(5) Director, Bureau of Mental Retardation;

(6) Superintendent, Pineland Center;

(7) Children's Services, Executive Director;

(8) Director, Mental Retardation Facility;

(9) Director, Elizabeth Levinson Center;
and

(10) Assistant to the Commissioner for Public Information.

Sec. 8. 35 MRSA §1, as amended by PL 1983, c. 344, §2, is further amended to read:

§1. Members; terms; vacancies; seal; clerks; office and equipment; salary; expenses

The Public Utilities Commission, as heretofore established, shall consist of 3 members appointed by the Governor, subject to review by the legislative committee having jurisdiction over public utilities and to confirmation by the Legislature from time to time upon the expiration of the terms of the several members, for terms of 6 years and all 3 members of the commission shall devote full time to their duties. Each term shall end on March 31st of the 6th year of the term. A commissioner may continue to serve beyond the end of his term until a duly qualified successor is appointed. Any vacancy occurring in said commission shall be filled by appointment for the unexpired portion of the term in which such vacancy occurs. One member of the commission shall be

designated by the Governor as chairman. The commission shall adopt and have a seal and be provided with an office at the State House in which its records shall be kept. The commission shall appoint a secretary an administrative director, a director of finance and a director of technical analysis. The director of technical analysis shall have a bachelor's degree in an appropriate field and 4 years' experience in engineering, or shall be registered as a professional engineer. It shall appoint, with the approval of the Attorney General, a general counsel. It shall appoint, subject to the Personnel Law, an assistant secretary to the administrative director. The secretary administrative director shall keep a full and minute record of the proceedings of the commission which shall be open to public inspection at all times. The assistant secretary director shall assist the secretary director in the performance of his duties, and in the absence of the secretary director shall have the same powers as the secretary director. The secretary administrative director shall have authority to certify to all official acts of the commission, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the commission. The commission shall have custody and control of all records, maps and papers pertaining to the offices of the former Board of Railroad Commissioners and the former State Water Storage Commission.

The salaries of the other subordinate officials and employees of that commission, other than those of the general counsel, the secretary Administrative Director, the director of finance and the director of technical analysis, shall be subject to the Personnel Law. The general counsel, the Administrative Director, the Director of Finance and the Director of Technical Analysis shall serve at the pleasure of the commission and their salaries shall be set by the commission within the range established by Title 2, section 6-A. The commissioners and all employees shall receive actual expenses when traveling on official business.

Sec. 9. Transition provision. Consistent with the Revised Statutes, Title 5, chapter 69 for any position affected by this Act and subject to the Personnel Law on the effective date of this Act, the incumbent in the position or a person on leave of absence from the position shall retain his appointment subject to the Personnel Law.

Effective July 25, 1984.
