

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

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

---

---

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

---

---

(2) He has attempted to obtain insurance in the voluntary market and has been refused by at least 2 insurers which write that insurance in this State. For the purpose of this section, an employer shall be considered to have been refused if he has been offered insurance only under a retrospective rating plan or plans.

Effective July 16, 1986.

---

---

## CHAPTER 720

H.P. 1676 - L.D. 2362

### AN ACT to Authorize the Payment of Retention and Recruitment Stipends in State Government.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are many job classifications within State Government for which there are recruitment and retention problems; and

Whereas, some of these recruitment and retention problems are the result of labor market conditions which have established higher wages and salaries in the private sector for the same job classification that in State Government is paid a lower wage or salary; and

Whereas, some state agencies are experiencing a crisis with respect to filling a number of essential positions which has seriously affected the ability of these agencies to operate; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA §634, as amended by PL 1977, c. 564, §§18, 19 and 20, is further amended to read:

§634. Compensation plan

The commissioner shall, as soon as practicable after the adoption of the classification plan, submit to the Legislature 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 Legislature, it shall constitute the official schedule of salaries for all classes of positions in the classified service, except that if the adoption of a compensation plan results in the reduction of salary of an employee, the Commissioner of Personnel shall certify to the proper fiscal officer of the State that the employee's salary shall not be subject to any reduction for a period of one year from the effective date of adoption of said plan. No position ~~shall~~ may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan, except as provided in this section. 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.

1. Recruitment and retention adjustments. Subject to Title 26, section 979-D, subsection 1, paragraph E, the director may approve payment of recruitment and retention adjustments for occupations in State Government when the payment of a labor market adjustment is required to recruit and retain an adequate work force. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions:

A. High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series;

B. The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete;

C. All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation; and

D. Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

2. Limitations on recruitment and retention adjustments. The payment of recruitment and retention adjustments authorized under this subsection shall be subject to the following provisions.

A. The labor market adjustment shall be reviewed no less frequently than once every 2 years and shall be adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market.

B. If the subsequent review provided in paragraph A results in the adjustment being decreased or discontinued, no employee receiving the recruitment and retention adjustment may be subject to a reduction in pay.

3. Limitation on stipends. The use and application of the recruitment and retention adjustment shall be discontinued for any job classification that is not provided with a stipend as of June 30, 1987.

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

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

Effective April 17, 1986.

---

---

## CHAPTER 721

H.P. 1662 - L.D. 2340

AN ACT to Insure the Rights of the Staff of  
the Projects Serving Preschool  
Handicapped Children and Other