

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON STATE AND
LOCAL GOVERNMENT**

May 2016

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... *carried over to a subsequent session of the Legislature*
CON RES XXX..... *chapter # of constitutional resolution passed by both houses*
CONF CMTE UNABLE TO AGREE..... *Committee of Conference unable to agree; legislation died*
DIED BETWEEN HOUSES..... *House & Senate disagreed; legislation died*
DIED IN CONCURRENCE..... *defeated in each house, but on different motions; legislation died*
DIED ON ADJOURNMENT..... *action incomplete when session ended; legislation died*
EMERGENCY..... *enacted law takes effect sooner than 90 days after session adjournment*
FAILED, EMERGENCY ENACTMENT or PASSAGE..... *emergency failed to receive required 2/3 vote*
FAILED, ENACTMENT or FINAL PASSAGE..... *failed to receive final majority vote*
FAILED, MANDATE ENACTMENT..... *legislation proposing local mandate failed required 2/3 vote*
HELD BY GOVERNOR..... *Governor has not signed; final disposition to be determined at subsequent session*
LEAVE TO WITHDRAW..... *sponsor's request to withdraw legislation granted*
NOT PROPERLY BEFORE THE BODY..... *ruled out of order by the presiding officer; legislation died*
INDEF PP..... *indefinitely postponed; legislation died*
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... *ought-not-to-pass report accepted; legislation died*
P&S XXX..... *chapter # of enacted private & special law*
PUBLIC XXX..... *chapter # of enacted public law*
RESOLVE XXX..... *chapter # of finally passed resolve*
VETO SUSTAINED..... *Legislature failed to override Governor's veto*

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on State and Local Government

Committee Amendment "A" (H-622)

This amendment expands the benefits in the bill for veterans to apply to gold star spouses. A gold star spouse is a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

Enacted Law Summary

Public Law 2015, chapter 438 repeals statutory language regarding preference given to veterans in making appointments to positions in the classified service, preference in the form of points added to test scores that must be given to honorably separated veterans of the Armed Forces of the United States and to the spouse of a disabled veteran, the widow or widower of a veteran and the parents of a deceased veteran who lost his or her life under honorable conditions while serving on active duty. It also repeals the provision that authorizes certain veterans and certain family members of disabled or deceased veterans to file an application for and reopen an open competitive examination during the life of an eligible register resulting from a published announcement.

Public Law 2015, chapter 438 instead gives preference in the form of an interview to any person who has served on active duty in the United States Armed Forces, including the Reserves of the United States Armed Forces and the National Guard, and received a discharge other than dishonorable and who meets the minimum qualifications established for a position. The preference also applies to gold star spouses, widows or widowers of veterans who are eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

LD 1663

An Act To Promote Recruitment and Retention of State Employees

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING A	ONTP OTP-AM	

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. Current law provides that the laws governing the state civil service system are not intended to limit or restrict the rights of state employees to bargain collectively. This bill strikes that language and instead provides that the laws governing the state civil service system provide a framework under which collective bargaining can take place.
2. Current law provides that, except as provided in statute, a position may not be assigned a salary that is greater than the maximum or lower than the minimum rates fixed in the compensation plan. This bill repeals that prohibition.
3. It changes the law governing recruitment and retention adjustments to remove the requirement that, if applicable, the Director of Human Resources within the Department of Administrative and Financial Services obtain the agreement of the bargaining agent.
4. It amends the law governing the conditions that justify the payment of a recruitment and retention adjustment by adding the existence of other documentable recruitment and retention difficulties as a condition warranting the adjustment, and eliminating the existence of a clear, geographically definable labor market within which the State must compete as a condition warranting the adjustment.
5. It specifies that, if a subsequent review of any recruitment and retention adjustment results in an adjustment being decreased or discontinued, an affected employee may not be subject to a reduction in pay.
6. It eliminates the requirement that, if a funding request is necessary to implement an approved adjustment, the

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Director of Human Resources submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report recommending the adjustment.

7. It specifies that salary increases within an established range must be based upon meritorious performance, which is defined as performance that exceeds satisfactory performance.

8. It provides that, in hiring an employee who has not been employed by the executive branch within the immediately preceding 12 months, an agency may offer and pay a one-time recruitment bonus to the new employee that is subject to the discretion of the agency and is removed from collective bargaining.

LD 1664 An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R	ONTP OTP	

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

Current law provides that the Director of Human Resources within the Department of Administrative and Financial Services may establish policies and procedures to allow departments and agencies to administer the tests and to interview persons taking the tests. This bill provides that the director may establish policies and procedures to allow departments and agencies to administer tests and conduct interviews.

Current law provides that an application for a position in State Government may not be rejected solely because the applicant lacks educational qualifications and specifies that acceptable equivalent combinations of appropriate experience or education may be substituted for formal educational qualifications, except where the educational qualifications are reflected in necessary registrations or federal standards. This bill repeals that provision.

LD 1668 An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System **PUBLIC 442**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A	OTP-AM	S-449

This bill makes the following changes to the law relating to recruitment, hiring and retention of state employees.

1. It specifies that, prior to implementing procedures regarding developing and implementing a system of registers of eligible persons, the Director of Human Resources within the Department of Administrative and Financial Services is required to meet and consult with collective bargaining representatives of affected employees.

2. Current law limits the length of time a person in a temporary position may remain in that temporary position to no more than one year. This bill removes that limitation.

3. It eliminates the requirement that the Director of Human Resources place the names of eligible persons on the register in order of their ratings.

4. It repeals language providing that a person may not be removed from the register of eligible persons for failure to respond in less than three months' time to a written inquiry of the Director of Human Resources or appointing authority regarding availability for appointment. It also repeals language providing that a person may not be