

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FOURTEEN

H.P. 1188 - L.D. 1616

**An Act Regarding Appointments of Certain Positions in the Department of  
Corrections**

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

**Sec. 1. 2 MRSA §6, sub-§2**, as amended by PL 2011, c. 655, Pt. I, §1 and affected by §11, is further amended to read:

**2. Range 90.** The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Deputy Commissioner, Department of Administrative and Financial Services;

~~Associate Deputy~~ Deputy Commissioner for ~~Adult Services~~, Department of Corrections;

~~Associate Commissioner for Juvenile Services, Department of Corrections;~~

Public Advocate;

Deputy Commissioner, Department of Health and Human Services;

Chief Information Officer;

Associate Commissioner for ~~Legislative and Program Services~~, Department of Corrections; and

Chief of the State Police.

**Sec. 2. 5 MRSA §936, sub-§1**, as amended by PL 1999, c. 731, Pt. G, §1, is repealed and the following enacted in its place:

**1. Major policy-influencing positions.** The positions of deputy commissioner and 2 associate commissioners are major policy-influencing positions within the Department of Corrections. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter.

**Sec. 3. 34-A MRSA §1403, sub-§2**, as amended by PL 2001, c. 386, §11, is further amended to read:

**2. Appointments.** The commissioner's appointment powers are as follows.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions in the institutional services unit ~~must be identified through a separate agreement with labor and~~ may be used only at preidentified posts and work sites. ~~Use of intermittent employees for the purposes of overtime must be governed by an agreement between the parties.~~

B. The commissioner may appoint and set the salary for ~~3~~ one deputy commissioner and 2 associate commissioners to assist in carrying out the responsibilities of the department.

(1) An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(2) To be eligible for appointment as the deputy commissioner or an associate commissioner, a person must have training and experience in general management.

(3) The deputy commissioner has the powers, duties, obligations and liabilities of the commissioner when the commissioner is unable to perform the duties of the office.

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

~~(1) Associate Commissioner for Adult Services;~~

~~(1 A) Associate Commissioner for Juvenile Services; and~~

~~(3) Associate Commissioner for Legislative and Program Services.~~

D. The commissioner may appoint and set the salary for a director of operations, a policy development coordinator and a media and public information officer to assist in carrying out the responsibilities of the department. An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

**Sec. 4. 34-A MRSA §1403, sub-§3**, as amended by PL 1995, c. 502, Pt. F, §19, is further amended to read:

**3. Delegation.** The commissioner's delegation powers are as follows.

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given under this Title to the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators.

B. The commissioner may empower the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators to further delegate powers and duties delegated to them by the commissioner.

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower regional correctional administrators to delegate powers and duties given to them by chapter 5.

C. ~~An~~ The deputy commissioner, an associate commissioner or associate commissioners may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. The deputy commissioner, associate commissioner or associate commissioners may appoint staff to assist in carrying out this paragraph.

**Sec. 5. 34-A MRSA §3001, sub-§1**, as amended by PL 1999, c. 583, §5, is further amended to read:

**1. Appointment.** The commissioner may appoint chief administrative officers as necessary for the proper performance of the functions of the department, ~~subject to the Civil Service Law.~~ An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

A. To be eligible for appointment as a chief administrative officer, a person must be experienced in ~~the correctional management of the particular type of facility to which that person is assigned.~~ the correctional

B. Chief administrative officers shall report directly to the commissioner or to the deputy commissioner or ~~to~~ an associate commissioner if so directed by the commissioner.

**Sec. 6. 34-A MRSA §5402, sub-§2, ¶B**, as amended by PL 2013, c. 133, §28, is further amended to read:

B. Appoint, subject to the Civil Service Law, ~~regional correctional administrators,~~ field probation and parole officers, juvenile community corrections officers and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities and other persons placed under the supervision of an employee listed in this paragraph;

**Sec. 7. 34-A MRSA §5402, sub-§3, ¶A-1** is enacted to read:

A-1. Appoint regional correctional administrators as necessary for the proper performance of the functions of the department. An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(1) To be eligible for appointment as a regional correctional administrator, a person must be experienced in correctional management.

(2) A regional correctional administrator shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner.

**Sec. 8. Vacancies.** Notwithstanding any other provision of law, the Commissioner of Corrections may not appoint a person to the position of director of operations, policy coordinator, media and public information officer, chief administrative officer or regional correctional administrator for the Department of Corrections until the person in that respective position on the effective date of this Act no longer serves in that position.