

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Achieve Cost Savings by Eliminating Deputy Commissioner Positions throughout State Government

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

Whereas, in light of the current fiscal condition of the State, different methods of achieving savings must be examined and implemented as soon as possible; and

Whereas, this legislation achieves savings by the elimination of certain positions in State Government; 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:

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2007, c. 539, Pt. N, §1 and affected by c. 695, Pt. A, §47, 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;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

~~Deputy Commissioner, Department of Administrative and Financial Services;~~

Associate 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Sec. 2. 2 MRSA §6, sub-§4, as repealed and replaced by PL 2007, c. 695, Pt. A, §5 and affected by §47, is amended to read:

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

Director, Bureau of Air Quality;
Director, Bureau of Land and Water Quality;
Director, Bureau of Remediation and Waste Management;
~~Deputy Commissioner, Environmental Protection;~~
Director, Office of Licensing and Registration;
Administrator, Office of Securities; and
Deputy Chief of the State Police.

Sec. 3. 2 MRSA §6, sub-§6, as amended by PL 2005, c. 405, Pt. D, §4, is further amended to read:

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;
Members, Maine Unemployment Insurance Commission;
~~Deputy Commissioner of the Department of Defense, Veterans and Emergency Management;~~
Director of the Bureau of Maine Veterans' Services; and
Executive Analyst, Board of Environmental Protection.

Sec. 4. 2 MRSA §6, sub-§11, as amended by PL 2007, c. 539, Pt. N, §2, is repealed.

Sec. 5. 5 MRSA §1, as amended by PL 1975, c. 771, §23, is further amended to read:

§ 1. Appointment of temporary officials; removal; salary

In order to provide for the uninterrupted and orderly functioning of any agency, board, commission or department of the State Government during a vacancy in the office of the appointive or elective head thereof and whenever there is no state official, deputy, assistant or other state employee duly authorized by law to exercise the powers and perform the duties of ~~such~~the appointive or elective head during ~~such~~a vacancy, the Governor is empowered to appoint a temporary ~~deputy~~acting commissioner to exercise the powers and perform the duties of the appointive or elective head of ~~such~~an office during ~~such~~a vacancy. The term of office of ~~such~~a temporary ~~deputy~~acting commissioner so appointed ~~shall be~~is at the pleasure of the Governor and ~~shall~~may not extend beyond the date of qualification of a successor to the office of appointive or elective head of ~~such~~the agency, board, commission or department or 60 days from the date of ~~his~~his appointment ~~as temporary acting commissioner~~, whichever ~~shall~~first ~~occur~~occurs. The term of office of ~~such~~a temporary ~~deputy~~acting commissioner so appointed to an office to which appointments are by law subject to confirmation by the Legislature ~~shall be~~is at the pleasure of the Governor and ~~shall~~may not extend beyond the date of qualification of a successor appointed to ~~such~~the office or 6 months from the date of appointment, whichever ~~shall~~first ~~occur~~occurs. ~~Such~~A temporary ~~deputy~~acting

commissioner ~~shall~~ is not be eligible for reappointment. ~~Such~~ A temporary ~~deputy~~ acting commissioner ~~shall~~ must be appointed from the personnel of the agency, board, commission or department in which ~~such~~ the vacancy occurs.

During the term of such appointment, the temporary ~~deputy~~ acting commissioner ~~shall~~ must be paid a salary to be determined by the Governor but not to exceed that received by the appointive or elective head at the termination of ~~his~~ the appointive or elective head's services with the State Government.

In the event an employee in the classified service of the State Government is appointed as a temporary ~~deputy commissioner~~ he shall, during the term of his appointment as temporary deputy commissioner, retain all of the rights and all of the retirement benefits to which he may be entitled as a classified employee of the State Government.

An employee in the classified service of the State Government who is appointed as temporary acting commissioner retains, during that employee's tenure as temporary acting commissioner, all of the rights and all of the retirement benefits that employee is entitled to as a classified employee of the State Government.

Sec. 6. 5 MRSA §282, first ¶, as amended by PL 2003, c. 673, Pt. C, §1, is further amended to read:

~~The commissioner may, with the approval of the Governor, appoint a deputy commissioner, who is the chief of one of the department bureaus and shall perform the duties of the commissioner during the commissioner's absence, in addition to the deputy commissioner's regular duties. The compensation and expense of the deputy commissioner is paid from any available funds appropriated for the use of the bureau of which the deputy commissioner is chief. The commissioner may appoint and employ the bureau chiefs and the assistant to the commissioner to be under the commissioner's immediate supervision, direction and control, and to serve at the commissioner's pleasure and perform such duties as the commissioner may prescribe, except as otherwise provided by law. In addition, the commissioner may appoint an associate commissioner for administrative services who is not subject to the Civil Service Law and who serves at the pleasure of the commissioner.~~

Sec. 7. 5 MRSA §282, 2nd ¶, as amended by PL 1985, c. 785, Pt. B, §14, is further amended to read:

The commissioner may employ such other ~~deputies~~, division heads, assistants and employees as may be necessary, subject to the Civil Service Law. In addition, the commissioner may employ a Director of Compliance to carry out departmental responsibilities related to: ~~Labor~~ labor relations and labor contract compliance; human rights and affirmative action compliance; and, audit guidelines and other 3rd-party compliance requirements. The Director of Compliance ~~shall serve~~ serves at the pleasure of the commissioner.

Sec. 8. 5 MRSA §282, 3rd ¶ is amended to read:

In the event of a vacancy in the office of the commissioner because of death, resignation, removal from office or other cause, the various bureau chiefs, ~~deputies~~ and assistants ~~shall~~ continue in office and shall perform such duties as have been prescribed or assigned to them, until ~~said~~ the vacancy has been filled by the appointment and qualification of a new commissioner.

Sec. 9. 5 MRSA §933, sub-§1, ¶A, as amended by PL 2005, c. 337, §1 and affected by §4, is repealed.

Sec. 10. 5 MRSA §934-A, as amended by PL 2005, c. 425, §1, is repealed.

Sec. 11. 5 MRSA §935, sub-§1, ¶B, as repealed and replaced by PL 1983, c. 862, §12, is repealed.

Sec. 12. 5 MRSA §937, sub-§1, ¶A, as amended by PL 2007, c. 1, Pt. D, §1, is repealed.

Sec. 13. 5 MRSA §938, sub-§1-A, ¶A, as enacted by PL 1995, c. 560, Pt. E, §2, is repealed.

Sec. 14. 5 MRSA §942, sub-§1, ¶A, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. 15. 5 MRSA §943, sub-§1, ¶F-1, as repealed and replaced by PL 2005, c. 3, Pt. O, §1, is repealed.

Sec. 16. 5 MRSA §945, sub-§1, ¶A, as amended by PL 2005, c. 519, Pt. S, §1, is repealed.

Sec. 17. 5 MRSA §947-B, sub-§1, ¶F, as enacted by PL 1991, c. 780, Pt. Y, §37, is repealed.

Sec. 18. 5 MRSA §951, sub-§1, ¶A, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. 19. 5 MRSA §952, sub-§1, ¶A, as amended by PL 1997, c. 643, Pt. Q, §4, is repealed.

Sec. 20. 5 MRSA §13058, sub-§1, as amended by PL 2005, c. 425, §4, is further amended to read:

1. Employ and remove staff. The commissioner shall employ and remove staff of the department. ~~Persons employed in major policy-influencing positions, as defined in section 934-A, and~~ professional staff whose positions were formerly located in the State Development Office serve at the pleasure of the commissioner. The office directors serve at the pleasure of the commissioner.

A. All professional positions that are unclassified positions and members of bargaining units and are transferred to the department from units of State Government other than the State Development Office retain their current status, including their rights as members of bargaining units. The position responsible for the administration of the tax incentive programs and classified, clerical and other nonprofessional staff must be hired pursuant to the Civil Service Law for classified state employees.

B. The commissioner may employ or engage such outside technical or professional consultants as may be necessary or appropriate to assist the office in carrying out its functions and may enter into contracts with other boards, commissions, departments and divisions of the State, with the University of Maine System or with private entities to assist the commissioner in carrying out the commissioner's duties under this chapter.

Sec. 21. 5 MRSA §17710, sub-§2, as amended by PL 1987, c. 739, §§22 and 48, is further amended to read:

2. Commissioner. A commissioner ~~or deputy commissioner~~ of the Department of Marine Resources may elect to contribute as a member or have pick-up contributions made by the employer under section 17701, rather than under this section, by filing a written copy of the election of choice with the board.

Sec. 22. 5 MRSA §17851, sub-§7, as amended by PL 1987, c. 739, §§26 and 48, is further amended to read:

7. Marine Resources commissioner. A commissioner ~~or deputy commissioner~~ of the Department of Marine Resources qualifies for a service retirement benefit if ~~hethe commissioner~~:

A. Qualifies under subsection 6; and

B. Contributed or had pick-up contributions made by the employer as a law enforcement officer under section 17710, subsection 1.

Sec. 23. 7 MRSA §5, as amended by PL 1997, c. 643, Pt. NN, §3, is repealed.

Sec. 24. 12 MRSA §5012, 2nd ¶, as amended by PL 2009, c. 213, Pt. L, §2, is further amended to read:

The commissioner has the power to appoint ~~a deputy commissioner and~~ bureau heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as necessary for the proper performance of the duties of the department.

Sec. 25. 12 MRSA §5012, 3rd ¶, as amended by PL 2009, c. 213, Pt. L, §3, is further amended to read:

The ~~deputy commissioner and~~ bureau heads serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Regulation Commission requires the consent of a majority of the members of that commission.

Sec. 26. 12 MRSA §6022, sub-§3, as amended by PL 1989, c. 348, §3, is further amended to read:

3. Organization and personnel. The commissioner shall organize the department into the administrative units ~~which~~that the commissioner decides are necessary to carry out its duties. The commissioner shall hire all necessary employees of the department subject to the Civil Service Law, except that persons in the following positions ~~shall be~~are appointed by and serve at the pleasure of the commissioner: ~~Deputy Commissioner~~; Chief, Bureau of Marine Patrol; and Assistant to the Commissioner for Public Information. The Chief of the Bureau of Marine Patrol ~~shall~~must be appointed from among the patrol personnel of the bureau with the rank of sergeant or higher. In the event that the Chief of the Bureau of Marine Patrol is not reappointed, that person ~~shall have~~has the right to be restored to the classified position from which that person ~~shall have been~~was promoted or to a position equivalent thereto in salary grade without impairment of that person's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have

entitled that person. If that person's service in the position of Chief of the Bureau of Marine Patrol shall be terminated for cause, that person's right to be so restored shall be determined by the State Civil Service Appeals Board.

Sec. 27. 12 MRSA §6023, as amended by PL 1979, c. 541, Pt. B, §73, is further amended to read:

§ 6023. Delegation of duties

~~The commissioner shall designate a deputy commissioner, who shall serve at the pleasure of the commissioner. The deputy commissioner shall be responsible, under the direction of the commissioner, for the administration and enforcement of the marine resources' laws and shall have all the powers of a marine patrol officer. He shall serve as the commissioner in the commissioner's absence or disability or if the office of the commissioner becomes vacant. The commissioner may appoint an appropriate administrative officer in the department to perform the functions of the commissioner if both the commissioner and deputy commissioner are disabled or absent.~~

Sec. 28. 12 MRSA §6072, sub-§1, as amended by PL 2003, c. 247, §2, is further amended to read:

1. Authority. The commissioner may lease areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for scientific research or for aquaculture of marine organisms. The commissioner may grant a lease to any person. Except as provided in this Part, the commissioner's power to lease lands under this section is exclusive. ~~For the purposes of this section, the deputy commissioner may serve in the place of the commissioner. For the purposes of this section, the commissioner or the deputy commissioner serving in the place of the commissioner may~~ authorize in writing qualified professional department staff to sign lease documents.

Sec. 29. 12 MRSA §6072-A, sub-§1, as amended by PL 2003, c. 247, §9, is further amended to read:

1. Authority. The commissioner may issue a limited-purpose lease for areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for commercial aquaculture research and development or for scientific research. ~~The commissioner or the deputy commissioner acting on the commissioner's behalf may~~ authorize in writing qualified professional department staff to issue a final decision and sign a lease document on an application for a limited-purpose lease. A decision issued by department staff pursuant to this subsection is a final agency action with respect to that lease application.

Sec. 30. 12 MRSA §6174, sub-§2, as amended by PL 2003, c. 248, §3, is further amended to read:

2. Proof of rules. A certified copy of a rule is admissible in court to prove the rule and is prima facie evidence that the rule was properly adopted. A rule must be personally certified by the commissioner, ~~deputy commissioner~~ or Chief of the Bureau of Marine Patrol and must be accompanied by a signed statement that it was in force on the date of the alleged violation. The certified copy is admissible in

evidence on the testimony of a marine patrol officer that the patrol officer received the certified rule after requesting it by telephone or otherwise from the department. No further foundation is necessary for the admission of the certified copy.

Sec. 31. 12 MRSA §6205, as amended by PL 1979, c. 541, Pt. B, §73, is further amended to read:

§ 6205. Certificate as evidence

A certificate of the commissioner, ~~deputy commissioner~~ or Chief of the Bureau of Marine Patrol stating what the records of the department show ~~shall be~~ admissible as evidence in all courts as proof of the department records. A certificate stating that the records do not show that a person held a license ~~shall be~~ prima facie evidence that the person did not hold the license on the date specified in the certificate. The certified copy ~~shall be~~ admissible in evidence on the testimony of ~~an~~ officer that ~~he~~ the officer received the certificate after requesting it by telephone or otherwise from the department. No further foundation ~~shall be~~ necessary for the admission of the certificate.

Sec. 32. 12 MRSA §6372, sub-§3, ¶E, as enacted by PL 1977, c. 661, §5, is amended to read:

E. Presiding officer, Title 5, section 9062, subsections 3 and 4, except the presiding officer ~~shall~~ must be the commissioner ~~or deputy commissioner~~.

Sec. 33. 12 MRSA §10051, 2nd ¶, as repealed and replaced by PL 2009, c. 652, Pt. A, §13, is further amended to read:

The department consists of the Commissioner of Inland Fisheries and Wildlife, ~~a deputy commissioner~~, the Division of Licensing, Registration and Engineering, the Bureau of Resource Management and the Bureau of Warden Service. The department also includes the Advisory Board for the Licensing of Guides and whatever state agencies that are designated. The department is under the control and supervision of the commissioner.

Sec. 34. 12 MRSA §10052, first ¶, as amended by PL 2009, c. 340, §2, is further amended to read:

The Division of Licensing, Registration and Engineering is established within the Department of Inland Fisheries and Wildlife. The division is equal in organizational level and status with other major organizational units within the department or its successors. The division is administered by a director who is immediately responsible to the ~~deputy~~ commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the division, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the division include, but are not limited to:

Sec. 35. 12 MRSA §10053, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

The Bureau of Resource Management is established within the Department of Inland Fisheries and Wildlife. The bureau is equal in organizational level and status with other major organizational units within the department or its successors. The bureau is administered by a director who is immediately

responsible to the deputy commissioner. The director possesses full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau include, but are not limited to:

Sec. 36. 12 MRSA §10054, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

The Bureau of Warden Service is established within the Department of Inland Fisheries and Wildlife. It is equal in organizational level and status with other major organizational units within the department or its successors. The bureau is administered by a director who is immediately responsible to the deputy commissioner. The director is the Game Warden Colonel and is employed pursuant to section 10103, subsection 3 and Title 5, chapter 59, which are applicable to this position. The director possesses full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau include, but are not limited to:

Sec. 37. 12 MRSA §10103, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Delegation of duties. ~~The commissioner shall appoint, to serve at the commissioner's pleasure, the Deputy Commissioner of Inland Fisheries and Wildlife, who must be qualified by training and experience in fisheries and wildlife management or conservation law enforcement. Under the commissioner's direction, the deputy commissioner assists in the administration of the department. The deputy commissioner serves as the commissioner if the commissioner is disabled or absent or if the office of the commissioner becomes vacant. The commissioner may appoint an appropriate administrative officer in the department to perform the functions of the commissioner if both the commissioner and deputy commissioner are~~ disabled or absent.

Sec. 38. 12 MRSA §10103, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. Employment of personnel. The commissioner shall employ, subject to the Civil Service Law, such employees as are necessary to carry out the duties of the department, except that persons in the following positions are appointed by and serve at the pleasure of the commissioner: ~~deputy commissioner;~~ Game Warden Colonel; and Assistant to the Commissioner for Public Information.

The Game Warden Colonel is appointed from among the game wardens of the department. In the event that the Game Warden Colonel is not reappointed, the Game Warden Colonel has the right to be restored to the classified position from which the Game Warden Colonel was promoted or to a position equivalent in salary grade in an agency, without impairment of personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled the Game Warden Colonel. If service in that unclassified supervisory position is terminated for cause, the right to be restored to that position must be determined by the State Civil Service Appeals Board.

Sec. 39. 20-A MRSA §203, sub-§1, ¶A, as amended by PL 2009, c. 571, Pt. W, §1, is repealed.

Sec. 40. 22 MRSA §2054, sub-§1, as amended by PL 1993, c. 390, §10 and PL 2001, c. 44, §11 and affected by §14 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

1. Authority. The Maine Health and Higher Educational Facilities Authority, established by Title 5, chapter 379, is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter is deemed and held to be the performance of an essential public function. The authority consists of 12 members, one of whom must be the Superintendent of Financial Institutions, ex officio; one of whom must be the Commissioner of Health and Human Services, ex officio; one of whom must be the Commissioner of Education, ex officio; one of whom must be the Treasurer of State, ex officio; and 8 of whom must be residents of the State appointed by the Governor. Not more than 4 of the appointed members may be members of the same political party. Three of the appointed members must be trustees, directors, officers or employees of health care facilities and one of these appointed members must be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm that originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. For the 2 members whose terms expire in 1980 and 1981, the Governor shall appoint as successors, for terms of 5 years each, persons who are trustees, members of a corporation or board of governors, officers or employees of institutions for higher education. Annually, the Governor shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor shall fill any vacancy for the unexpired terms. A member of the authority is eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon the member's duties must take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath must be filed in the office of the Secretary of State. The Superintendent of Financial Institutions, the Treasurer of State, the Commissioner of Health and Human Services and the Commissioner of Education may designate ~~their deputies~~any member of their staffs to represent them with full authority and power to act and vote in their behalf or, in the case of the Superintendent of Financial Institutions, the Commissioner of Health and Human Services and the Commissioner of Education, ~~any member of their staffs~~ to represent them as members at meetings of the authority with full power to act and, in the case of the Superintendent of Financial Institutions, the Commissioner of Health and Human Services and the Commissioner of Education, to vote in their behalf.

Sec. 41. 22-A MRSA §204, sub-§2, as enacted by PL 2003, c. 689, Pt. A, §1, is amended to read:

2. Vacancy. A vacancy in the office of the commissioner must be filled as follows.

A. Any vacancy of the commissioner's position must be filled in accordance with Title 5, section 1.

~~B. The commissioner shall appoint one of the department's deputy commissioners to perform the duties of the commissioner, in addition to the duties of that deputy commissioner, during the commissioner's temporary absence or disability.~~

Sec. 42. 22-A MRSA §205, sub-§4, as amended by PL 2007, c. 539, Pt. N, §44, is further amended to read:

4. Appointments. All ~~deputy commissioners,~~ all office directors, the regional systems integration directors and the superintendents of any state institutions are appointed by the commissioner and serve at the pleasure of the commissioner.

~~Deputy commissioners and office~~Office directors appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant ~~unit or~~ office.

Sec. 43. 22-A MRSA §207, sub-§2, as enacted by PL 2007, c. 539, Pt. N, §46, is amended to read:

2. Appointments of employees. The commissioner's powers to appoint ~~any deputy commissioner and other~~ employees are as set out in this subsection.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary.

~~B. The commissioner may appoint and set the salaries for one or more deputy commissioners to assist in carrying out the responsibilities of the department. Each appointment must be for an indeterminate term and until a successor is appointed and qualified or at the pleasure of the commissioner.~~

C. The commissioner, with the approval of the Governor, may employ and set the salaries up to the maximum adjusted pay grade for clinical director positions. Clinical director positions are excluded from the definition of state employee under Title 26, section 979-A, subsection 6 and are not subject to the Civil Service Law. Employees in that classification hired after July 1, 1989 serve at the pleasure of the commissioner and must, as a condition of continued employment, maintain clinical privileges to practice medicine as determined by the respective medical staff and the superintendent of the facility.

D. Employees in the classification of clinical director may elect to retain current bargaining unit and civil service status. Employees so grandfathered retain salary and benefit entitlements provided for in current pay schedules and collective bargaining agreements.

Sec. 44. 22-A MRSA §207, sub-§3, as enacted by PL 2007, c. 539, Pt. N, §46, is amended to read:

3. Delegation. The commissioner's delegation powers are as set out in this subsection.

A. The commissioner may delegate powers and duties given under this Title to ~~any deputy commissioner and~~ chief administrative officers of state institutions.

B. The commissioner may empower ~~any deputy commissioner and~~ chief administrative officers of state institutions to delegate further powers and duties delegated to them by the commissioner.

Sec. 45. 23 MRSA §4206, sub-§4, as amended by PL 1985, c. 785, Pt. B, §105, is further amended to read:

4. Personnel. The commissioner may appoint such ~~deputies,~~ directors, assistants, general counsel and other officers and employees as may be needed for the performance of ~~his~~ the commissioner's duties. These appointments ~~shall be~~ are subject to the Civil Service Law, except for the following who ~~shall~~ serve at the pleasure of the commissioner: ~~Deputy Commissioners of Transportation;~~ Chief Counsel, Bureau of Legal Services; Assistant to the Commissioner; and Assistant to the Commissioner for Public Information.

Sec. 46. 23 MRSA §4206, sub-§7, as enacted by PL 1971, c. 593, §16, is amended to read:

7. Delegation. The commissioner may delegate to ~~deputies,~~ directors, assistants and other officers and employees of the department ~~such of his~~ those duties as ~~he deems~~ the commissioner determines appropriate.

Sec. 47. 25 MRSA §2804-H, as amended by PL 2001, c. 559, Pt. EE, §2, is further amended to read:

§ 2804-H. Continuing certification

If the commissioner ~~or deputy commissioner~~ is a law enforcement officer who is certified under sections 2804-B and 2804-C, the officer's certification does not lapse during the period the officer serves as commissioner ~~or deputy commissioner~~.

Sec. 48. 26 MRSA §1401-B, sub-§1, ¶B, as amended by PL 2007, c. 1, Pt. D, §4, is further amended to read:

B. The commissioner shall appoint to serve at the commissioner's pleasure:

(2) Assistant to the Commissioner for Public Affairs;

(3) ~~Deputy Commissioner;~~

(4) Director, Bureau of Labor Standards;

(5) Beginning April 15, 1996, Executive Director, Bureau of Employment Services;

(6) Executive Director, Office of Operations; and

(7) Director, Bureau of Rehabilitation Services.

Sec. 49. 36 MRSA §4308, as amended by PL 1997, c. 511, §17, is further amended to read:

§ 4308. Inspection

The State Tax Assessor or the assessor's duly authorized agents have authority to enter any place of business of any processor or shipper or any car, boat, truck or other conveyance in which wild blueberries are to be transported and to inspect any books or records of any processor or shipper, or any premises where wild blueberries are stored, handled, transported or merchandised, for the purpose of determining what wild blueberries are taxable under this chapter or for the purpose of determining the truth or falsity of any statement or return made by any processor or shipper, and the State Tax Assessor may delegate that power to the Commissioner of Agriculture, Food and Rural Resources, or the commissioner's ~~deputies~~; agents or employees.

Sec. 50. 37-B MRSA §5, as enacted by PL 1997, c. 643, Pt. Q, §6, is repealed.

Sec. 51. 38 MRSA §342, sub-§5-A, as amended by PL 1995, c. 560, Pt. E, §4, is further amended to read:

5-A. Designation of directors. The commissioner may employ, to serve at ~~his~~the commissioner's pleasure, the following:

A. ~~A deputy commissioner;~~

C. Directors as defined in Title 5, section 938, subsection 1-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2011.

SUMMARY

This bill eliminates, by the end of fiscal year 2010-11, all deputy commissioner positions in State Government.