

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE  
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**  
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## CHAPTER 674

**AN ACT to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies.**

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

**Sec. 1.** 5 MRSA § 81, as last amended by PL 1975, c. 771, § 31, is further amended by adding after the 2nd sentence a new sentence to read:

**The Secretary of State may appoint deputy secretaries of state who shall serve at the pleasure of the Secretary of State.**

**Sec. 2.** 5 MRSA § 93, as amended by PL 1975, c. 771, § 33, is repealed and the following enacted in its place:

### **§ 93. State Archivist**

**The Secretary of State shall appoint a State Archivist subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature. He shall be chosen without reference to party affiliation and solely on the ground of professional competence to perform the duties of his office. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. The compensation of the State Archivist shall be fixed by the Governor.**

**This section shall not affect the term of the person holding office as State Archivist on October 1, 1977.**

**Sec. 3.** 5 MRSA § 282, 1st ¶, 3rd sentence, as repealed and replaced by PL 1971, c. 615, § 2, and as amended by PL 1975, c. 771, § 51-A, is repealed and the following enacted in its place:

**The commissioner may appoint and employ the bureau chiefs, except the Director of Central Computer Services.**

**Sec. 4.** 5 MRSA § 283, sub-§ 4, as amended by PL 1975, c. 771, § 51-B, is repealed and the following enacted in its place:

**4. Bureau of Purchases. Bureau of Purchases, the head of which shall be the State Purchasing Agent, who shall be appointed by the commissioner.**

**Sec. 5.** 5 MRSA § 678, 1st ¶, as last amended by PL 1977, c. 564, § 26, is further amended by adding at the end the following new sentence:

This paragraph shall not apply to an employee appointed to a major policy-influencing position listed in section 711, subsection 2.

Sec. 6. 5 MRSA § 711, as last amended by PL 1977, c. 564, §§ 27-28, is repealed and the following enacted in its place:

§ 711. 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 employers as follows:

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

B. Officers who, under the Constitution 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 secretary 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 Attorney General's Department.

2. Major policy-influencing positions.

A. The following positions in the following departments are major policy-influencing positions. These positions and their successor positions shall be subject to this subsection, notwithstanding any other provision of law:

(1) Department of the Attorney General:

- (a) Deputy Attorneys General; and
  - (b) Assistant Attorneys General.
- (2) Department of Business Regulation:
- (a) Superintendent, Bureau of Banks and Banking;
  - (b) Superintendent, Bureau of Consumer Protection;
  - (c) Superintendent, Bureau of Insurance; and
  - (d) Director of Real Estate.
- (3) Department of Conservation:
- (a) Director, Administrative Services;
  - (b) Director, Planning and Program Services;
  - (c) Director, Bureau of Forestry;
  - (d) Director, Maine Geological Survey;
  - (e) Executive Director, Land Use Regulation Commission;
  - (f) Director, Bureau of Parks and Recreation; and
  - (g) Director, Bureau of Public Lands.
- (4) Department of Educational and Cultural Services:
- (a) Assistant to the Commissioner;
  - (b) Deputy Commissioner;
  - (c) Associate Commissioner, Bureau of School Management;
  - (d) Associate Commissioner, Bureau of Instruction; and
  - (e) Associate Commissioner, Bureau of Vocational Education.
- (5) Department of Finance and Administration:
- (a) State Controller;
  - (b) State Purchasing Agent;

- (c) State Tax Assessor;
  - (d) Director, Bureau of Public Improvements;
  - (e) Director, Bureau of Alcoholic Beverages; and
  - (f) State Budget Officer.
- (6) Department of Human Services:
- (a) Deputy Commissioners;
  - (b) Director, Bureau of Maine's Elderly;
  - (c) Director, Bureau of Resource Development;
  - (d) Director, Bureau of Health;
  - (e) Director, Bureau of Rehabilitation;
  - (f) Director, Bureau of Social Welfare; and
  - (g) Director, State Health Planning and Development Agency.
- (7) Human Rights Commission:
- (a) Executive Director; and
  - (b) Chief Compliance Officer.
- (8) Department of Indian Affairs:
- (a) Deputy Commissioner.
- (9) Department of Inland Fisheries and Wildlife:
- (a) Deputy Commissioner.
- (10) Maine State Lottery Commission:
- (a) Deputy Director.
- (11) Department of Manpower Affairs:
- (a) Director, Manpower Training Division;
  - (b) Director, Bureau of Labor; and

- (c) Executive Director, Maine Labor Relations Board.
- (12) Department of Marine Resources:
  - (a) Deputy Commissioner.
- (13) Department of Mental Health and Corrections:
  - (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; and
  - (g) Director, Bureau of Corrections.
- (14) Department of Defense and Veterans Services:
  - (a) Deputy Adjutant General;
  - (b) Director, Bureau of Civil Emergency Preparedness; and
  - (c) Director, Bureau of Veterans Services.
- (15) Department of Public Safety:
  - (a) Chief, Bureau of State Police;
  - (b) Director, Bureau of Liquor Enforcement;
  - (c) Director, Office of State Fire Marshal; and
  - (d) Director, Maine Criminal Justice Academy.
- (16) Department of Secretary of State:
  - (a) Deputy Secretaries of State; and
  - (b) State Archivist.
- (17) Department of Transportation:



- (a) Deputy Commissioners; and
- (b) Chief Counsel, Bureau of Legal Services.

B. Except as otherwise provided by law, the head of the department or agency in which a major policy-influencing position is located shall have the power to appoint and remove persons to and from these positions on or after January 1, 1979, provided that if any position is subject to the Personnel Law on December 31, 1978, then the incumbent of the position or person on leave of absence from the position on December 31, 1978, may:

- (1) Retain his appointment subject to the Personnel Law until January 1, 1983; or
- (2) If the incumbent is appointed for a term, retain the position until the earlier of either the expiration of the term or January 1, 1983.

Any person permanently appointed to a classified position who accepts an appointment to a major policy-influencing position after December 31, 1978, shall have the right, for 12 months subsequent to appointment to the major policy-influencing position, to be restored to the classified position from which he shall have been promoted or to a position equivalent thereto in salary grade in an agency, without impairment of his personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled him. If his service in that unclassified supervisory position shall have been terminated for cause, his right to be so restored shall be determined by the Personnel Board. During the 12-month period, the appointing authority shall have the right to temporarily appoint a person to the position under the Personnel Law, provided that funds are available for the appointment and that it is consistent with the law.

C. Beginning with the effective date of this law, all persons incumbering major policy-influencing positions shall be entitled to the following:

- (1) Exactly the same participation in and accrual and use of all fringe benefits available to persons appointed at the next closest pay range to positions under the Personnel Law; the fringe benefits shall include vacation, sick and administrative leave, health and life insurance and retirement; and
- (2) Exactly the same transfer of all fringe benefits rights to and from employment under the Personnel Law as if the transfer were between 2 positions under the Personnel Law.

3. Other officers and employees. Other officers and employees as elsewhere provided by statute or regulation which is consistent with this section.

Sec. 7. 5 MRSA § 3304, sub-§ 1, as last amended by PL 1977, c. 78, § 21, is repealed and the following enacted in its place:

**1. Director.** The executive head of the State Planning Office shall be the director and shall be appointed by the Governor to serve at the pleasure of the Governor. The director shall be paid a salary fixed by the Governor.

**Sec. 8.** 5 MRSA § 4566, sub-§ 3, as enacted by PL 1971, c. 501, § 1, is repealed and the following enacted in its place:

**3. Personnel.** To appoint a full-time executive secretary and chief compliance officer to the commission and determine their remuneration; and to appoint, subject to the Personnel Law, other personnel including, but not limited to, investigators, attorneys and secretaries, as it shall deem necessary to effectuate the purposes of this Act.

**Sec. 9.** 5 MRSA § 5004, sub-§1, as repealed and replaced by PL 1975, c. 587, § 1, and amended by PL 1975, c. 771, § 90, is repealed and the following enacted in its place:

**1. Appointment.** The Governor shall appoint a full-time Director of the Office of Energy Resources. The director shall serve at the pleasure of the Governor and until his successor is appointed and qualified. The director shall be paid a salary fixed by the Governor.

**Sec. 10.** 8 MRSA § 354, sub-§ 1, ¶ B, as enacted by PL 1973, c. 570, § 1, is repealed and the following enacted in its place:

**B.** Act as the chief administrative officer, having general charge of the office and records and to employ such personnel as may be necessary to fulfill the purposes of this chapter. The personnel shall be employed with the approval of the commission and subject to the Personnel Law, except for the deputy director who shall be appointed by and serve at the pleasure of the director;

**Sec. 11.** 12 MRSA § 1951, as last amended by PL 1977, c. 78, § 48, is repealed and the following enacted in its place:

§ 1951. Appointment; deputy

The Commissioner of Inland Fisheries and Wildlife shall be appointed by the Governor, subject to review by the Joint Standing Committee on Fisheries and Wildlife, and to confirmation by the Legislature, and shall serve during the pleasure of the Governor. The commissioner shall appoint, to serve at his pleasure, a Deputy Commissioner of Inland Fisheries and Wildlife who shall be qualified by training and experience in fisheries and wildlife management and conservation law enforcement. The commissioner shall make a report to the Governor on or before the 31st day of December of each year for the year ending June 30th prior thereto.

The commissioner shall receive all necessary traveling expenses.

**Sec. 12.** 12 MRSA § 3451, 3rd ¶, as repealed and replaced by PL 1973, c. 513, § 3, is repealed and the following enacted in its place:

The commissioner shall organize the department into bureaus, divisions or other administrative units as he deems necessary to carry out the duties of the department. The commissioner shall designate a deputy commissioner to serve as commissioner in the absence or disability of the commissioner or in the case of vacancy in the office of commissioner. The deputy commissioner shall serve at the pleasure of the commissioner.

**Sec. 13.** 12 MRSA § 3502, sub-§ 4, is repealed and the following enacted in its place:

4. Commissioner to hire employees; employee's duties. The commissioner shall hire all necessary employees of the department, subject to the Personnel Law, except as provided in section 3451.

**Sec. 14.** 12 MRSA § 5013, sub-§§ 2-4, as amended by PL 1973, c. 788, § 53, are repealed and the following enacted in their place:

2. Bureau of Forestry. The Bureau of Forestry, which shall be under the direction and supervision of a director, who shall be qualified by training, experience and skill in forestry. The director shall be appointed by, and serve at the pleasure of, the commissioner;

3. Bureau of Parks and Recreation. The Bureau of Parks and Recreation, which shall be under the direction and supervision of a director. The director shall be appointed by, and serve at the pleasure of, the commissioner;

4. Bureau of Public Lands. The Bureau of Public Lands, which shall be under the direction and supervision of a director. The director shall be appointed by, and serve at the pleasure of, the commissioner; and

**Sec. 15.** 12 MRSA § 5013, sub-§ 5, as repealed and replaced by PL 1977, c. 360, § 21, is repealed and the following enacted in its place:

5. Maine Geological Survey. The Maine Geological Survey shall be under the direction and supervision of a director who shall be appointed by, and serve at the pleasure of, the commissioner.

**Sec. 15-A.** 20 MRSA § 1-A, 3rd sentence, as amended by PL 1977, c. 78, § 121, is further amended to read:

The department shall consist of a Commissioner of Educational and Cultural Services, hereafter in this Title called "commissioner," who shall be appointed by the Governor ~~after consultation with~~ from a list of 3 candidates prepared by the State Board of Education as established and subject to review by the Joint

Standing Committee on Education and to confirmation by the Legislature to serve at the pleasure of the Governor.

**Sec. 16.** 20 MRSA § 1-B, sub-§§ 4 and 5, as enacted by PL 1971, c. 610, § 3, are amended to read:

**4. Bureau of Vocational Education.** The Bureau of Vocational Education which shall be under the direction of ~~a director~~ **an associate commissioner** appointed by, and serving at the pleasure of, the commissioner ~~subject to the Personnel Law~~; and

**5. Other.** Such other bureaus as the commissioner deems necessary to fulfill the duties of the department, each of which shall be under the direction of a person appointed by the commissioner ~~subject to the Personnel Law~~ to serve at the pleasure of the commissioner. **All these persons shall be subject to the Personnel Law, except for persons in the following positions: Deputy Commissioner, Educational and Cultural Services; Assistant to the Commissioner; Associate Commissioner, Bureau of Instruction; and Associate Commissioner, Bureau of School Management.**

**Sec. 17.** 20 MRSA § 102, 1st ¶, 2nd sentence, as repealed and replaced by PL 1971, c. 610, § 7, is repealed and the following enacted in its place:

**The commissioner is authorized to hire whatever personnel he deems necessary to fulfill the duties of the department. These personnel shall be subject to the Personnel Law, except as provided in section 1-B, subsection 5.**

**Sec. 18.** 22 MRSA § 1, 3rd ¶, as last amended by PL 1977, c. 78, § 145, is repealed and the following enacted in its place:

**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 Resource Development; Director, Bureau of Maine's Elderly; Director, Bureau of Health; Director, Bureau of Rehabilitation; Director, Bureau of Social Welfare; and Director, State Health Planning and Development Agency. Deputy commissioners shall be appointed by the commissioner and shall serve at the pleasure of the commissioner.**

**Sec. 19.** 22 MRSA § 1, 4th ¶, as last amended by PL 1975, c. 771, § 209, is repealed and the following enacted in its place:

**The Director, Bureau of Resource Development and the Director, Bureau of Maine's Elderly, shall be appointed by the commissioner, after consultation with the Maine Committee on Aging and the Maine Human Services Council. Each of these directors shall be appointed and serve in the unclassified service at the pleasure of the commissioner. Any vacancy in each of these positions shall be filled by appointment as in this paragraph for a like term.**

**Sec. 20.** 22 MRSA § 3173, 1st ¶, as enacted by PL 1973, c. 790, § 2, is amended to read:

The department is authorized to administer programs of aid, medical or remedial care and services for medically indigent persons. It is empowered to employ ~~subject to the Personnel Law~~ such assistants as may be necessary to carry out this program and to coordinate their work with that of the other work of the department. **These assistants shall be subject to the Personnel Law, except for the Director, Bureau of Social Welfare.**

**Sec. 21. 22 MRSA § 4702, 3rd ¶**, as last repealed and replaced by PL 1965, c. 340, § 1, is amended to read:

The commissioner may employ ~~subject to the Personnel Law~~ the necessary assistance to carry out the duties and responsibilities of the Department of Indian Affairs. **All of these employees shall be subject to the Personnel Law, except for the Deputy Commissioner of Indian Affairs.**

**Sec. 22. 23 MRSA § 4206, sub-§ 4**, as amended by PL 1973, c. 186, § 2, is further amended to read:

**4. Personnel.** The commissioner may ~~subject to the Personnel Law~~ appoint such deputies, directors, assistants, general counsel and other officers and employees as may be needed for the performance of his duties. **These appointments shall be subject to the Personnel Law, except for the following who shall serve at the pleasure of the commissioner: Deputy Commissioners of Transportation and the chief legal counsel.**

**Sec. 23. 26 MRSA § 41**, as last amended by PL 1975, c. 771, § 269, is repealed and the following enacted in its place:

**§ 41. Director; personnel; salaries; expenses**

A Bureau of Labor within the Department of Manpower Affairs, as heretofore established and hereinafter in this Title called the "bureau," shall be maintained under the direction of an officer whose title shall be Director of the Bureau of Labor and state factory inspector, hereinafter in this Title, except in chapter 13, called the "director." He shall be appointed by the Commissioner of Manpower Affairs and shall hold office at the pleasure of the commissioner. He shall have an office in the State Capitol. He shall appoint, subject to the Personnel Law, such employees as may be necessary and a deputy who shall be clerk of the bureau and deputy state factory inspector.

**Sec. 24. 26 MRSA § 968, sub-§ 2, first ¶**, as last amended by PL 1977, c. 553, § 2, is further amended to read:

An Executive Director of the Maine Labor Relations Board shall be appointed by the board to serve at their will and pleasure. The person so appointed shall be ~~trained in the law and~~ experienced in the field of labor relations. He shall perform the duties designated by statute and such other duties as shall from time to time be assigned to him by the board. He shall serve as secretary of the board and shall maintain a record of all proceedings before the board. No board member shall serve as executive director.

**Sec. 25. 26 MRSA § 1401, sub-§ 2**, as enacted by PL 1971, c. 620, § 12, is repealed and the following enacted in its place:

**2. Personnel.** Appoint to serve at his pleasure, provided these appointments are

consistent with the law, persons to serve as directors or executive directors of the following organizations: Manpower Adjudication, Manpower Affairs, Manpower Affairs Administrative Services, Manpower Research and Manpower Training and Labor; transfer personnel within the department to insure the efficient utilization of department personnel subject to the Personnel Law;

Sec. 26. 28 MRSA § 57, 1st ¶, as enacted by PL 1975, c. 741, § 4, is amended to read:

The Commissioner of Finance and Administration, with the advice and consent of a majority of the State Liquor Commission, shall appoint a Director of the Bureau of Alcoholic Beverages whose term of office shall be continuous, subject only to removal ~~for cause~~ by a majority of the commission and the Commissioner of Finance and Administration. The salary of the director shall be fixed by the ~~Governor~~ Commissioner of Finance and Administration with the advice and consent of a majority of the State Liquor Commission.

Sec. 27. 32 MRSA § 4051-A, last ¶, first sentence, as repealed and replaced by PL 1975, c. 767, § 51, is repealed and the following enacted in its place:

The Commissioner of Business Regulation, with the advice and consent of a majority of the Real Estate Commission, shall appoint a Director of the Real Estate Commission whose term of office shall be continuous, subject only to removal by a majority of the commission and the Commissioner of Business Regulation. The salary of the director shall be fixed by the Commissioner of Business Regulation with the advice and consent of a majority of the Real Estate Commission.

Sec. 28. 34 MRSA § 1, as last amended by PL 1977, c. 59, § 5, is repealed and the following enacted in its place:

#### § 1. Administration; personnel

The Department of Mental Health and Corrections, as heretofore established, hereinafter in this Title called the "department," shall have general supervision, management and control of the research and planning, grounds, buildings and property, officers, employees, patients and inmates of all of the following state institutions: The hospitals for the mentally ill, Pineland Center, the State Prison, the Maine Correctional Center, the Maine Youth Center, the Military and Naval Children's Home and any other charitable and correctional state institutions which may be created from time to time.

The department shall be under the control and supervision of a Commissioner of Mental Health and Corrections, hereinafter in this Title called the "commissioner," who shall be appointed by the Governor, subject to review by the Joint Standing Committee on Health and Institutional Services and to confirmation by the Legislature, to serve at the pleasure of the Governor. Any vacancy shall be filled by similar appointment. The commissioner shall be a person experienced in human services' administration or who has had other satisfactory experience in the direction of work of a comparable nature. The commissioner may appoint, subject to the Personnel Law and except as may otherwise be provided, any employees who may be necessary.

The commissioner shall have the power to appoint associate commissioners and bureau and institutional heads as shall be necessary for the proper performance of the duties of the department.

The commissioner shall appoint and set the salaries for the associate commissioners and for the Warden of the Maine State Prison. The warden shall be appointed subject to the Personnel Law. The appointments shall be for indeterminate terms and until successors are appointed and qualified or during the pleasure of the commissioner. The commissioner shall appoint an associate commissioner for program and an associate commissioner for administration to assist in carrying out the responsibilities of the department. The associate commissioner for program shall be a person with training and experience in the planning and administration of human services. The associate commissioner for administration shall be a person with training and experience in general management.

The bureau directors and heads of the several institutions within the department shall report directly to the commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he is assigned.

Notwithstanding any other provisions of law, the commissioner may delegate any employee of the department to serve as the acting head of any bureau or any institution of the department for a period not to exceed 180 days in the event of a vacancy in a bureau or institution. Service as the acting head of a bureau or institution shall be considered as temporary additional duty for the individual so delegated.

In the event of a vacancy in the office of the commissioner or during his absence or disability, the associate commissioner for program shall perform those duties and have the same powers as provided by law for the commissioner. In the event of vacancy in both the office of commissioner and the office of the associate commissioner for program, or during the absence or disability of both officials, the associate commissioner for administration shall perform those duties and have the same powers as provided by law for the commissioner.

The department shall be charged with the enforcement of all laws concerning the aforesaid institutions, except in those cases where specific duties are given elsewhere.

Wherever in this Title powers and duties are given to the department, these may be and shall be assumed and carried out by those of the associate commissioners, bureau directors or institutional heads who the commissioner may designate from time to time, and these powers and duties may in turn be delegated by those officers with the approval of the commissioner.

When the death of any patient or inmate in any institution under the control of the department is not clearly the result of natural causes, an examination and inquest shall be held as in other cases, and the superintendent or department shall cause a medical examiner to be immediately notified for that purpose.

The department is authorized and empowered to accept for the State any federal funds appropriated under federal law relating to mental health, mental illness or mental retardation or the juvenile offender, and to do those acts which are necessary for the purpose of carrying out that federal law; and to accept from any other agency of government, individual, group or corporation any funds which may be available in carrying out the provisions contained herein. The department is authorized to apply for and receive federal funds under the Housing Act of 1954, Public Law 560, Title 7.

**Sec. 29.** 34 MRSA § 526, 1st sentence, as amended by PL 1977, c. 78, § 191, is further amended to read:

The commissioner shall, with the advice of the Correctional Advisory Commission, appoint and set the salary ~~subject to the approval of the Governor~~ for a Director of Corrections who shall be a person with training and experience in correctional administration or who has had satisfactory experience in the direction of work of a comparable nature.

**Sec. 30.** 34 MRSA § 2002, as last amended by PL 1977, c. 564, § 130, is further amended to read:

**§ 2002. Director; duties**

The commissioner shall, with the advice of the Mental Health Advisory Council, appoint and set the salary ~~subject to the approval of the Governor~~ for a Director of Mental Health who shall be a person with training and experience in mental health program administration or who has had satisfactory experience in the direction of work of a comparable nature. The appointment shall be for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner. It shall be the duty of the Director of Mental Health to carry out the purposes of the bureau.

**Sec. 31.** 34 MRSA § 2102, first 3 sentences, as amended by PL 1973, c. 326, § 1, are repealed and the following enacted in their place:

**The head of each hospital shall be called the superintendent. The commissioner shall, with the advice of the Advisory Committee on Mental Health, appoint and set salaries for the superintendent of each hospital. The appointments shall be at the pleasure of the commissioner.**

**Sec. 32.** 37-A MRSA § 1, sub-§§ 3 and 4, as enacted by PL 1975, c. 771, § 403-A, are amended to read:

**3. Bureau of Civil Emergency Preparedness.** The Bureau of Civil Emergency Preparedness shall have a director, who shall be appointed by the Adjutant General ~~with the advice and consent of the Governor~~. The director shall serve at the pleasure of the Adjutant General and shall not hold any other state office for compensation.

**4. Bureau of Veterans Services.** The Bureau of Veterans Services shall have a director, who shall be appointed by the Adjutant General ~~with the advice and consent of the Governor~~. The director shall be a war veteran and a person qualified by experience, training and a demonstrated interest in veterans services. The director shall serve at the pleasure of the Adjutant General and shall not hold any other state office for compensation.

**Sec. 33. Transitional provisions.** Any person who, on December 31, 1978, is an incumbent in a position not subject to the Personnel Law, which position is made subject to the Personnel Law by this Act, shall by this Act: 1. Be considered appointed under the Personnel Law to the position on January 1, 1979, without having to satisfy any other requirements; and 2. Have the right to transfer under the appointment, all accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement, exactly as if the transfer were between 2 positions under the Personnel Law.