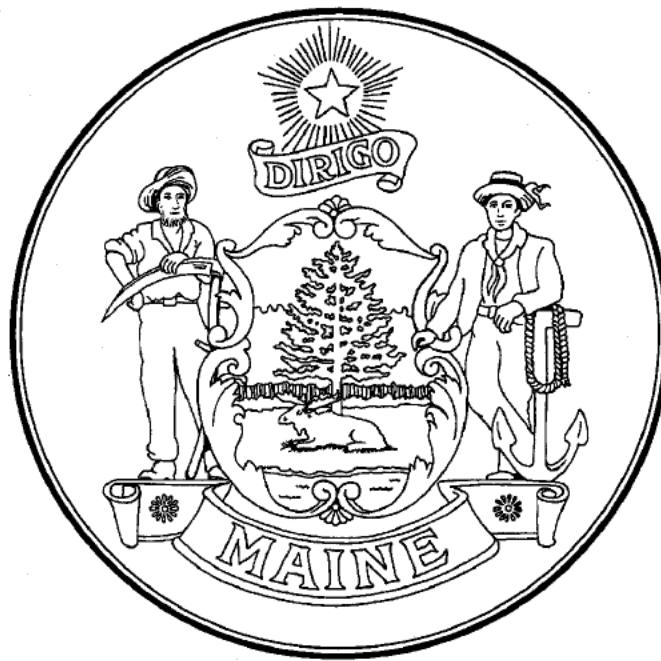


# MAINE STATE LEGISLATURE

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DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

May 13, 1976

The Honorable Walter Hichens  
424 State Road  
Eliot, Maine 03903

Dear Senator Hichens:

This is in response to your inquiry dated May 4, 1976, with respect to L.D. 2286, enacted as Chapter 777 of the Public Laws of 1975. You inquire whether such law would allow the three bureau directors of the Department of Mental Health and Corrections to continue in service without the necessity of reappointment.

In order to answer this question, reference must be made to Chapter 755 of the Public Laws of 1975, enacted as an emergency measure and effective April 13, 1976. Sections 8, 9 and 10 of Chapter 755 repealed and replaced 34 M.R.S.A. §§ 526, 2002 and 2062 respectively, removing the positions of Director of Corrections, Director of Mental Health and Director of Mental Retardation from the Classified Service and creating each position in the Unclassified Service. Following passage of Chapter 755, we advised the Commissioner of Mental Health and Corrections of its effect. The Commissioner thereupon appointed the respective incumbents of these offices prior to the effective date of Chapter 755, and the Governor and Council approved said appointments on May 5, 1976, the appointments being retroactive to April 13, 1976. By the terms of the respective statutes, each appointment is for an indeterminate term and each bureau director serves at the pleasure of the Commissioner of Mental Health and Corrections. Thus, there is no present necessity for reappointments.

Very truly yours,

JOSEPH E. BRENNAN  
Attorney General

JEB:mfe