

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2223

S. P. 776

In Senate, January 2, 1974

Referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Relating to Citizenship and Residency Requirements for
Employment in the State's Classified Service.

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

R. S., T. 5, § 556, repealed and replaced. Section 556 of Title 5 of the Revised Statutes, as amended by chapter 218 of the public laws of 1965 and chapter 50 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 556. Residency and citizenship

Employment in the classified service shall be open to all qualified persons who have been residents of the State of Maine for at least 6 months, except that at the request of the appointing authority the residence requirement may be waived in exceptional or emergency cases when such action is necessary for the good of the service.

Employees holding technical or professional positions involving formulation, execution or review of broad public policy shall, in addition, be citizens of the United States of America. This requirement may be waived on an individual basis when there exist compelling reasons for such waiver.

STATEMENT OF FACT

A recent U. S. Supreme Court decision has ruled that blanket U. S. citizenship requirements violate the Equal Protection Clause of the Fourteenth Amendment except for "policy making" positions. The effect of this bill would be to eliminate citizenship requirements in state employment, except for such positions. The Maine residence requirement is also lowered from one year to 6 months.