

MAINE STATE LEGISLATURE

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New Draft of S. P. 776, L. D. 2223
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2516

S. P. 909

In Senate, February 15, 1974

Reported by Senator Speers of Kennebec from Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

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:

Sec. 1. R. S., T. 5, § 552, sub-§ 7, additional. Section 552 of Title 5 of the Revised Statutes is amended by adding a new subsection 7 to read as follows:

7. Resident. "Resident" means a person who is domiciled in Maine.

Sec. 2. R. S., T. 5, § 556, repealed and replaced.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Revised Statutes, as amended by chapter 218 of the public laws of 1965 and chapter 50 of the public laws of 1967, is repealed and the following enacted in place thereof: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 immediately preceding said employment, except that at the request of the appointing authority the residence requirement may be waived by the Personnel Board 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 by the Personnel Board on an individual basis when there exists compelling reasons for such waiver.

Sec. 3. R. S., T. 5, § 557, amended. The first paragraph of section 557 of Title 5 of the Revised Statutes, as enacted by chapter 568 of the public laws of 1973, is amended to read as follows:

In making appointments to any position on an open competitive basis in the classified service or recruiting for the same, preference shall be given to ~~citizens~~ residents of the State of Maine.

Sec. 4. R. S., T. 5, § 673, amended. The 2nd paragraph of section 673 of Title 5 of the Revised Statutes is repealed and the following enacted in place thereof:

The director shall determine the character, type and content of examination for admission to the classified service; the time and place for holding examinations; the form of application blanks for admission to the examination to be filed by applicants; the minimum requirements for admission to the examination and the value of each phase of the tests used in determining the average rating of the applicant.

STATEMENT OF FACT

This bill clarifies the definition of a Maine resident as used in the Personnel Law (sections 1 and 3). Section 2 of the bill responds to a recent decision of the United States Supreme Court by eliminating United States citizenship requirements in state employment, except for policy-making positions. The Maine residency requirement is also lowered from one year to 6 months. Section 4 of the bill clarifies the authority of the Director of Personnel relative to civil service examinations.