

MAINE STATE LEGISLATURE

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N I N E T Y - F I F T H L E G I S L A T U R E

Legislative Document

No. 850

H. P. 1314 House of Representatives, February 22, 1951
Referred to the Committee on Judiciary. Sent up for concurrence and
1000 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Gay of Damariscotta.

STATE OF MAINE

**IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-ONE**

**AN ACT Relating to Eligibility for Employment by the State, Counties
and Municipalities.**

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

R. S., c. 1, §§ 33-A, 33-B, additional. Chapter 1 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 33-A and 33-B, to read as follows:

'Eligibility for Employment by the State, Counties and Municipalities

Sec. 33-A. Employment by state, county or town; eligibility. No person shall be employed in the service of the state or any county or municipality thereof, nor shall any person presently employed in any such position be continued in such employment, who:

I. By word of mouth, or writing, wilfully and deliberately advocates, advises or teaches the doctrine that the government of the United States or of any state or of any political subdivision thereof should be overthrown or overturned by force, violence or any unlawful means; or

II. Prints, publishes, edits, issues or sells, any book, paper, document or written or printed matter in any form containing or advocating, ad-

vising or teaching the doctrine that the government of the United States or of any state or of any political subdivision thereof should be overthrown by force, violence or any unlawful means, and who advocates, advises, teaches or embraces the duty, necessity or propriety of adopting the doctrine contained therein; or

III. Knowingly organizes or helps to organize or becomes a member of and aids or assists any society or group of persons which teaches or advocates that the government of the United States or of any state or of any political subdivision thereof shall be overthrown by force or violence, or by any unlawful means.

Sec. 33-B. Appeal. A person dismissed or declared ineligible may within 4 months of such dismissal or declaration of ineligibility appeal to a justice of the superior or supreme court for a hearing to compel the authority ordering such dismissal or declaring such ineligibility to show cause. Such petition shall state the effect of any order of dismissal or ineligibility based on the provisions of this section until hearing on said petition. Said justice of supreme or superior court shall order a prompt hearing on said petition and after hearing such testimony as may be offered by either party in open court with opportunity for cross examination either confirm or deny the dismissal or declaration of ineligibility.

If, on appeal, the dismissal or declaration of ineligibility is denied, the employee shall be paid his wage or salary from the time he was dismissed or declared ineligible to the time of the denial by the court.'