

STATE OF MAINE  
DEPARTMENT OF PERSONNEL

March 28, 1978

PERSONNEL MEMORANDUM 11-78

TO: Agency Heads/Departmental Personnel Officers  
SUBJECT: 5 MRSA Section 556. Residency and Citizenship

5 MRSA Section 556, first paragraph "Residency and Citizenship" has been amended to read as follows:

"Employment in the classified service shall be open to all qualified persons who are residents of the State of Maine immediately preceding that employment, except that at the request of the appointing authority the residence requirement may be waived by the Commissioner of Personnel in exceptional or emergency cases when such action is necessary for the good of the service."

The new law requires only that persons be residents of the State of Maine immediately preceding employment in the State's classified service. The law further defines "resident" as a person who is domiciled in Maine.

To define "domicile" it is first necessary to distinguish it from "residence." "Residence" is defined as the physical presence at a locale. An individual may have several residences. "Domicile" is acquired by presence and the present intention to continue permanent residence. (Said another way -- the physical abandonment of one's first domicile together with an intent not to return to it establishes a new domicile.) Both residence and intent to remain must exist in order to establish domicile.

The element of intent is difficult to establish. This is usually proven by an individual's actions and statements. To assist in determining domicile, a list of possible proofs of evidence has been compiled. No one item should be taken by itself when making a determination of domicile. Domicile depends not upon one circumstance, but from a whole situation, which must be determined in each individual case. This list is intended to be an aid. To a large degree, the best aid will be "good old-fashioned common sense."

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Examples of evidence:

1. Possession of a valid Maine driver's license/automobile registration.

2. Possession of a Maine resident hunting or fishing license.

3. Receipt of paid property tax on year-round residential property in Maine (not a seasonal residence).

4. Has individual paid State income tax as a resident?

5. Has individual taken steps to sever ties with former domicile? (Example: Has individual sold or is in process of selling previous residence?)

6. Has individual paid resident tuition at a Maine college or university? (Caution: Not all Maine colleges have differing tuition rates for residents and non-residents.)

7. Is individual registered to vote in Maine?

Questions may be directed to Director of Administration, Department of Personnel, 289-2821.

ROBERT J. STOLT  
COMMISSIONER

MAY BE REPRODUCED LOCALLY TO MEET DISTRIBUTION NEEDS