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Governor

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Acting Commissioner



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April 7 2025

Senator Henry Ingwersen, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 1046 - *An Act to Establish a 180-day State Residency Requirement for Receiving Municipal General Assistance*

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, this letter is to provide information in opposition to LD 1046, *An Act to Establish a 180-day State Residency Requirement for Receiving Municipal General Assistance*.

The proposed legislation seeks to establish a requirement that any person who intends to apply for the municipal General Assistance program must first provide verification that that individual has resided in the State of Maine for a minimum period of 180 days prior to making an application for General Assistance

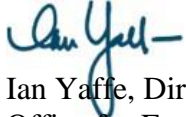
The Department strongly opposes this bill as the proposed durational residency requirement would be found unconstitutional. There have been a number of court cases over the years that have defended citizens' rights to travel and relocate without forfeiting their rights to public assistance. A 1999 U.S. Supreme Court decision (*Saenz v. Roe, et. al*) struck down a California durational residency requirement, stating that it is unconstitutional to impose such a requirement for basic subsistence benefits. The State of Pennsylvania instituted a residency requirement that was successfully challenged in the District Courts in 1997 (*Warrick vs. Synder, 2 F. Supp 2d 720 (1997)*). Because of the Court's ruling, Pennsylvania was forced to remove the residency requirement from their policy.

Establishing a durational residency requirement for the purpose of applying for General Assistance will violate the 1969 Supreme Court Decision *Shapiro v. Thompson*. The court held that statutes established a fundamental "right to travel" in U.S. law and that imposing durational residency requirements for benefits were unconstitutional denials of equal protection.

This change would decrease access to General Assistance benefits and would likely bring a lawsuit from advocacy agencies which would result in significant departmental legal representation costs.

We wanted you to be aware of the above information as you consider this bill going forward. If you have any further questions during your deliberation of this bill, please feel free to contact me or the Department's Government Relations Director, Abby Stivers.

Sincerely,

A handwritten signature in blue ink that reads "Ian Yaffe" with a horizontal line extending to the right.

Ian Yaffe, Director  
Office for Family Independence  
Maine Department of Health and Human Services