

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 421

H. P. 330

House of Representatives, February 10, 1977

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake.

Cosponsor: Mr. Elias of Madison.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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AN ACT to Provide for Continued Employment after Age 65.

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

**Sec. 1.** 5 MRSA § 1121, sub-§ 1, ¶ B, 2nd and 3rd sentences, as last amended by PL 1975, c. 622, § 40 and c. 766, § 4, are repealed and the following enacted in their places:

The service of any member may be continued beyond the age of 70 under subsection 12.

**Sec. 2.** 5 MRSA § 1121, sub-§ 4, ¶ B, as last amended by PL 1975, c. 766, § 4 and c. 771, § 62, is repealed and the following enacted in its place:

B. The retirement of any member in accordance with paragraph A may be requested either by the member or, except in the case of a member of a fire or police department, by the head of his department. Any member specified in paragraph A who attains age 60 shall be retired forthwith on a service retirement allowance on the first day of the next calendar month; unless the service of the member has been continued beyond the age of 60 under subsection 12.

**Sec. 3.** 5 MRSA § 1121, sub-§ 4, ¶ D, 2nd, 3rd and 4th sentences, as last amended by PL 1975, c. 622, § 50, are repealed and the following enacted in their places:

The service of the chief liquor inspector may be continued beyond the age of 65, but not beyond the age of 70, under subsection 12.

**Sec. 4.** 5 MRSA § 1121, sub-§ 4, ¶ F, as last repealed and replaced by PL 1975, c. 622, § 50-A, is amended to read:

F. Any member who is the warden or deputy warden of the Maine State Prison, or any officer or employee of the Maine State Prison employed as a guard, or engaged in any management of prisoners, or as the supervising officers of any such guards or employees, and in any case, who has at least 20 years of creditable service in his respective capacity, or cumulatively in any combination of such prison employment capacities, may be retired on or after the attainment of age 50 on a service retirement allowance which is equal to  $\frac{1}{2}$  of his average final compensation, and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph; ~~but unless extended, he must be retired at the attainment of age 60.~~ Any member specified in this paragraph who attains age 60 shall be retired forthwith on a service retirement allowance on the first day of the next calendar month; unless the service of the member has been continued beyond the age of 60 under subsection 12.

Sec. 5. 5 MRSA § 1121, sub-§ 12 is enacted to read:

12. Extensions in service. Any continuation in service beyond a mandatory retirement age may be authorized for periods of one year by the head of the department by which the member is employed, for state employees, or by the executive body of the school system or participating local district which employs the member. Requests for extensions in service of teachers and local district members shall be filed and approved in accordance with the regular employment practices of the school system or local district.

Requests for extension of service for state employees shall be submitted in writing to the head of the member's department not more than 90 days nor less than 30 days prior to reaching the mandatory retirement age or extensions thereof. The department head shall send it to the Commissioner of Personnel for review and comment, who shall return it to the department head within 15 days. The department head shall then either approve or disapprove the request. In approving or disapproving an extension of service, the department head shall consider, among other factors, the physical, mental and emotional health of the member and his ability to continue to function efficiently and effectively in his present position. The approval or disapproval shall be in writing, with the reasons therefor, and shall be given to the member no later than 5 days prior to his mandatory retirement date or extension thereof.

If the request for extension of service is disapproved, the member may submit a written request for a review of the disapproval to his department head. The review request and the original request, together with all documents related to it, shall be filed with the Governor. The Governor may hold a hearing and may approve or disapprove the extension of the service request, which decision shall be binding on the department.

#### STATEMENT OF FACT

The purpose of this bill is to provide a uniform method for authorizing extensions of service beyond the mandatory retirement age under the State

Retirement System. For teachers and local district members, the extension may be granted by the executive body of the school system or participating local district. For state employees, the extension may be granted by the member's department head. If the department head disapproves the extension, the member may appeal to the Governor. The Governor may approve or disapprove of the extension.