

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-346)

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to  
H.P. 1310, L.D. 1634, Bill, "AN ACT to Prohibit the Practice  
of Mandatory Retirement Age."

Amend the Amendment in section 2 in that part designated  
"§1006." in subsection 1 by inserting at the end before the  
punctuation the following: ', unless otherwise specifically  
established by law'

Further amend the Amendment in section 2 in that part  
designated "§1006." in subsection 2 by inserting at the end  
before the punctuation the following: ', except where otherwise  
specifically established by law'

Further amend the Amendment by striking out all of  
sections 5 to 13 and inserting in their place the following:

'Sec. 5. 5 MRSA §1122, sub-§1, 1st sentence, as repealed  
and replaced by PL 1975, c. 622, §54, is repealed and the  
following enacted in its place:

Any member who, while in service and prior to attaining age 60  
or reaching a statutorily established mandatory retirement age,  
if earlier, has become mentally or physically incapacitated  
to such an extent that it is impossible for him to perform the  
duties of his employment position, may, if such incapacity  
can be expected to be permanent, retire on a disability  
retirement allowance upon written application to the executive  
director and approval of the application by the executive  
director.

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Sec. 6. 5 MRSA §1122, sub-§3, ¶A, as repealed and replaced by PL 1975, c. 622, §54, is amended to read:

A. The disability retirement allowance of a beneficiary shall cease upon the attainment of his statutorily established mandatory retirement age, without extensions, or prior thereto whenever the service retirement allowance of the beneficiary would equal or exceed the amount of his disability retirement allowance.'

Further amend the Amendment by striking out all of section 14 and inserting in its place the following:

'Sec. 14. 5 MRSA §4573, sub-§1, as enacted by PL 1971, c. 501, §1, is repealed and the following enacted in its place:

1. Age. To discriminate on account of age, so as to:

A. Terminate employment in compliance with the terms or conditions of a statutorily established retirement or pension plan for state employees;

B. Observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan, provided that the observation of such terms or conditions shall not result in the denial or termination of employment;

C. Comply with the terms or conditions of any bona fide group or employee insurance plan, provided that the compliance with such terms or conditions shall not result in the denial or termination of employment; or

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D. To comply with the state or federal laws relating to the employment of minors.'

Further amend the Amendment by striking out all of section 20 and inserting in its place the following:

'Sec. 20. Effective dates; compliance. Sections 1 to 6, 8 and 9 of this Act shall become effective July 1, 1978.


Sections 7, 10, 11 and 12 of this Act shall become effective 90 days after the adjournment of the Legislature. Any employer who, as a result of sections 7, 10, 11 and 12, is required to amend an existing employee retirement, pension or insurance plan, shall complete any such amendment prior to January 1, 1980. However, if such amendment needs to be made through the renegotiation of a collective bargaining contract and if such contract is not scheduled for renegotiation prior to January 1, 1980, then such amendment shall be made during the next scheduled renegotiation.'

Further amend the Amendment by renumbering the sections to read consecutively.

Statement of Fact

This amendment to the committee amendment deletes the state employees with special retirement plans from the prohibition against a mandatory retirement age. State Police, law enforcement officers of the Department of Inland Fisheries

and Wildlife, forest rangers of the Department of Conservation, state airplane pilots, liquor inspectors and certain employees of the Maine State Prison are exempted from the bill and will retain their statutorily established mandatory retirement age.

(Curtis)  
NAME:   
COUNTY: Penobscot