

MAINE STATE LEGISLATURE

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S.
D. OF R.

STATE OF MAINE
SENATE (Filing No. S-383)
108TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to SENATE 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
period, 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
period, 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, first sentence, as last
amended by PL 1977, c. 450, §1, is repealed and the following
enacted in its place:

Any eligible 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

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and approval of the application by the executive director.

Sec. 6. 5 MRSA §1122, sub-§3, ¶A, as repealed and replaced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 in section 14

by striking out all of subparagraph (2) of paragraph B of subsection 1 and inserting in its place the following:

'(2) Employee defined under section 1001, subsection 10, other than those public employees with a statutorily established mandatory retirement age; or'

Further amend the Amendment by striking out all of section 21 and inserting in its place the following:

'Sec. 21. Effective dates; compliance. Sections 1 to 7 and 9 to 12 of this Act shall become effective July 1, 1978.

Sections 8 and 13 of this Act shall become effective 90 days after the adjournment of the Legislature. Any employer who is required to amend an existing employee retirement, pension or insurance plan as a result of this Act, shall complete any

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such amendment prior to July 1, 1978. However, if such amendment needs to be made through the negotiation of a collective bargaining contract and if such contract is not scheduled for negotiation prior to July 1, 1978, then such amendment shall be made during the next scheduled negotiation after July 1, 1978.

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

Statement of Fact

This amendment to Senate Amendment "A " 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

Reproduced and distributed pursuant to Senate Rule 11-A.

July 7, 1977

(Filing No. S-383)