

MAINE STATE LEGISLATURE

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(EMERGENCY)
New draft of: H. P. 1985, L. D. 2068
(New Title)
SECOND REGULAR SESSION

Corrected Copy
2/14/78

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2140

H. P. 2101

House of Representatives, February 13, 1978

Reported by a Majority from the Committee on Human Resources and Printed
under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**RESOLVE, Authorizing Certain Employees of the State of Maine to Request an
Extension of Employment After Their Mandatory Retirement Age, Years of
Service Requirements or Age and Years of Service Requirement.**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the first regular session of the 108th Legislature enacted "An Act to Prohibit the Practice of a Mandatory Retirement Age;" and

Whereas, the governing provisions of that Act were given the effective date of July 1, 1978; and

Whereas, it has come to the attention of the Legislature that there are cases of able and productive employees retiring in the first 6 months of 1978 who will be subject to mandatory retirement despite their wish to continue their service to the State; and

Whereas, these individuals may make a vital contribution to the State by their experience and talents; and

Whereas, the Legislature may ease the burden of these people who would be forced to retire only months before the mandatory retirement provision takes effect and may make it possible for the State to continue to receive the benefit of these employees' services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Extension of mandatory retirement age. Resolved: That any state employee who is subject to mandatory retirement at a specified age, years of service requirement, or any age and years of service requirement as provided in Title 5, section 1121, from the period of January 1, 1978, through June 30, 1978, may request an extension of service as provided in Title 5, section 1121, subsection 1, paragraph B. The mandatory retirement age, years of service requirement, or age and years of service requirement shall be deemed waived for any state employee who makes a request for an extension of service and that request shall not be denied arbitrarily or on the basis of age, length of service or age and length of service; and be it further

Resolved: That any state employee who has retired subsequent to January 1, 1978, and prior to enactment of this resolve may request an extension of service as provided above. If that request for extension of service is approved and the employee is subsequently reemployed, that employee shall not be deemed retired but shall be considered in a leave of absence without pay status from the date at which he would have retired to the date of his reemployment. Any retirement benefits received during that period shall be returned to the retirement system.

Emergency clause; retroactivity. In view of the emergency cited in the preamble, this resolve shall take effect when approved and shall be retroactive to January 1, 1978. This resolve shall remain in effect until July 1, 1978.

STATEMENT OF FACT

This resolve allows those state employees who have been mandatorily retired or will be mandatorily retired from January 1, 1978, through June 30, 1978, the opportunity to request an extension of service beyond their mandatory retirement age. Currently most state employees may request an extension of service as provided in Title 5, section 1121. Law enforcement personnel do not have this option. This resolve allows those employees the same option to request an

extension of service. Any period of time from the mandatory retirement date to the date of reemployment, if the employee is reemployed, is considered leave of absence without pay. The purpose of this resolve is to allow an alternative to those people who must be mandatorily retired within 6 months prior to the effective date of the mandatory retirement age prohibition.