

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. S-162)

COMMITTEE AMENDMENT "A " to S.P. 260, L.D. 790, Bill,  
"AN ACT to Prohibit the Practice of a Mandatory Retirement Age."

Amend the Bill in section 3 by striking out all of subsection  
1-A and inserting in its place the following:

1-A. Age. To discriminate on account of age to:

A. Comply with the state or federal laws relating to the  
employment of minors;

B. Observe the terms of any bona fide employee benefit  
plan such as a retirement, pension or insurance plan which  
does not evade or circumvent the purposes of this chapter  
and which complies with the Federal Age Discrimination in  
Employment Act, United States Code, Title 29, Section 621,  
as amended, and federal administrative interpretations  
thereof, provided that:

(1) No such employee benefit plan shall require or  
permit any employer to refuse or fail to hire an  
applicant for employment, including those exempted  
from the Age Discrimination in Employment Act, United  
States Code, Title 29, Section 621, as amended, because  
of the age of the individual; and

(2) No such employee benefit plan shall require or  
permit the denial or termination of employment of any  
individual including those exempted from the Age  
Discrimination in Employment Act, United States Code,  
Title 29, Section 621, as amended, because of the age  
of the individual or after completion of a specified  
number of years of service.'

Further amend the Bill in section 4 in that part designated "§4574." by striking out all of the first line and inserting in its place the following: '§4574. Mandatory Retirement Age Prohibited'

Further amend the Bill in section 4 ↵

↵ by striking out all of subsection 3 and inserting in its place the following:

'3. Unlawful employment discrimination. It shall be unlawful employment discrimination:

A. For any employer to fail or refuse to hire any applicant for employment because of the age of the individual; or

B. For any employer to require or permit, as a condition of employment, any employee to retire at or before a specified age or after completion of a specified number of years of service.'

Further amend the Bill in section 4 ↵

↵ by striking out all of subsection 4.

Further amend the Bill in section 4 ↵

↵ by striking out all of subsection 6 and inserting in its place the following:

'6. Federal requirements. This subchapter shall not be construed to affect or limit any power or duty relating to pens. or retirement plans which the United States Government reserves to itself.'

Further amend the Bill in section 4 ,

by striking out all of subsection 7 and inserting in its place the following:

'7. Applicability. This section shall apply to all employers in the State.'

Further amend the Bill in section 4

, by renumbering subsections 5 to 7 to be subsections 4 to 6.

Further amend the Bill in section 5 in the 2nd paragraph by striking out all of the first sentence and inserting in its place the following:

'All employers who, as a result of this Act, are required to amend an existing employee retirement pension or insurance plan, shall complete any such amendment prior to January 1, 1980.'

Statement of Fact

This amendment:

1. Provides for the continuation of employer benefit plans or insurance plans which are age-related as long as those plans do not act as a subterfuge to evade the purposes of this bill, excuse the failure to hire any individual or require or permit mandatory retirement of an employee, including those exempted from the Age Discrimination in Employment Act;
2. Rewords the age discrimination prohibition to fit the structure of the Human Rights Act;
3. Corrects the title of section 4574;
4. Eliminates the job performance standards and criteria

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section of the bill as unnecessary to the main purpose of this bill; and

5. Makes minor grammatical changes.

Reported by the Committee on Aging, Retirement and Veterans.

Reproduced and distributed pursuant to Senate Rule 11-A.

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