

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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Augusta, Maine  
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Services considered **by the department** to be essential to the maintenance of the public health ~~including but not limited to services related to the diagnosis of tuberculosis and venereal disease~~ shall be provided free to the people of the state. **The determination by the department of services as essential to the maintenance of the public health shall be deemed to be rule making and shall be subject to the Maine Administrative Procedure Act, Title 5, chapter 375.**

Effective September 14, 1979

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## CHAPTER 349

S. P. 91 — L. D. 177

### AN ACT Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution.

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

9-B MRSA § 1013, sub-§ 1, as enacted by PL 1975, c. 500, § 1, is amended by adding at the end the following new paragraph:

**A financial institution holding company which controls a commercial bank and any subsidiary of such a holding company shall not acquire or hold more than 5% of the stock of a stock savings bank or stock savings and loan association or gain control directly or indirectly of that institution. A financial institution holding company which controls a stock savings bank or stock savings and loan association and any subsidiary of such a holding company shall not acquire or hold more than 5% of the stock of a commercial bank or gain control directly or indirectly of that institution.**

Effective September 14, 1979

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## CHAPTER 350

S. P. 260 — L. D. 790

### AN ACT to Prohibit the Practice of a Mandatory Retirement Age.

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

Sec. 1. 5 MRSA § 4553, sub-§ 6-A, is enacted to read:

6-A. Normal retirement age. "Normal retirement age" means the specified

age, the years of service requirement or any age and years of service combination at which a member may become eligible for retirement benefits. This subsection shall not be construed to require the mandatory retirement of a member or to deny employment to any person based solely on his normal retirement age.

**Sec. 2.** 5 MRSA § 4573, sub-§ 1, as repealed and replaced by PL 1977, c. 580, § 14, is repealed.

**Sec. 3.** 5 MRSA § 4573, sub-§ 1-A is enacted to read:

**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.

**Sec. 4.** 5 MRSA § 4574, as enacted by PL 1977, c. 580, § 15, is repealed and the following enacted in its place:

**§ 4574. Mandatory retirement age prohibited**

**1. Definition.** As used in this section, unless the context otherwise indicates, the following terms shall have the following meanings.

**A. "Employer"** shall mean any individual or type of organization, including domestic and foreign corporations and partnerships, doing business in the State.

**2. Legislative findings and intent.** The Legislature finds that many older Maine citizens are forced out of the work force solely because of their age. The Legislature further finds that many older Maine residents who have been forced out of the work force are fully capable of carrying out the duties and responsibilities required by their employment. Finally, the Legislature finds that

many older Maine citizens, because of their years of experience, can make valuable contributions to the work force.

It is the intent of the Legislature that discrimination based on age against any person who seeks employment in the private sector or who is already employed by a private employer shall not be tolerated. It is further the intent of the Legislature to ensure that any older person who seeks employment or wishes to continue employment in the private sector and who is capable of fulfilling the duties and responsibilities of this employment shall be treated like any other person who seeks employment or wishes to continue this employment. Finally, it is the clear and unequivocal intent of the Legislature to prohibit employers in the private sector from requiring employees to retire at a specified age, or after completion of a specified number of years of service.

**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.

**4. Normal retirement age.** This section shall not be construed to prohibit the use of a "normal retirement age," as defined in section 4553, subsection 6-A, provided that normal retirement age and the accrual or awarding of pension or retirement benefits shall not be used in any way to require the retirement of an employee or to deny employment to a person.

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

**6. Applicability.** This section shall apply to all employers in the State.

**Sec. 5. Effective date; compliance.** Sections 1 to 4 shall take effect January 1, 1980.

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. However, if the amendment needs to be made through the negotiation of a collective bargaining contract and if the contract is not scheduled for negotiation prior to January 1, 1980, the amendment shall be made during the next scheduled negotiation after January 1, 1980.