

**§4574. Mandatory retirement age prohibited**

**1. Definition.** As used in this section and section 4573, 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. [PL 1979, c. 350, §4 (NEW).]  
[PL 1979, c. 541, Pt. B, §4 (AMD).]

**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.  
[PL 1979, c. 350, §4 (NEW).]

**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 [PL 1979, c. 350, §4 (NEW).]

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. [PL 1979, c. 350, §4 (NEW).]

[PL 1979, c. 350, §4 (NEW).]

**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.

[PL 1979, c. 350, §4 (NEW).]

**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.

[PL 1979, c. 350, §4 (NEW).]

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

[PL 1979, c. 350, §4 (NEW).]

**SECTION HISTORY**

PL 1977, c. 580, §15 (NEW). PL 1979, c. 350, §4 (RPR). PL 1979, c. 541, §B4 (AMD).

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