

ulations established by the United States or the State of Maine, for any employer because of the race, color, religious creed, ancestry, age or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individuals, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment, if the individual is the best able and most competent to perform the services required. This section shall not apply to:

1. **Termination.** Termination of employment because of the terms or conditions of any bona fide retirement or pension plan;

2. **Retirement plan.** Operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement;

3. **Insurance plan.** Operation of the terms or conditions of any bona fide group or employee insurance plan.

MARYLAND 1964 CUMULATIVE SUPPLEMENT, ART. 100, §§ 78-79

DISCRIMINATION

§ 78. Discrimination because of age

(a) It is harmful employment practice:

(b) For an employer, because of the age of any person, to refuse to hire or employ or to bar, or discharge the person from employment, or to discriminate against the person in compensation or in terms, conditions or privileges of employment, because of his age, unless based upon a bona fide occupational qualification.

(c) For an employer or employment agency to print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which directly or indirectly, expresses any limitation, specification, or discrimination as to age, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification. (1964, ch. 186.)

§ 79. Definitions

(a) For the purposes of this subtitle,

(b) The term "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if the club, association or corporation is not organized for private profit or any person, company or corporation engaged in interstate transportation whose employment practices are regulated by federal statute or regulation.

(c) The term "employment agency" includes any person, firm or corporation undertaking to procure employees, or opportunities to work.

(d) The term "age" applies as to any person who is forty years of age or over and not more than sixty-five years of age. However, the use of the term "age" in this subtitle is not (1) to prevent the termination of the employment of any person who is physically unable to perform his duties, or (2) to affect the retirement policy or system of any employer if such policy or system is not merely a subterfuge to evade the purposes of this subtitle, or (3) to preclude the varying of insurance coverages according to an employee's age. (1964, ch. 186.)

MONTANA H. J. R. 12, LAWS 1961

Whereas, the legislature of the State of Montana finds that the practice of discriminating in employment against properly qualified persons because of their age is contrary to American principles of liberty and equality of opportunity, is incompatible with the constitution, deprives the State of Montana of the fullest utilization of its capacities for production, and endangers the general welfare: and

Whereas, hiring bias generally against workers over forty (40) years of age deprives the State of Montana of its most important resource of experienced and skilled employees, adds to the number of persons receiving public assistance, tosses away our investment in trained, able people, and deprives older people of the dignity and status of self-support; and