

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new section be and it is hereby added to Article 64A of the Annotated Code of Maryland (1939 Edition), title "Merit System", said new section to be known as Section 5A and to follow immediately after Section 5 of said Article, and to read as follows:

5A. Notwithstanding any provision of law to the contrary, except as herein provided, the Commissioner shall not hereafter prohibit, prevent, disqualify or discriminate against any person who is physically and mentally qualified from competing, registering for or participating in a competitive or promotional examination held under the provisions of this Article or from qualifying for a position in the Classified Service by reason of his or her age and/or on account of any physical defect or impairment, providing such physically impaired person shall produce a certificate from a competent medical doctor certifying that the said physically impaired person is not suffering from any physical defect or impairment which is of such a character that would interfere with the physically impaired person performing the duties of the position which the said physically impaired person is seeking. The Commissioner shall not be required, however, to certify for appointment any person who has a minor defect or impairment or who is above the age ordinarily prescribed for any particular position unless such person shall, by a written instrument executed in the presence of two subscribing witnesses, waive any benefit or right to a pension under any State retirement system and/or any disability benefits during or on account of such employment. Any such rule, requirement, resolution or regulation made by the Commissioner shall be void.

Nothing herein contained, however, shall prevent the Commissioner from adopting reasonable minimum and/or maximum age requirements for positions such as policeman, fireman, prison guard, or other positions which require extraordinary physical effort, except where age limits for such positions are already prescribed by law.

SEC. 2. *And be it further enacted,* That all laws or parts of laws inconsistent with the provisions of this Act be and they are hereby repealed to the extent of such inconsistency.

SEC. 3. *And be it further enacted,* That this Act shall take effect June 1st, 1941.

Approved May 29, 1941.