

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2008

S.P. 757 In Senate, January 12, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 26.

Reference to the Committee on Aging, Retirement and
Veterans suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator KERRY of York.

Cosponsored by Representative CURRAN of Westbrook,
Representative CONLEY of Portland, Senator BRANNIGAN of
Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT Concerning Investment of State Funds in**
2 **Corporations Doing Business in Northern**
3 **Ireland.**
4

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

7 Sec. 1. 5 MRSA §135, first ¶, as repealed and
8 replaced by PL 1987, c. 247, §1 and c. 402, Pt. A,
9 §10, is repealed and the following enacted in its
10 place:

1 The Treasurer of State may deposit the money,
2 including trust funds of the State, in any of the
3 banking institutions or trust companies or state or
4 federal savings and loan associations or mutual
5 savings banks organized under the laws of this State
6 or in any national bank or banks or state or federal
7 savings and loan associations located in the State,
8 except as provided in chapters 161 and 162. When
9 there is excess money in the State Treasury which is
10 not needed to meet current obligations, the Treasurer
11 of State may invest, with the concurrence of the State
12 Controller or the Commissioner of Finance and with the
13 consent of the Governor, those amounts in bonds,
14 notes, certificates of indebtedness or other
15 obligations of the United States which mature not more
16 than 24 months from the date of investment or in
17 repurchase agreements secured by obligations of the
18 United States which mature within the succeeding 24
19 months, prime commercial paper, tax-exempt obligations
20 or bankers' acceptances. The Treasurer of State may
21 participate in the securities' loan market by loaning
22 state-owned bonds, notes or certificates of
23 indebtedness of the Federal Government, provided that
24 the loans are fully collateralized by treasury bills
25 or cash. The Treasurer of State shall seek
26 competitive bids for investments, except when, after a
27 reasonable investigation, it appears that an
28 investment of the desired maturity is procurable by
29 the State from only one source. Interest earned on
30 those investments of money shall be credited to the
31 respective funds, except that interest earned on
32 investments of special revenue funds shall be credited
33 to the General Fund of the State. Interest earned on
34 funds of the Department of Inland Fisheries and
35 Wildlife shall be credited to that fund. Interest
36 earned on funds of the Baxter State Park Authority
37 shall be credited to the Baxter State Park Fund. This
38 section shall not prevent the deposit for safekeeping
39 or custodial care of the securities of the several
40 funds of the State in banks or safe deposit companies
41 in this State or any other state, nor the deposit of
42 such state funds as may be required by the terms of
43 custodial contracts or agreements as may be negotiated
44 in accordance with the laws of this State. All

1 invested and shall determine whether that corporation
2 has taken substantial action to achieve the following
3 goals, known as the MacBride Principles:

4 1. Representation of under-represented religious
5 groups. Increasing the representation of individuals
6 from under-represented religious groups in the work
7 force, including managerial, supervisory,
8 administrative, clerical and technical jobs;

9 2. Security. Adequate security for the
10 protection of minority employees at the workplace and
11 while traveling to and from work;

12 3. Banning of emblems. The banning of
13 provocative religious and political emblems from the
14 workplace;

15 4. Public advertisement; recruitment. The public
16 advertisement of all job openings and special
17 recruitment to attract applicants from
18 under-represented religious groups;

19 5. Favoritism disallowed. Layoff, recall and
20 termination procedures that do not in practice favor
21 particular religious groupings;

22 6. Discriminatory practices eliminated. The
23 abolition of job reservations, apprenticeship
24 restrictions and differential employment criteria
25 which discriminate on the basis of religion or ethnic
26 origin;

27 7. Training programs. The development of
28 training programs that will prepare substantial
29 numbers of current minority employees for skilled
30 jobs, including the expansion of existing programs and
31 the creation of new programs to train, upgrade and
32 improve the skills of minority employees;

33 8. Minority advancement. The establishment of
34 procedures to assess, identify and actively recruit
35 minority employees with potential for further
36 advancement; and

1 9. Affirmative action. The appointment of a
2 senior management staff member to oversee the
3 company's affirmative action efforts in the creation
4 of timetables to carry out affirmative action
5 principles.

6 §1962. Support for MacBride Principles

7 The Treasurer of State and the Board of Trustees
8 of the Maine State Retirement System, in whatever
9 manner they deem appropriate, shall urge corporations
10 in which the State or the Maine State Retirement
11 System have invested assets and which have operations
12 in Northern Ireland, to adopt and implement the
13 MacBride Principles with respect to those operations
14 and, where necessary and appropriate, shall initiate
15 or support shareholder initiatives requiring corporate
16 action.

17 §1963. Investment of state funds

18 After July 1, 1992, if it is in accordance with
19 sound investment criteria consistent with prudent
20 standards of fiduciary responsibility, the Treasurer
21 of State and the Board of Trustees of the Maine State
22 Retirement System shall disinvest all or part of all
23 state funds and funds created pursuant to chapter 421
24 currently invested in any corporations doing business
25 in Northern Ireland, and invest no new funds in any
26 such corporation unless that corporation has adopted
27 and implemented the MacBride Principles and with
28 respect to funds available for future investment in
29 corporations doing business in Northern Ireland,
30 including such funds available as a result of such
31 disinvestment as prescribed in this section, shall
32 invest such funds in corporations conducting their
33 operations in Northern Ireland in accordance with the
34 MacBride Principles.

35 Sec. 5. 5 MRSA §17103, sub-§11, ¶C, as
36 enacted by PL 1987, c. 247, §6, is repealed and the
37 following enacted in its place:

38 C. A discussion of the progress toward meeting
39 the goals of chapters 161 and 162.

1

STATEMENT OF FACT

2 This bill directs the Treasurer of State and the
3 Board of Trustees of the Maine State Retirement System
4 to urge corporations doing business in Northern
5 Ireland to adopt employment practices, known as the
6 MacBride Principles, which are designed to reduce
7 religious discrimination in employment.

8 The bill first requires the Treasurer of State and
9 the Board of Trustees of the Maine State Retirement
10 System to compile a list of investments in those
11 corporations currently doing business in Northern
12 Ireland which have not adopted these principles.
13 Second, it directs the Treasurer of State and the
14 Board of Trustees of the Maine State Retirement System
15 to urge adoption of these principles by those
16 corporations through shareholder resolutions or other
17 activities. Finally, only if divestiture is in
18 accordance with the prudent person standard of
19 fiduciary responsibility, the bill directs the
20 Treasurer of State to disinvest after 4 years if those
21 companies do not adopt these principles and
22 encourages, according to prudent investment standards,
23 investment in those companies which have adopted the
24 principles.

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