



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: Maine Relay 711

## **Rachel Talbot Ross**

Assistant House Majority Leader

Office: (207) 287-1430

[Rachel.TalbotRoss@legislature.maine.gov](mailto:Rachel.TalbotRoss@legislature.maine.gov)

February 3, 2021

*Testimony of Assistant House Majority Leader Rachel Talbot Ross presenting*

## **LD 2, An Act To Require the Inclusion of Racial Impact**

### **Statements in the Legislative Process**

*Before the Joint Standing Committee on State and Local Government*

Senator Baldacci, Representative Matlack and esteemed members of the Joint Standing Committee on State and Local Government, I am Rachel Talbot Ross. I represent House District 40 and serve as assistant House majority leader. Thank you for the opportunity to come before you to present **LD 2, An Act To Require the Inclusion of Racial Impact Statements in the Legislative Process**.

The past year has been a tumultuous time for our country and our state. So many of the challenges we have faced have thrown existing inequities into sharp relief. These are not new problems, but they are surfacing in new ways – such as the staggering racial disparities in COVID-19 infection rates and associated health outcomes. In the face of such glaring disparities, many of us are looking at patterns of racial injustice with fresh eyes.

Racial injustice does not just harm Black, Indigenous and people of color. It harms all of us. As long as there are those among us who are hampered by it, our communities cannot reach our shared potential – economically, culturally or intellectually. As Dr. Martin Luther King Jr. wrote in his *Letter From a Birmingham Jail*:

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

Even when all other demographic characteristics are held equal, we know that belonging to a historically disadvantaged racial or ethnic group is consistently tied to disparate outcomes. You will hear from others today who can testify in more detail to the research, but the takeaway is this: In every social, educational and economic system on which we have data, racial disparities exist here in Maine, just as they do across our country. It can be tempting to perceive these persistent inequities as a distant national problem, but the numbers show that Maine is not immune to this problem.

I believe it is important to acknowledge the backdrop against which we are having this discussion. I also know that taking such a broad view can make disrupting racial injustice seem a daunting task. But the truth is that we make our systems more just and fair through a series of single steps forward. We cannot

reverse generations of inequity in one day, but we can make a commitment to making our systems a little fairer at every decision point.

Today, we are here as elected officials, as legislators. That means it is our opportunity and our responsibility to promote equity and justice within the policymaking process.

As some of you will recall, last summer, the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations collaborated with legislators to assess the work that was before us in terms of impact on racial disparities. In its report, the Permanent Commission highlighted specific legislation, but it also included longer-term recommendations for the Legislature in order to make racial equity a priority in lawmaking. One of these recommendations was to “institutionalize a process to examine legislation through a racial equity lens.”

We can accomplish that by implementing racial impact analysis and statements.

### **WHAT IS A RACIAL IMPACT STATEMENT?**

A racial impact statement is an objective, nonpartisan analysis of how historically disadvantaged racial and ethnic groups would be affected by a given policy proposal. At its most basic, it is a tool that helps policymakers evaluate how a bill would impact specific communities.

This concept will be familiar to all of you from our Legislature’s use of fiscal impact statements, or fiscal notes. As you know, here in Maine, fiscal notes are prepared by nonpartisan staff to clarify the financial impact of a given bill. I think we can all agree that fiscal notes provide invaluable information that helps us make informed decisions.

Racial impact statements will provide a similar mechanism for objective analysis by nonpartisan staff, which can then inform our deliberations. Currently, seven states use racial impact statements as part of the legislative process, and a number of other states are considering similar proposals.

### **OUR APPROACH WITH LD 2**

LD 2 creates a mechanism to implement the use of racial impact statements in a way that makes sense for our state and our unique institutions. It directs the Legislative Council to determine how best to establish and implement the use of racial impact statements. This will give legislative leaders the opportunity to examine how this process will work and then launch a pilot in the second regular session of the 130<sup>th</sup> Legislature in 2022.

Following the pilot, any committee that participates in the pilot will report back so their feedback can inform a recommendation by the Legislative Council for the use of racial impact statements during the 131<sup>st</sup> Legislature.

This bill also requires that, upon the request of a legislative committee, the commissioner of a department or director of an agency must provide available data and analysis needed to prepare a racial impact statement.

We recognize that there will be times that committees are seeking data that is just not available. This bill only requires departments and agencies to provide the information they have at hand. When a request

cannot be fulfilled, the department or agency will only need to communicate that to the committee. The fact that the data does not exist could, in itself, be useful for legislators to know.

If members of this committee see fit to do so, I would support adding clarifying language to the bill in order to prevent any confusion around a department or agency's responsibilities when data is not available. Please know I am glad to work with you on such an addition.

On their own, racial impact statements will not end racial disparities. They will not dictate the policies we choose to advance. But this proposal does represent a significant chance to change the way we make those decisions for the better.

I want to be clear: Examining proposed policies in this way does not raise up one group at the expense or exclusion of others. When we approach policymaking intentionally, with consideration for all Mainers, we as lawmakers will be empowered to do our job well and to make policy that benefits everyone.

Each time we come to the decision-making table, we have an opportunity. We can exacerbate existing disparities or we can eliminate them. We can create new injustice or prevent it. But without a quantitative analysis of the proposals before us, we cannot always see clearly which path we are headed down.

With LD 2, we can change that. With the use of racial impact statements, we can ensure that we have the impartial information we need to make the best possible decisions for our state – and that those who come after us have this tool to do the same in the future.

Thank you for your attention today and your consideration of this measure. I would be happy to take any questions or to help in any way to move this bill forward.