

**Legislative Council Subcommittee to Implement a Racial Impact Statement Process Pilot
December 10, 2021**

Agenda

1. Update on meetings with UMS and the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations regarding their role in the pilot
2. Rep. Talbot Ross proposal on RIS parameters and LDs to be included in the pilot (pp. 2-3)
3. Development of a memo to chairs of 4 committees – guidance for report backs (p. 4)
4. Consideration of non-substantive RIS document elements required to be included in the statement (p. 4)
5. Process for subcommittee’s reviewing report draft (discussion)

Parameters governing content of racial impact statements

After reviewing processes implemented in other states for the completion of racial impact statements, including some which contract with outside entities to do the analysis, the subcommittee connected with the University of Maine System and the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to explore the potential for them to play a role in the pilot. The UMS system and the Permanent Commission agreed to take part in the pilot within their own resources. A proposal was submitted and accepted contingent upon review of the following changes to the parameters which will govern the content of the statements.

➤ For consideration by Subcommittee to Establish a Racial Impact Statement Process Pilot:

Amended draft framework establishing an analysis framework for racial impact statements pursuant to subcommittee discussion at October 27th meeting. *Italicized language is an additional suggestion from Rep. Talbot Ross*

For the purposes of the pilot to implement a racial impact statement, the analysis conducted for the selected legislation should address the five questions below and, when feasible, conclude whether the proposed policy or proposed change to existing policy; reduces inequities for historically disadvantaged racial populations, has a neutral impact on inequities among historically disadvantaged racial populations, or exacerbates inequities among historically disadvantaged racial populations. When a conclusion is not feasible, the statement should describe the limitations or barriers which impeded concluding an impact and whether relevant regional or national trends exist which may provide helpful information.

1. What problem is this policy/legislation addressing
2. Is the problem the legislation is addressing one that is worse or exacerbated for ~~people of color~~ historically disadvantaged racial populations?
3. What factors contribute to or compound racial inequities around this problem?
4. More specifically, what policies, institutions, or actors have shaped these inequalities, disparities, and/or disparate impacts?
5. If inequities are exacerbated, what actors, at what levels of influence, could reduce these inequities?

Proposed LDs to be included in the pilot

During the course of its meetings, the subcommittee decided that bills to be included in the pilot would come from the following committees.

- Education and Cultural Affairs
- Health and Human Services
- Judiciary
- Labor and Housing

The subcommittee agreed that the goal is to have statements for the selected bills presented to policy committees by the end of February to allow the committees time to incorporate them into their work sessions and deliberations before committee voting deadlines. Thus, in order to maximize the amount of time allowed for the analysis required for impact statements, the subcommittee decided that the bills would be selected from those carried over from the First (Special) Session of the 130th. Generally, bills carried over are already drafted, referred, and have been the subject of a public hearing by a committee.

From here, the subcommittee agreed to receive input from the University of Maine System and the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to identify bills within this group are good candidates for a pilot program. Rep. Talbot Ross worked with these groups to develop a method for categorizing the bills which ultimately resulted in her proposal that the following bills be included in the pilot. The number of bills listed below is what the group believes is reasonable in terms of how many they can provide a statement for within the limited timeframe. It's possible, during the course of the pilot, given data limitations or other constraints, that not every bill will receive a complete statement.

LD #	Title	Committee
270	An Act to Amend the Regional Adjustment Index to Ensure School Districts Do Not Receive Less than the State Average for Teacher Salaries	Education and Cultural Affairs
372	An Act to Provide Children Access to Affordable Health Care	Health and Human Services
1574	An Act to Ensure Support for Adults with Intellectual Disabilities or Autism with High Behavioral Need	Health and Human Services
1693	An Act to Advance Health Equity, Improve the Well-being of All Maine People and Create a Health Trust	Health and Human Services
598	An Act to Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle	Judiciary
	OR	
1068	An Act to Restrict Weapons Pursuant to Court Order in Cases of Harassment	*Rep. Talbot Ross is gathering input to determine which of these two bills to include in her proposal which will be considered by the subcommittee
982	An Act to Protect against Discrimination of Public Entities	Judiciary
965	An Act Concerning Nondisclosure Agreements in Employment	Labor and Housing

Letter to Chairs of Committees with Pilot LDs

The subcommittee has discussed providing a letter to the committees considering bills chosen to be part of the pilot, specifically to provide guidance on reports to be submitted to the Legislative Council after the adjournment of the Second Regular Session. Below is a potential opening paragraph which could be followed by the type of information you believe would be helpful to the Legislative Council in phase 2 of the implementation of a racial impact statement process.

Pursuant to [PL 2021 c. 21](#), the Legislature is conducting a racial impact statement process pilot as designed by a subcommittee of the Legislative Council. Conducting this pilot will inform the development of an ongoing process to incorporate the such statements into the consideration of LDs before the Legislature. The subcommittee was charged with selecting up to 4 committees to take part in the pilot and provide a report back to the Legislative Council no later than 30 days after the adjournment of the Second Regular Session. In addition to the report elements described in chapter 21, the subcommittee would like

Consideration of non-substantive elements required for racial impact statements

Given that the presence of racial impact statements in this pilot will be new to the Legislature and those that observe the work of committees, this subcommittee may want to consider requiring some standard (non-substantive) information be included on each one. Below are some examples of elements that the subcommittee may want to consider directing UMS/Permanent Commission to include in all statements they produce.

- Indicate that statements have been submitted pursuant to pilot/PL 2021 c. 21
- Provide the description of parameters (as established by subcommittee)
- Cite sources used for the analysis (including data sources)
- Explain the purpose of the statements or guidance on “how to use RIS”
- Others?