



# **Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS**

## **Testimony of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations**

**LD 258 "An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025"**

February 17, 2023

Senator Rotundo, Senator Nangle, Representative Sachs, Representative Stover, and Honorable Members of the Joint Standing Committees on Appropriations and Financial Affairs and State and Local Government:

My name is Morgan Pottle Urquhart, and I am the acting Policy and Communications Director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. We extend deep gratitude to Representative Melanie Sachs for introducing this bill on behalf of Governor Mills.

Whether we're Black, brown, or white; Indigenous or newly arrived immigrants, we all want our families to thrive, our dreams to be possible, and our communities to be vibrant and prosperous. But depending on who you are or where you live, not everyone has the same opportunities for many of the things we consider the basics of a fair and just society: health care when we need it, a safe place to call home, reliable transportation, honest work for a fair wage, and a feeling of connection and hope for the future.

Disparities are not limited to those based on race, however. A full analysis of quality-of-life outcomes must also include disparities that white Mainers experience. The same structural factors that drive the racial disparities in our state hurt all of us. The opportunity before us is to repair those systemic and structural flaws and improve the lives of all Maine people.

In 2019, the Maine Legislature took an important step in this direction by establishing the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations, and Governor Janet Mills signed the Permanent Commission into law. In 2021, Maine made a historic investment in the Permanent Commission's work by allocating funds for staff to begin building the agency and pursuing its mission through research, community engagement, and policy advising.

The Permanent Commission is currently allocated five full-time staff positions; they are an Executive Director, Community Engagement Director, Operations Director, Research Director, and a Policy Associate. An additional contracted staff member is working as Policy and Communications Director. The Permanent Commission's request in Governor Mills' budget includes creating a new staff position for a Communications Director and reclassifying the Policy Associate position to reflect staffing needs.

The Permanent Commission's streamlined staffing structure recognizes its broad scope of work and the importance of leveraging the energy and enthusiasm in our communities to tackle difficult challenges with a collaborative and innovative spirit that reflects Maine's finest traditions. In this model, staff are responsible for coordinating and providing direction for projects that often include a robust network of businesses, service agencies, and community-led organizations in order to deliver the best possible results.

We respectfully urge you to support this request in the Biennial Budget. We could not do this critical and urgent work without the support of these committees, the Legislature and Governor. We are committed to working together across race and place so all of us can thrive and nothing stands in the way of us providing a great life for all Maine people and families.

Thank you for your time, attention, and consideration. I am happy to answer any questions or provide additional information.

# Introduction

to the

**PERMANENT COMMISSION ON THE STATUS OF  
RACIAL, INDIGENOUS, AND TRIBAL POPULATIONS**

Report to the  
131st Legislature



**Permanent  
Commission**  
RACIAL, INDIGENOUS  
& TRIBAL POPULATIONS

**FEBRUARY 2023**

# I. History and Structure of the Permanent Commission

## ABOUT THE PERMANENT COMMISSION

Whether we're Black, brown, or white; Indigenous or newly arrived immigrants, we all want our families to thrive, our dreams to be possible, and our communities to be vibrant and prosperous. But depending on who you are or where you live, not everyone has the same opportunities for many of the things we consider the basics of a fair and just society: health care when we need it, a safe place to call home, reliable transportation, honest work for a fair wage, and a feeling of connection and hope for the future.

Our systems and structures don't work the same for everyone, and investments in our communities too often exacerbate disparities. Your age, your skin color, your hometown, your health - these can all determine whether doors of opportunity are open or closed to you. Now imagine what our communities would look like if Maine's systems and infrastructure worked for everyone. Coming together to hear each other, learn from one another, acknowledge problems, and fix what's broken, we can make sure nothing stands in the way of living a good life – the way it should be – for all Maine families.

Structural racism is a driving force behind many of the disparities we can see all around us. Black Mainers are nearly nine times as likely to be incarcerated as white Mainers.<sup>1</sup> Maine's tribal populations are treated like municipalities rather than the sovereign nations that they are and have been since time immemorial. Racial, Indigenous, and tribal populations typically experience unemployment and poverty at twice the rate of white Mainers.<sup>2</sup> Structural disparities are not limited to those based on race, however. A full analysis of quality-of-life outcomes must include disparities that white Mainers experience. The same structural factors that drive the racial disparities in our state hurt all of us, including families in rural Maine, whose kids are nearly twice as likely to experience poverty than the rest of the state.<sup>3</sup>

For far too long, Maine and the nation have allowed the institutions and racism that dictate these disparate outcomes to continue. We have addressed fragments of the problem, but it's critical to evaluate the ways in which all systems and structures can be adapted to prevent future generations from confronting the same inequities. Government has a key role to play.

In 2019, the Maine Legislature took an important step in this direction by establishing the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations, and Governor Janet Mills signed the Permanent Commission into law. The independent entity has a mission to examine racial disparities across all systems and to specifically work at improving the status and outcomes for historically disadvantaged racial, Indigenous, and tribal populations in the state. The Permanent Commission is empowered by statute to advise and consult with all three branches of state government, as well as submit legislation.

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<sup>1</sup> State data compiled by the Sentencing Project. Retrieved January 2023 from: <https://www.sentencingproject.org/>

<sup>2</sup> Myall, James. Data on racial inequality shows need for solutions to advance racial justice. (June 2019). Maine Center for Economic Policy. Retrieved February 20, 2022 from: <https://www.mcecp.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

<sup>3</sup> Annie E. Casey Foundation's Kids Count Data Center, Children in poverty by county, 2005 — 2021 in Maine. Retrieved January 19, 2023. <https://datacenter.kidscount.org/data/map/1562-children-in-poverty-by-county-2005-2020?loc=218&loc=5#5/any/true/false/574/any/3331/Orange/>

In 2021, the Maine Legislature made a historic investment in the Permanent Commission's work by allocating funds for staff to begin building the agency and pursuing its mission through research, community engagement, and policy advising.

Occupying a unique position in state government, the Permanent Commission represents a broad cross section of people most impacted by racial harm and colonization who have been excluded from policy making throughout Maine's history. The Commission's primary role is to identify and help eliminate systemic injustices embedded in the state's infrastructure, policies, and practices. Through its work, the Commission gives voice to the lived experience of impacted communities, promotes evidence-informed models for eliminating demographic and geographic disparities, and advances a vision of Maine where everyone, without exception, has the opportunity to live a good life and pursue their dreams.

## **FUNCTIONS AND STRUCTURE**

Since the creation of the Permanent Commission, staff, Commissioners, and contracted content experts have worked collaboratively to establish the Permanent Commission as an entity within state government, and, at the same time, to carry out the work assigned to it by the Legislature. This required a delicate balance between building the Commission as an entity within state government while developing research, programming, community engagement opportunities, and other work. This has been and will continue to be a positive challenge. It speaks directly to the need for continued capacity-building support in order to fulfill the critically important mission of the Permanent Commission and build an accessible and sustainable entity.

Throughout the spring and summer of 2022, the Permanent Commission conducted an analysis of its functions and structure. Four main categories of work, aligned with the duties and powers assigned to the Permanent Commission by statute, emerged during this process. At that time, the committee structure was not matched to these areas. As a result of this evaluation process, the Permanent Commission revised its committee structure to facilitate collaboration between commissioners, staff, and contracted content experts to support all areas of its work (see Fig. 1).

Under the new structure, as approved in the Permanent Commission's bylaws in January 2023, each area of work now has a committee of jurisdiction and will have a staff member if the current budget request is included in the biennial budget.

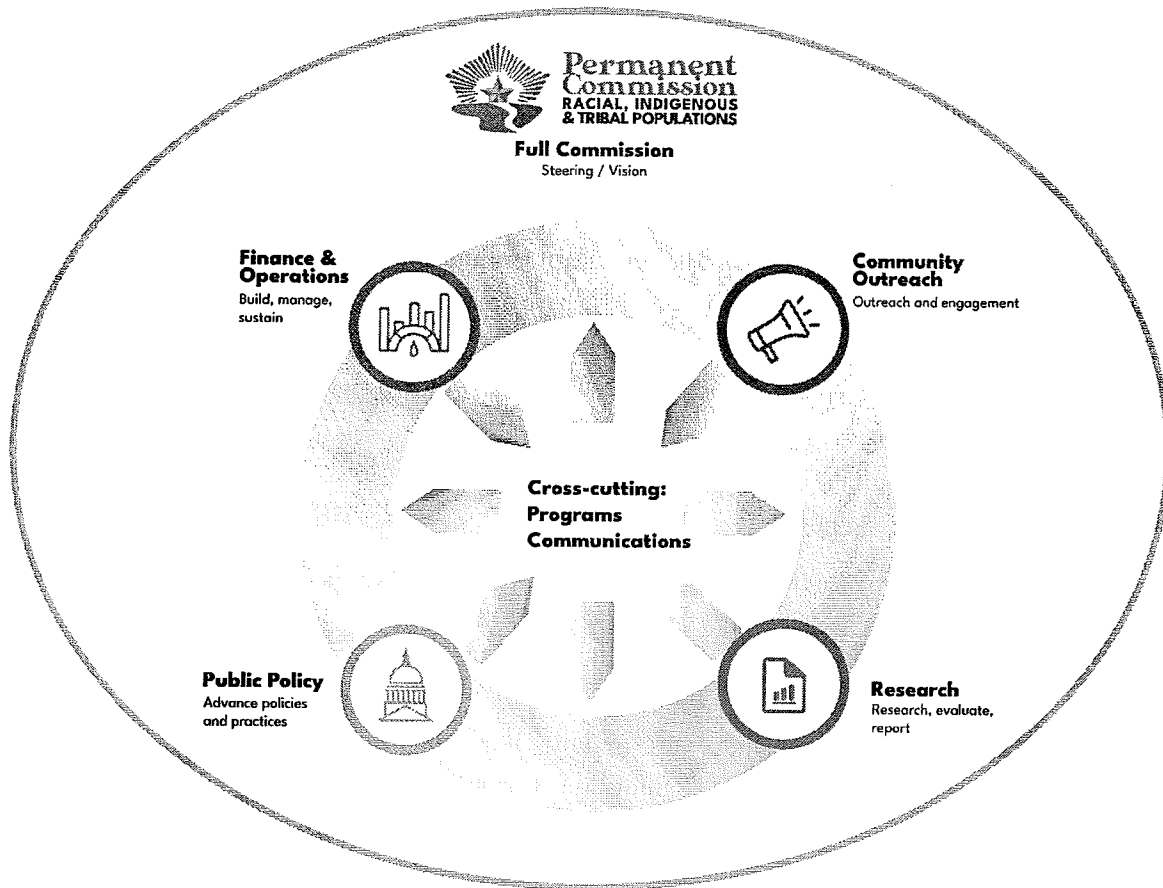


Fig. 1

**Research:**

- Carries out research on the status of historically disadvantaged racial, Indigenous, and tribal populations.

**Community Engagement:**

- Conducts public hearings, conferences, workshops, and other meetings to obtain information about, discuss, and publicize the needs of and solutions to the problems faced by historically disadvantaged racial, Indigenous, and tribal populations.

**Policy:**

- Has the power to submit legislation to improve opportunities and eliminate disparities for historically disadvantaged racial, Indigenous, and tribal populations.
- Advise and consult with the Governor, Legislature, the Chief Justice of the Supreme Judicial Court and other officials of the state and federal government with respect to policies, programs, and other activities relating to historically disadvantaged racial, Indigenous, and tribal populations.

**Finance & Operations:**

- Manages a new government entity, building appropriate, integrated systems that allow for the work of the Permanent Commission to operate smoothly and effectively.
- Reports to the Governor and Legislature concerning the work and interests of the commission.

## Staff Positions

The Permanent Commission is currently allocated five full-time staff positions that align with the restructured committees; they are an Executive Director, Community Engagement Director, Operations Director, Research Director, and a Policy Associate. Two of those five positions (Operations and Community Engagement) are currently filled by individuals operating in an “acting” capacity. The Permanent Commission is working with the Bureau of Human Resources to hire an Executive Director. The hiring process for a Research Director will begin in the coming weeks. An additional contracted staff member is working as Policy and Communications Director. The Permanent Commission’s budget request in Governor Mills’ budget includes creating a new staff position for a Communications Director and reclassifying the Policy Associate position to reflect staffing needs.

The Permanent Commission’s staffing structure recognizes its broad scope of work and the importance of leveraging the energy and enthusiasm in our communities to tackle difficult challenges with a collaborative and innovative spirit that is the Maine tradition. In this model, staff are responsible for coordinating and providing direction for projects that often include a robust network of businesses, service agencies, and community-led organizations in order to deliver the best possible results for this important work.

## II. Policy Priorities and Guiding Principles

### TEN CORE CATEGORIES OF DISPARITY

In the summer of 2020, the Permanent Commission embarked on an unprecedented process, collaborating with 55 state legislators across party lines, to assess legislation pending in the 129th Maine Legislature for possible impacts on racial disparities. Through that process, the Permanent Commission identified ten core categories of disparity on which to focus.

These categories are:

- **Basic Needs** - Every Mainer deserves healthy food, economic security, and the opportunity to succeed. Unfortunately, not all communities receive the same access to the basic needs that allow them a fair chance at success. This is evident through the consistently higher poverty rates for most racial, Indigenous, and tribal communities as compared with the state overall.
- **Basic Rights** - All people deserve equal protection under the law and equal support from their government. Protections for people of every background must be included in our most foundational laws in order to influence all policies.
- **Criminal Justice** - There is extensive evidence showing that Black people are treated more harshly at every phase in the criminal justice system. We/They are more likely to be stopped by police, searched, ticketed, arrested, charged, and convicted, and when convicted, face longer sentences.<sup>4</sup>

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<sup>4</sup> State data compiled by the Sentencing Project. The Sentencing Project. Retrieved May 17, 2019 from: <https://www.sentencingproject.org/>

- **Education** - Data about Maine schools suggests students of different races have very different experiences with public education. For example, Black students are 2.4 times more likely to be suspended than white students in Maine schools, while white students are 1.6 times more likely to be enrolled in AP classes.<sup>5</sup> Structural challenges such as families' access to resources as well as the practices and policies of schools may contribute to these disparities.
- **Employment and Workers' Rights** - Discrimination by individual employers, as well as unfair treatment in the education system, holds back opportunities for racial, Indigenous, and tribal populations even when we/they attend college.<sup>6</sup> This places a disproportionate number of racial, Indigenous, and tribal people in low-income jobs that lack adequate protections in the workplace and benefits.
- **Health Care** - Structural racism is deeply ingrained in our health care system, leading to inferior care and worse health outcomes for impacted communities. Even for individuals of the racial, Indigenous, and tribal population who have access to health care, we/they still have vastly different experiences than white people. Lack of access to comprehensive health care that can help prevent or manage chronic diseases.<sup>7, 8</sup>
- **Housing and Homelessness** - Discrimination in housing based on race was legal in this country as late as the 1960s, and there have been many documented examples of illegal discrimination since. One can easily see the effects of this in the shape of cities and towns across the country today. It is no surprise then that only one in four Black Mainers are homeowners as compared with three-quarters of white Mainers. Affordable and acceptable rental housing is more difficult to obtain for racial, Indigenous, and tribal populations in the state. Those with housing report a lack of basic housing necessities, such as proper facilities or space, at a higher rate than people who are white.<sup>9</sup> In addition, Mainers who represent the racial, Indigenous, and tribal populations experience homelessness at a greater rate than those who are white. This disparity is most pronounced for Black people, who represent 19% of those who are homeless while only consisting of 1% of the state's total population.<sup>10</sup>

<sup>5</sup> Eads, David. Miseducation: Is there Racial Inequality at Your School? (October 2018). Retrieved May 17, 2019 from: <https://projects.propublica.org/miseducation/>

<sup>6</sup> Myall, James. Data on racial inequality shows need for solutions to advance racial justice. (June 2019). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <https://www.meccep.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

<sup>7</sup> Race, Racism and Health. (July 2020). Robert Wood Johnson Foundation. Retrieved August 20, 2020 from: [www.rwjf.org/en/library/collections/racism-and-health.html](http://www.rwjf.org/en/library/collections/racism-and-health.html).

<sup>8</sup> Maxwell, Connor. Coronavirus Compounds Inequality and Endangers Communities of Color. (March 2020). Center for American Progress. Retrieved August 20, 2020 from:

<https://www.americanprogress.org/issues/race/news/2020/03/27/482337/coronavirus-compounds-inequalityendangers-communities-color/>

<sup>9</sup> State of Maine Consolidated Plan. (November 2019). Maine State Housing Authority and Maine Department of Economic and Community Development. Retrieved August 20, 2020 from:

[https://www.mainehousing.org/docs/default-source/policy-research/federal-funds/2020-2024-consolidated-plan.pdf?sfvrsn=19978e15\\_4](https://www.mainehousing.org/docs/default-source/policy-research/federal-funds/2020-2024-consolidated-plan.pdf?sfvrsn=19978e15_4)

<sup>10</sup> Homeless Statistics: State Fiscal Year 2018. (July 2018). Maine State Housing Authority. Retrieved August 27, 2020 from:

[https://www.mainehousing.org/docs/default-source/housing-reports/2017-2018-state-fiscal-year-homeless-statistics.pdf?sfvrsn=eb32bd15\\_4](https://www.mainehousing.org/docs/default-source/housing-reports/2017-2018-state-fiscal-year-homeless-statistics.pdf?sfvrsn=eb32bd15_4)



- **Juvenile Justice** - The current system and use of juvenile detention centers undoubtedly places those incarcerated at a societal and economic disadvantage upon reentry.<sup>11</sup> While the number of juveniles who are incarcerated nationwide has dropped significantly, racial, Indigenous, and tribal populations are overrepresented in the juvenile prison system as they find themselves facing charges, being unable to post bail and being convicted more often than our/their white counterparts.<sup>11</sup> In addition, Black children are far more likely to be tried as an adult for the same crime as white children.<sup>12</sup>
- **Tribal Sovereignty** - The state of Maine has proven reluctant to meet the needs of the tribes, whose lands the state now rests upon, but it also simultaneously has repressed the ability for the tribes to be self-governing at the same level as tribes in other parts of the nation. The state's recognition of the inherent and sacred sovereignty of the tribes, which has been in place thousands of years prior to European settlement, would enable the tribes to act in the best interest of our/their people, and therefore help address the issues, many of which are mentioned throughout this section, that stem from the oppression and discrimination that we/they incur from the state and nation.
- **Wealth and Income** - Despite there being equal employment and opportunity laws in place to prevent economically driven racial disparities, people who represent the racial, Indigenous, and tribal populations are shown to consistently earn less, regardless of gender, than our/their white counterparts.<sup>13</sup> This wage parity is due to various forms of discrimination that exist in many workplaces. Ultimately, this leads to racial, Indigenous, and tribal populations experiencing lower rates of employment and pay in comparison to those who are white.<sup>16</sup>

## GUIDING PRINCIPLES

In addition to the ten core categories of disparity, the 2020 report also outlined seven guiding principles for addressing structural racism through lawmaking.

- **Building awareness takes resources.** We know that there are many gaps in the data that is collected, analyzed, and made publicly available in Maine. State agencies will need a mandate and more resources to adequately measure and track disparities, and to partner with impacted communities in building trust and ensuring that the data collected is secure and collected in partnership with impacted populations. *\*LD 1610 allocated resources to establish data governance in Maine.*

<sup>11</sup> Holman, B. and Ziedenberg, J. The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. (2006). Retrieved August 20, 2020 from [http://www.vjia.org/Resources/Publications/Dangers\\_of\\_Detention\\_Justice\\_Policy\\_Institute\\_2006.pdf](http://www.vjia.org/Resources/Publications/Dangers_of_Detention_Justice_Policy_Institute_2006.pdf)

<sup>12</sup> Sawyer, Wendy. Youth Confinement: The Whole Pie 2019. (December 2019). Prison Policy Initiative. Retrieved August 20, 2020 from: <https://www.prisonpolicy.org/reports/youth2019.html>

<sup>13</sup> Gray, Megan. Secretive police unit gathers information on Maine citizens, commissioner tells lawmakers. (June 2020). Portland Press Herald. Retrieved Sept. 3, 2020 from: <https://www.pressherald.com/2020/06/24/maine-police-unit-gathers-information-on-citizens-commissioner-says/>

- **Awareness alone is not enough.** Building awareness of the disparities is a first and important step, but awareness alone is not enough. Action needs to be taken to address their causes alongside a long-term commitment to learning, investigating, and, most importantly, listening to impacted communities.
- **Financial and human resources must be allocated.** Much of what is needed to reverse the effects of racism requires resources. We urge legislators to resist falling into a mentality of scarcity and austerity if doing so means delaying the changes that are needed. While the state's resources are limited, there is wealth here, and it falls disproportionately along racial lines. Much of that wealth has direct or indirect historical roots in racist institutions, laws, policies, and practices, such as slavery, Jim Crow, separate but unequal, segregation, redlining, predatory lending, discrimination, and more. If we as a state aim to reverse the centuries-long effects of racism, the Legislature must support and advocate for the allocation of financial and human resources for this purpose. To do otherwise would artificially limit what is possible and potentially prohibit any real progress on these issues.
- **Policies that are 'race-neutral' will ultimately maintain existing disparities.** Disparate impacts require disparate solutions. It also requires an examination of the impact of our laws and systems.
- **An adequate response requires a structural analysis.** Specific bills and policies may help provide relief in the short-term, but they generally are embedded in and reactive to the racist structures in our current systems. We need to re-examine those systems and how they intersect.
- **Developing solutions should be led by impacted communities.** We strongly believe that the right solutions will come from the communities most impacted by structural racism. This should go beyond policymakers seeking input and partnership with individuals from historically disadvantaged racial, Indigenous, and tribal populations. A significant part of the structural change that is needed to finally begin to reverse racial disparities includes representation within those entities with decision-making power over our State's laws.
- **Policies that affect tribal nations in Maine must be enacted in a government-to-government relationship that honors and respects sovereignty.** The Passamaquoddy Tribe, Penobscot Nation, the Houlton Band of Maliseets, and Mi'kmaq Nation have lived in the region we now call Maine for millennia. Our/Their sovereignty long predates the State of Maine. However, as a result of the structural racism of European settlers, the State of Maine and the Federal government, we/they have had our/their sovereignty and ability to control our/their own lives severely limited. Since the implementation of the Maine Indian Claims Settlement Implementing Act, Maine's state government has treated tribes as if we/they were municipalities rather than the sovereign nations that we/they are. To move forward in a more constructive manner, legislators must work in partnership with tribal representatives when crafting legislation that will impact our/their communities.

### III. Accomplishments and Goals

#### ACCOMPLISHMENTS

The Permanent Commission is grateful for our mission to examine the racial disparities across Maine, and to work toward improving the status and outcomes for those who have been harmed by structural racism. Among the accomplishments of the Permanent Commission are:

- 2020 Report to the Legislature, outlining policy priorities and guiding principles for addressing structural racism in lawmaking;
- Planned and hosted two public forums. The first was a remote meeting with more than 300 people registered to attend this forum from all 16 of Maine's counties; the second was an in-person community listening session in Bangor;
- Established the Permanent Commission as an entity within Maine state government;
- Advised the Maine Legislature by submitting testimony on more than 30 bills in the second session of the 130th Legislature;
- Formed advisory subcommittees for entities within the Executive Branch who sought input from the Commission;
- Submitted reports to the Legislature on prenatal and maternal health disparities, on racial disparities in land access, and published a report on the history of tribal-state relations;
- Hosted Maine's first celebration of a new holiday, James Weldon Johnson Day;
- Established an advisory committee to identify offensive place names in Maine, craft a uniform renaming process, and recommend any additional changes to statute;
- Developed a new committee structure that reflects the work and anticipated needs of the Permanent Commission into the future;
- Developed a model for community engagement that fosters trust and collaboration between the Commission and the populations and communities it serves.

#### LOOKING TO THE FUTURE

##### Ongoing Projects

There are several ongoing areas of work that you can expect to hear more about from the Permanent Commission in the coming months. Among them are:

- **Community Listening Sessions** - The Permanent Commission hosted its first community listening session in Bangor on December 19, 2022. This was the first in a planned series of events that will provide an opportunity for the Permanent Commission to hear directly from impacted populations related to disparities caused by structural racism in Maine. These listening sessions are part of the Permanent Commission's goal to build the capacity of overburdened communities to identify issues

that affect their communities and participate in, influence, and take on leadership roles in related decision-making processes.

- **Long-Range Strategic Planning** - The development and growth of the Permanent Commission as an integrated department of state government is now well underway. As such, the Commission will embark on its first long-range strategic planning effort in 2023, which will result in a blueprint for its work over the next 3-5 years. With support from governance and planning consultants, the Commission will develop goals and measurable objectives to guide its work to improve the systems and structures that hold Maine people back from achieving their dreams and reaching their full potential.
- **LD 2, "An Act To Require The Inclusion Of Racial Impact Statements In The Legislative Process"** - The Permanent Commission submitted recommendations regarding the extended pilot of Racial Impact Statements and will continue to collaborate with the Legislature in their implementation.
- **LD 1226, "Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations To Examine Restorative Justice"** - The Permanent Commission will submit a report to the Joint Standing Committee on the Judiciary in early 2023.
- **LD 1441, "An Act To Create a James Weldon Johnson Annual Observance Day and an Observance Task Force"** - The first celebration of James Weldon Johnson Day in 2022 was a success and planning for the 2023 celebration is underway.
- **LD 1610, "An Act To Promote Equity In Policy Making By Enhancing The State's Ability To Collect, Analyze And Apply Data"** - The Permanent Commission is working with the Bureau of Human Resources to hire a Research Director who will collaborate with other state partners to implement data governance.
- **LD 1934, "Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names"** - Contracted content experts have formed an advisory board and are currently hosting programs and developing recommendations. An additional report is expected later this year.

**THANK YOU!**