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SPEAKER OF THE HOUSE

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Testimony of Speaker Rachel Talbot Ross presenting
LD 1432, An Act to Amend the Law Governing Racial Impact
Statements

Before the Joint Standing Committee on State and Local Government

Good afternoon Senator Nangle, Representative Stover, and esteemed members of the Joint Standing Committee on State and Local Government. My name is Rachel Talbot Ross. I represent House District 118, and I serve as Speaker of the House. I am proud to present before you **LD 1432, An Act to Amend the Law Governing Racial Impact Statements**. I'll say first that this bill has an amendment, and this amendment changes the title; that title is **An Act to Increase the Inclusion of Demographic Data in the Legislative Process**.

At the heart of this bill is a simple conviction: that it is incumbent upon legislators to thoroughly understand the effect that our actions have upon all Mainers, with an emphasis on how they will impact our most marginalized and disadvantaged populations. Further, it should be incumbent upon this institution—the Legislature—to consistently furnish the data we need to clearly understand those impacts. A fully informed decision-making process in the development of new laws should be institutionalized, it should be normalized, and it should become as much a part of the fabric of what we do every day as fiscal notes, floor amendments, or other routine elements of the legislative process. I am here today to push the institution in this direction.

I have been rooted in this belief since I joined the Legislature, and am proud that our work over the past several years has been both productive and instructive. Some of you will remember the 130th Legislature's LD 2, An Act To Require the Inclusion of Racial Impact Statements in the Legislative Process. That successful piece of legislation authorized a pilot project around racial impact statements, which are assessments of the potential impact that legislation could have on historically disadvantaged racial populations. Having pushed to implement the project, I believe that the consideration of demographic impact should be ingrained within the legislative process. I also believe that any concrete action that we take now should fully take into account our present reality, in which academic impact analyses can take a long time, time is of the essence in the committee process, and our nonpartisan staff are

overworked as they are. This bill follows from those lessons and from my persistent belief that action in this area is critical.

The amendment to LD 1432, before you today, makes two changes – one statutory, and one allocative.

1. First, it includes in the chapter of law that governs the functions of nonpartisan legislative offices the *authority* and the *necessity* to collect and assemble demographic data from state agencies related to legislation before joint standing or select committees of the Legislature.
2. Second, it includes one position in the Office of Policy and Legal Analysis. When this position is filled, this staff member would spend half of their time on the collection and presentation of data, and half of their time on other duties currently required OPLA staff, who we already know are overworked.

So, how would this work in practice? Let's say that a committee chair wanted to better understand the impact of a bill on those who are aging, or a given community of people of color, or rural Mainers, just as examples. The OPLA analyst assigned to this role would then assist with sourcing relevant data from state government agencies, including quasi-governmental entities and public entities like the university system, and present these data to the committee. Importantly, the analyst would not analyze the data, perform independent field research, or attempt to reach any conclusions, nor would they work within the world of qualitative data; they would merely do the work of putting before the committee existing demographic data which would inform their decision-making process.

This would be a significant improvement over the current process, in which the burden of collecting demographic data related to a bill and distributing it to the committee is placed upon the sponsor of a bill, the analyst in OPLA, outside partners, or other state government staff – all of whom either have an interest in the outcome of the bill or are simply burdened already by existing tasks which may not explicitly include the collection and distribution of these data.

I would contrast this reality with the process for collecting fiscal information which is in place today. Legislators understand that accurate, neutral fiscal information related to the cost of implementing legislation is essential to weighing whether it should pass, or in what form. That belief is actionable because the Office of Fiscal and Program Review has an established, trusted process for assessing the cost of given pieces of legislation and communicating their assessments, which legislators know they can count on. I would argue that it is time we pushed the institution to create a similar feedback loop for considering our actions' impact on Maine's intersecting and overlapping populations, as defined by age, race, sex, gender, location, sexual orientation, and other demographic factors.

We are all legislators, and we all know what it's like to try to balance the many pressures as we conduct our work. Often, the voices that we hear most loudly belong to those who line the hallways and sit in committee rooms. I believe it is incumbent upon us to make more visible the impact we may have on Mainers' lives, and this amendment takes a step in that direction. I urge you to support this bill, and I am happy to answer any questions you may have.