

**Testimony in support of LD 1948, "An Act to Amend the State's Data Governance Program Regarding Proprietary Data"**

February 6, 2024

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Good Afternoon, Senator Nangle, Representative Stover, and members of the Joint Standing Committee on State and Local Government. My name is James Myall. I'm an Economic Policy Analyst with the Maine Center for Economic Policy, and I'm here today to testify in support of LD 1948, "An Act to Amend the State's Data Governance Program Regarding Proprietary Data," with the currently-proposed amendment. MECEP supports the initiatives in the amendment as ways to improve access to data on disadvantaged and vulnerable populations which will improve decision-making by you and your colleagues in the legislature.

Our country and state have a long history of enacting policies which harm or hold back Black, Indigenous, and other people of color. Sometimes these laws have been very explicit, such as Maine's ban on interracial marriage until 1883,<sup>i</sup> but others, such as the War on Drugs, have had racially-discriminatory effects without being written in a way that was obviously racist. If we want to make laws that avoid racially-harmful effects, or go further and repair the damage that was done by past generations, we need our laws to be informed by rigorous evidence and data collection. LD 1948 moves us closer to being able to do so.

LD 1948 would make data collection on race, ethnicity, and other demographic data more consistent across state agencies. Use of administrative data is especially important when it comes to communities of color in Maine, which are often small enough that they are not accurately represented in survey data such as that collected by the Census Bureau. Administrative data, by contrast, can give us an exact count of individuals interacting with an agency. An example of the good work that can be done with data like this is the work of the Judiciary Committee in 2019, which looked at data from multiple agencies, and uncovered racial disparities in sentencing in Maine.<sup>ii</sup>

The amended bill's provisions to standardize data and facilitate sharing across state agencies is also very valuable. Too often, it can be difficult to track the outcomes of individuals across programs because the data is not consistent. It could be very valuable, for example, to see if enrollment in safety net programs administered by DHHS boosts children's school attendance and achievement in the data tracked by the Department of Education. With good data collection and sharing provisions, much more research is possible to inform good policy-making.

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Finally, I would like to add one suggestion to the bill. Currently, the demographic information to be collected includes “gender, location, race, ethnicity, birth sex and age.” I would suggest adding “sexual orientation” to that list. While the personal nature of the information can make it more difficult to collect, sexual orientation is a protected class under the Maine Human Rights Act, and several national entities such as the Census Bureau and Centers for Disease Control have adopted methodologies that allow them to collect this useful information and to track disparities in the LGBTQ communities.

Thank you for your time. I urge you to vote “ought to pass” on the amended bill. I’m happy to take any questions.

## Notes

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<sup>1</sup> For this, and other examples, see James Myall, “Race and Public Policy in Maine: Past, Present, and Future” *Maine Policy Review*, vol 29, no 2 (2020) <https://digitalcommons.library.umaine.edu/mpr/vol29/iss2/4/>

<sup>2</sup> “Justice Reinvestment in Maine.” *Council of State Governments Justice Reinvestment Center*. Accessed Feb 6, 2024. <https://csgjusticecenter.org/projects/justice-reinvestment/past-states/maine/>