



Maine Human Rights Commission

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Kit Thomson Crossman
EXECUTIVE DIRECTOR

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April 7, 2025

The Honorable Anne Carney, Senate Chair
The Honorable Amy Kuhn, House Chair
Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Re: An Act to Require Antisemitism to Be Considered as Motivation When Determining a Violation of a Criminal or Civil Law – LD 1351

Dear Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on Judiciary:

The Maine Human Rights Commission (“Commission”) is Maine’s quasi-independent, nonpartisan State agency charged with enforcing our state anti-discrimination law, the Maine Human Rights Act, 5 M.R.S. §§ 4551, *et seq.* (“MHRA”). The Commission is statutorily charged with the duties of: investigating, conciliating, and at times litigating protected-class discrimination cases under the MHRA; promulgating rules and regulations to effectuate the Act; and making recommendations for further legislation or executive action concerning infringements on human rights in Maine. 5 M.R.S. § 4566(7), (11). With those duties in mind, the Commission provides this testimony against LD 1351.¹

The Commission opposes this legislation for two reasons. First, it’s redundant. The MHRA already prohibits anti-Semitism under the umbrella of its prohibition on religious discrimination. LD 1351 does not expand the scope of that prohibition. And, Commission staff already assess the motives of alleged discriminatory and/or retaliatory acts, which would include an assessment of whether anti-Semitism was a factor. In this regard, LD 1351 does not instruct Commission staff to do anything they are not already doing.

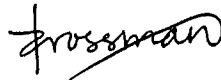
Second, the bill appears to instruct Commission staff to assess whether anti-Semitism was a motivating factor in any violation of criminal or civil law. Given the placement of § 4554, sub-§ 5, in the MHRA, this would appear to broaden the Commission’s jurisdiction significantly – we are an administrative agency currently tasked only with investigating alleged violations of the MHRA. To assess the motivation of any violation of any civil or criminal law would be a huge undertaking. Commission staff would have to liaise with the AG’s office, district attorneys, any other state agency that enforces any civil or criminal law, local police departments, domestic violence and sexual assault agencies, and so many others. The impact on Commission staff and workload would be immeasurable. The Commission’s fiscal note reflects a need for three full-time investigators just to be liaisons, not even to investigate the complaints that the Commission currently receives, and it does not assess the impact of the additional investigations the Commission would need to conduct. I anticipate that we would need to request additional positions in coming years as we get a sense of how much time and work this would take.

¹ The Commission notes that the Bill also raises constitutional concerns, but addresses here only its implications under the MHRA.

To be abundantly clear, the Commission is in favor of additional efforts to combat anti-Semitism: anti-Semitism is a real problem that Jewish Mainers face, and its consequences can be devastating. This bill, however, does not provide any additional protection for Jewish Mainers, and could lead to fewer protections by placing the burden of addressing all anti-Semitism in Maine on a single small agency. Quite frankly, it's because the Commission takes anti-Semitism so seriously that we are testifying against this bill. The Commission, with its fifteen staff, is and will continue to be an important part of addressing this problem, but we cannot be the only piece.

Thank you for this opportunity to provide testimony about LD 1351. The Commission would be pleased to discuss these issues with you at your convenience, including at the work session on this matter.

Sincerely,

A handwritten signature in black ink that reads "Crossman". The signature is written in a cursive style with a large, sweeping initial 'C'.

Kit Thomson Crossman, Executive Director

Cc: Commissioners