



Maine Human Rights Commission

51 State House Station, Augusta, ME 04333-0051

Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711

www.maine.gov/mhrc

Kit Thomson Crossman
EXECUTIVE DIRECTOR

Barbara Archer Hirsch
COMMISSION COUNSEL

February 27, 2026

The Honorable Margaret Rotundo, Senate Chair
The Honorable Drew Gattine, House Chair
Joint Standing Committee on Appropriations and
Financial Affairs
5 State House Station
Augusta, ME 04333
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: LD 2212: An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2026 and June 30, 2027

Dear Senators Rotundo and Carney, Representatives Gattine and Kuhn, and members of the Joint Standing Committees on Appropriations and Financial Affairs and on the Judiciary:

The Maine Human Rights Commission ("Commission") is pleased to have the opportunity to comment on the initiatives regarding the Commission within LD 2212, "An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2026 and June 30, 2027". The General Fund appropriations included in the Governor's budget for our agency for the time periods in question can be found at pages A-79 and -80.

Background of the Maine Human Rights Commission

The Commission, a small, quasi-independent entity with a single program (Human Rights Commission – Regulation 0150), was established in 1971 to promote the full enjoyment of human rights and personal dignity by all inhabitants of the State of Maine. We are charged with attempting to prevent discrimination in employment, housing, access to public accommodations, education, and extension of credit. Consisting of five Commissioners, no more than three of whom may be from any political party, and a staff of 16 when all positions are filled, the Commission has the duty of investigating, conciliating and at times litigating discrimination cases under the Maine Human Rights Act ("MHRA"). The Commission's program serves the public interest by providing an administrative body to evaluate complaints of discrimination in lieu of having

complaints filed directly in court. The Commission resolves a significant number of the complaints filed with it prior to any full investigation (approximately one-third of all complaints filed per year). The Commission also provides guidance to entities and individuals on interpretations of the law and makes recommendations for further legislation of executive action concerning infringements on human rights in Maine. 5 M.R.S. §§ 4566(7), (11).

Current Budget and Positions, and Supplemental Budget Proposal

The Commission employs 16 full-time staff members when all positions are filled.¹ Those positions are funded by both the General Fund and our federal partnership agreements with two federal agencies, the U.S. Equal Employment Opportunity Commission (“EEOC”) and the U.S. Department of Housing and Urban Development (“HUD”). On average, our agency receives approximately \$400,000-600,000 per year in federal partnership funding from these agencies, but this amount is constantly in flux and dependent upon our production and availability of federal funds in a given year. For FY 2025, the Commission’s total budget was \$2,358,671, of which 27% (approximately \$635,000) was anticipated revenue from our federal contracts.

Currently, seven of our 16 positions are funded in whole or in part by federal partnership funds. The Supplemental Budget Proposal contains four initiatives for the Commission, all of which relate to funding for the four of these positions which are currently filled. Those changes include the following positions: one Secretary Associate Legal position, currently funded with 60% General Fund monies and 40% federal funds; two Human Rights Investigator positions, both funded with 75% General Fund monies and 25% federal funds; and one Public Services Manager II (our Director of Operations), currently funded with 66% General Fund monies and 34% federal funds. The Supplemental Budget proposal would provide 100% funding for these positions from the General Fund. This budget proposal does not address funding for the three Human Rights Investigator positions which are fully federal-funded, two of which are currently vacant.

Like many agencies which rely in part on funding from federal partners, the Commission has significant uncertainty regarding its anticipated receipt of federal funds. In the Commission’s case, the impacts of this uncertainty are already being felt. For example:

- HUD has not yet paid us for the work we performed in the last fiscal year, despite the funds already having been allocated and earned, and we have no indication as to when – or whether – those funds will be released. We have been able to continue paying our HUD-funded staff because of savings in prior years and the decision not to fill vacant positions. This represents a shortfall of \$156,000.
- Our contract with HUD may not be renewed, although we continue to process cases as though it will be. That contract depends on our statute being deemed “substantially equivalent” to the federal Fair Housing Act (“FHA”). HUD has issued guidance stating that beginning with the current fiscal year it may not certify any state statute as substantially equivalent to the FHA if the state law is broader than the FHA. This is a change from prior years, in which HUD simply did not pay us for cases that fell within our jurisdiction but outside of theirs. Our statute is broader than the FHA in a number of respects; the MHRA covers discrimination on the basis of additional protected classes, such as sexual orientation or gender identity, receipt of public assistance, and seeking and receiving a final order of

¹ Currently, the Commission has three open positions: one Business Manager and two Human Rights Investigators. The Commission has not sought to fill these positions due in substantial part to uncertainty regarding our federal funding, as discussed further below.

protection from abuse, in addition to an expanded definition of familial status which includes adult dependents.

- The EEOC and HUD, which pay us a set dollar amount for every “dual-filed”² case we investigate, will no longer accept cases in which the primary claim is one for discrimination on the basis of sexual orientation or gender identity (“SOGI”), or in which the claim is for disparate impact,³ even if the complaint alleges discrimination on the basis of other federally-protected classes. Accordingly, even assuming that we continue to receive some degree of funding, the amount will be less than it has been in past years.
- In our most recent EEOC contract, we are only guaranteed payment up to \$49,000, or 20% of the anticipated 295 dual-filed cases we will close in this fiscal year. While we received payment for work done in FY25, it was months later than it typically is. We are not confident that we will receive payment for cases closed in FY26 in a timely manner, or at all.

By shifting the funding for the four positions identified in the Governor’s Supplemental Budget from partial federal funding to 100% General Fund monies, we would ensure our current staffing remains constant, while allowing us some time to assess how much federal funding we can anticipate in the coming years. With staffing levels as they are today, we are able to carry the workload of the Commission for a period of time, but it will not be sustainable in the long term. I am hopeful that by this summer, the federal picture will be clearer, and we will either be able to start the hiring process for the two vacant investigator positions, or present a further budget proposal to this body in the next session. My priority remains ensuring that the Commission is able to continue the important work of preventing discrimination in the State of Maine regardless of whether federal funding is continued.

Conclusion

Thank you for allowing the Maine Human Rights Commission the opportunity to provide this testimony. The Commission will be glad to provide additional information at your convenience and will be present at the work session for further discussion.

Sincerely,

Kit Thomson Crossman
Executive Director

² A dual-filed case is one which states a claim under both state and federal law, and which is filed with both the state and corresponding federal agency. The Commission is paid for each such case that it investigates; its investigation and any report issued is adopted by the federal agency, relieving them of the burden of also conducting an investigation.

³ A disparate impact claim is one in which a facially-neutral policy or practice has a disproportionate effect on members of a particular protected class, resulting in unlawful discrimination.