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Representative Rachel Talbot Ross, Chair
Speaker of the House, Ryan M. Fecteau
Representative Kathleen Dillingham
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**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE**

**LEGISLATIVE COUNCIL SUBCOMMITTEE TO
IMPLEMENT A RACIAL IMPACT STATEMENT
PROCESS PILOT**

M E M O R A N D U M

Date: January 5, 2022

To: Senator Craig Hickman, Chair
Representative Mike Sylvester, Chair
Members, Joint Standing Committee on Labor and Housing

From: Representative Rachel Talbot Ross, Chair
Legislative Council Subcommittee to Implement a Racial Impact Statement
Process Pilot

RE: Guidance to Committees selected for Process Pilot

Pursuant Public Law 2021, chapter 21, the Legislature is conducting a racial impact statement process pilot as designed by a subcommittee of the Legislative Council. Conducting this pilot will inform the development of an ongoing process to incorporate the such statements into the consideration of LDs before the Legislature.

The Legislative Council Subcommittee was charged with selecting up to 4 committees who will take part in the pilot and then provide a report back to the Legislative Council no later than 30 days after the adjournment of the Second Regular Session. After a careful review of potential LDs to include as part of this pilot, the Legislative Council Subcommittee designated for inclusion in the pilot the following bill carried over in your committee:

- LD 965 An Act Concerning Nondisclosure Agreements in Employment

The Legislative Council Subcommittee has arranged for a research team consisting of the University of Maine System, including the Cutler Institute and the Margaret Chase Smith Policy Center, and the Permanent Commission on Racial, Indigenous and Maine Tribal Populations to conduct an analysis, using a framework developed by the Legislative Council Subcommittee, to

produce a racial impact statement for each of the bills selected for the pilot by the end of February 2022. The following framework will guide the research team's analysis in developing each statement:

Analysis Framework for Racial Impact Statements

For the purposes of the pilot to implement a racial impact statement, the analysis conducted for the selected legislation should address the five questions below and, when feasible, conclude whether the proposed policy or proposed change to existing policy; reduces inequities for historically disadvantaged racial populations, has a neutral impact on inequities among historically disadvantaged racial populations, or exacerbates inequities among historically disadvantaged racial populations. When a conclusion is not feasible, the statement should describe the limitations or barriers which impeded concluding an impact and whether relevant regional or national trends exist which may provide helpful information.

1. What problem is this policy/legislation addressing?
2. Is the problem the legislation is addressing one that is worse or exacerbated for historically disadvantaged racial populations?
3. What factors contribute to or compound racial inequities around this problem?
4. More specifically, what policies, institutions, or actors have shaped these inequalities, disparities, and/or disparate impacts?
5. If inequities are exacerbated, what actors, at what levels of influence, could reduce these inequities?

In order for the Legislative Council to assess the viability of the expansion of this pilot in accordance with chapter 21, we will need your input on your experience with the pilot. In addition to the report elements described in chapter 21, the Legislative Council would like to know after adjournment of the Second Regular Session, for each LD in your committee for which a racial impact statement is provided, your opinion regarding:

1. Whether the timeframe in which the racial impact statement was provided to the committee was useful, or whether receipt of the racial impact statement at a different point in time might have proven more useful;
2. How much, if any, additional time did the committee devote to discussion and consideration of the bill as a result of the racial impact statement;
3. Whether the information provided in the racial impact statement served to advance discussion of the bill in committee;
4. Whether information provided in the racial impact statement influenced the development by the committee of amendments to the bill; and
5. Whether the information provided in the racial impact statement had an impact on the committee's vote on the bill.

If you have any additional observations or suggestions concerning your experience with the racial impact statement process pilot, please include them in your report.

Thank you for your participation and input on this very important project.