

**LD 1034      An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations**

To:            Members, Joint Standing Committee on State and Local Government

From:        Lynne Caswell, Esq., Legislative Analyst

Date:         April 21, 2021

*electronic  
record*

<http://legislature.maine.gov/ctl/SLG/04-14-2021?panel=0&time=0&sortdir=0&sortby=2>

**SUMMARY**

This bill provides funding for staff to support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations.

**TESTIMONY<sup>1</sup>**

**Sponsor:** Rep Talbot Ross

**Cosponsor:** President Jackson

- Permanent Commission created in 2019
- Independent government agency
- 15 members; diverse representation; 2-year terms; no term limit;
- Research; advise all 3 branches of government;
- Historic and systemic prejudice
- Ongoing funding needed for this commission to continue

**Proponents:** AFL/CIO by Adam Goode; Preble Street by Anna Brewer; Bruce King, Commission member; Dee Clarke, Commission members; Dodie Sheffield; Stefanie Trice Gill; Maine Equal Justice by Joby Thoyalil; Maine Center for Economic Policy by James Myall; CEI by Keith Bisson, President; Restorative Justice Project by Leigh Anne Keichline; Mary Finn; Ambassador Maulian Dana; Michael Ross; Maine Community Action Partnership by Megan Hannah; ACLU of Maine by Megan Sway; Planned Parenthood of Northern New England by Nicole Clegg; Volunteers of America of Northern New England by Richard Hooks Wayman; Health Equity Alliance by Whitney Parish; Aroostook Band of Micmacs by Richard Silliboy, Vice Chair of Permanent Commission; Restorative Justice Practitioners and Providers Consortium by Sara Mattox; Gail Witherill; Passamaquoddy Tribe at Indian Township by Darrell Newell, Vice Chief; Cheryl Harkins; Maine Women's Lobby by Destie Hohman Sprague

**written only:** Rep Ryan Fecteau; Jeanie Barnard, Yarmouth; Mary Bonauto, Portland; Rebecca Boulos, Maine Public Health Association; Julia Brown, Immigrant Legal Advocacy Project; Mufalo Chitam, Portland; Anne Dalton, Falmouth; Ann Dodd-Collins, Portland; Colleen Donlan, Portland; Stephanie Eglinton, Maine Children's Alliance; Carter Friend, HopeGateWay Anti-Racist Policy Group; Ellen Glatter, Cumberland; Lauren Hickey, Portland; Alex Hitchcox, Windham; Sandra Katz, Saco; Grace Leavitt, Maine Education Association; Martha Leggat, N Yarmouth; Peter Lehman, Maine Prisoner Advocacy Coalition; Sarah Lentz, Portland; Bayard Love, Portland; Jeff McCabe, MSEA; Marcelle Medford, Permanent Commission; Nicholas Nadzo, Portland; Rebekah Quere, Waterville; Ann

<sup>1</sup> The section is not intended to reflect all comments and may include unintentionally errors.

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Sawchuck, Cumberland; Cheryl Seymour, Hallowell, Maine; Rev. Allison Smith, Harpswell; Garrett Stewart, Sr. , A. Philip Randolph Institute/Exec. Board of AFL-CIO; Shay Stewart-Bouley, Portland; Beth Stickney, Maine Business Immigration Coalition; Michael Tarpinian, Westbrook; Tara Williams, Maine Association for the Education of Young Children; Maine Conservation Voters by Beth Ahearn;

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**Opponents:** none

**NFNA:** none

### **MATTERS FOR CONSIDERATION**

The sponsor proposed an amendment to this bill which is roughly set out in Attachment A.

### **FISCAL IMPACT - Preliminary (OFPR)**

OFPR has not provided a preliminary fiscal note as of this date.

This bill allocates \$495,035 General Fund dollars in 2021-22 and \$511,588 General Fund dollars in 2022-23 for 1 Public Service Manager II position, 1 Policy Development Specialist position and 1 Public Service Coordinator position. The sponsor also indicated a budget of \$2,000,000 would be required to support the work on the commission. It was not clear whether the \$2,000,000 included the allocated amounts or was in addition to the allocated amounts

Sec. 1. 5 MRSA §12004-I, sub-§74-J is amended to read:

74-J.

Racial, Indigenous Permanent Commission on the Status and <del>Maine</del> Tribal of Racial, Indigenous and <del>Maine</del> Tribal Populations Populations	<del>Not Authorized</del> <u>legislative per diem and</u> <u>expenses</u>	5 MRSA §25001
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Sec. 2. 5 MRSA, chapter 632 is amended to read:

**PERMANENT COMMISSION ON THE STATUS OF RACIAL, INDIGENOUS AND  
~~MAINE~~ TRIBAL POPULATIONS**

**§25001. Commission established**

The Permanent Commission on the Status of Racial, Indigenous and ~~Maine~~ Tribal Populations, established by section 12004-I, subsection 74-J and referred to in this chapter as "the commission," is an independent commission. The commission shall promote, implement and coordinate programs that create and improve opportunities and incorporate the goal of eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State.

**§25002. Membership**

**1. Membership.** To the extent possible, the commission must consist of members who represent the diverse racial, indigenous and tribal populations in the State. In making appointments, the Governor, the President of the Senate and the Speaker of the House shall consider and appoint residents of the State who have a knowledge of problems facing racial, indigenous and tribal populations in the State, who have experience in advocacy relating to racial, indigenous and tribal populations' issues and who provide leadership in programs or activities that create and improve opportunities for racial, indigenous and tribal populations. The commission consists of the following members:

A. Members appointed by the President of the Senate:

- (1) A representative of a statewide organization promoting civil rights that has racial justice or racial equity as its primary mission;
- (2) A representative of an economic policy organization or other data-focused organization;
- (3) A representative of an organization with expertise in legal and policy matters related to public benefit programs that assists individuals with low incomes;
- (4) A faculty member of a college or university in this State specializing in the history, the culture or the civil and human rights of historically disadvantaged racial, indigenous and tribal populations; and
- (5) A representative of organized labor with expertise in labor rights and working conditions;

B. Members appointed by the Speaker of the House:

- (1) A representative of an immigrant or refugee rights organization;
- (2) A representative from a housing or homelessness advocacy organization;
- (3) A representative of a community development financial institution; and
- (4) A representative of a historically disadvantaged racial population of the State;

C. Members appointed by the Governor:

- (1) A member of the public representing the faith-based community; and

(2) A member of the public representing youth; and

D. Other members:

(1) A representative from each of the federally recognized Indian tribes in the State [add language on how selected/appointed/nominated] and

(2) Any other individual agreed to be a majority of commission members

#### **§25003. Term of office**

Members of the commission are appointed for 2-year terms. A member may serve multiple terms.

Members of the commission may serve after the expiration of their terms until their successors have taken office. The Governor, the President of the Senate and the Speaker of the House may terminate the membership of their respective appointees for good cause. The reason for the termination must be communicated in writing to a member whose membership is terminated. The membership of any member of the commission must be terminated if the member is absent from 3 consecutive meetings without communicating good cause to a chair of the commission

#### **§25004. Vacancies**

A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed serves only for the remainder of that term and must be appointed by the same appointing authority. Any vacancy on the commission does not affect its powers.

#### **§25005. Chair**

The commission shall select 3 chairs from among the members of the commission. The chairs are authorized to appoint subcommittees

#### **§25006. Department input**

The commission shall seek input from the Department of Labor, the Department of Health and Human Services, the Department of Economic and Community Development and the Department of Education, as well as any other experts, in carrying out its duties.

#### **§25007. Duties and powers**

**1. Commission duties.** The commission shall:

A. Carry out research necessary to determine the status of historically disadvantaged racial, indigenous and tribal populations, including the study of income levels of and opportunities available to historically disadvantaged racial, indigenous and tribal populations and the examination of quantitative and qualitative data associated with those populations regarding business ownership, household assets, debts and income, housing, employment, education, health care and access to wealth, capital and benefits;

B. Seek public input by conducting public hearings annually to obtain information about the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations; and

C. Beginning January 1, 2020, and biennially thereafter, report to the Governor and the Legislature concerning the work and interests of the commission, including a summary of public comments obtained pursuant to paragraph B.

**2. Commission powers.** The commission may:

A. Promote and coordinate activities on state and local levels designed to meet the problems faced by historically disadvantaged racial, indigenous and tribal populations;

B. Inform the public about the presence or absence of opportunities for historically disadvantaged racial, indigenous and tribal populations;

C. Conduct additional public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations;

D. Submit to the Legislature, ~~at the start of each regular session,~~ such legislation as the commission determines appropriate for improving opportunities and eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State;

E. Advise and consult with the Chief Justice of the Supreme Judicial Court and other officials of the State and the Federal Government with respect to state and federal policies, programs and other activities affecting or relating to historically disadvantaged racial, indigenous and tribal populations; and

F. Advise and consult with the Governor and the Legislature about, and assist them in improving, opportunities for historically disadvantaged racial, indigenous and tribal populations.

#### **§25008. Meetings**

The commission shall meet at the call of the chairs not less than 4 times each year.

#### **~~§25009. Administrative support~~**

~~The Commissioner of Labor shall provide administrative support to the commission as required.~~

#### **§25010. Federal and state funds**

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of Labor to support the work of the commission.

**§25011. Executive director.** The commission shall select an individual to serve as the Executive Director. The Executive Director shall hire appropriate staff to assist in carrying out the duties of the commission and the additional responsibilities set forth in section 25012.

**§25012. Executive director responsibilities.** The executive director shall ensure the following activities are performed by the executive director and any staff hired by the director:

**1. Outreach.** Provide statewide community outreach involving the engagement, training, and education of the general public; impacted community engagement, training, and education; as well as Commission members and staff engagement, training, and education;

**2. Truth and reconciliation initiative.** Launch a truth and reconciliation initiative involving a statewide qualitative and quantitative research effort to capture the impacts of generational poverty and systemic racism. Findings from this broad-based, in-depth survey will help to inform a multi-year strategic plan;

**3. Uncover entities.** Uncover entities having benefited from, as well as place names in the state that are tied to, Maine's and New England's involvement in the enslavement, genocide, and colonization of indigenous and African-descended populations who trace their legacy to the Americas;

**4. Professionalize work.** Professionalize the efforts begun in 2019 to ensure the work of the commission is effective, sustainable, and will continue to represent the diverse populations most impacted by generational inequities and structural racism;

**5. Develop partnerships.** Develop appropriate partnerships and methodologies related to educational curriculum and pedagogy to decolonize public education;

**6. Examine inequities.** Examine existing inequities in economic and community development in order to encourage the self-determination, health, and wellbeing of impacted populations;

**7. Organizational capacity.** Build and expand the organizational capacity of the commission through the inclusion of impacted populations in subcommittee work, initiatives, projects, and activities;

**8. Database.** Create and maintain a database of reliable contact information for impacted individuals and stakeholders, as well as resources; and

**9.** Primary, secondary, and applied research at a published research standard as well as data collection and analysis are significant responsibilities of the Commission.