

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



**RECOMMENDATIONS
TO THE LEGISLATURE**

September 2020

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EXECUTIVE SUMMARY

For generations in the United States, racial, Indigenous, and tribal populations have faced a system of oppression that has created deep disparities in our/their lives comparative to our/their white counterparts. One need look no further than the facts that Black Mainers are six times more likely to be incarcerated than white Mainers¹ and 20 times more likely to experience COVID-19² to see that Maine is not immune to the structural racism that has held back populations over decades and centuries.

Disparities are exacerbated by policymaking that does not consider impacts on racial, Indigenous, and tribal populations. Based on our experiences, we have found discussions around race have never been a central part of crafting legislation. There is no process by which to guide those conversations or to analyze racial impact when bills are being considered. As a result, our state has not established sufficient policies to truly combat racial disparities for all who call Maine home.

In 2019, the Maine Legislature took an important step toward correcting this by establishing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal populations. This independent entity has a mission to examine racial disparities across all systems and to specifically work at improving the status and outcomes for the historically disadvantaged racial, Indigenous, and tribal populations in the State. The Permanent Commission is empowered to advise all three branches of the Maine government.

This summer, the Permanent Commission collaborated with 55 Maine state legislators from across political parties to examine all legislation that remained active in the 129th Legislature and assess that legislation for possible impacts on racial disparities. Three assessment tools were used to determine any given legislation's potential to combat some of the most common disparities in Maine, as well as the ease with which the legislation could be implemented.

FINDING: Of the legislation remaining active before the 129th Legislature, legislation existed to address some disparities within the following categories: Basic Rights, Basic Needs, Criminal Justice, Education, Employment and Workers' Rights, Health Care, Housing and Homelessness, Juvenile Justice, Tribal Sovereignty, and Wealth and Income.

Across these categories, the Permanent Commission is recommending 46 bills be given priority by the 129th Legislature should they return for a special session. Those 46 bills are divided into two tiers, 26 given the Permanent Commission's highest ranking of "Tier 1," and 20 receiving a "Tier 2" ranking. While the Permanent Commission recommends the passage of all 46 bills, we have found that, to a large extent, the 26 Tier 1 bills were better informed by data and would have a more clear and strong impact on targeted communities, giving them priority over Tier 2 bills.

¹ Myall, James. *Data on racial inequality shows need for solutions to advance racial justice*. (June 2019). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <https://www.mecep.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

² Myall, James. *Black Mainers now 20 times more likely than whites to experience COVID-19 — and the disparity is growing*. (June 2020). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <http://blog.mecep.org/2020/06/black-mainers-now-20-times-more-likely-than-whites-to-experience-covid-19-and-the-disparity-is-growing/>

RECOMMENDATION: Pass all Tier 1 bills, including LDs 920, 1134, 1403 (Basic Needs), LDs 759, 1703 (Basic Rights), LDs 776, 1221, 1421, 1756, 1964, 2086 (Criminal Justice), LDs 1043, 1050, 1012, 1376, 1417, 1760 (Education), LDs 647, 2087 (Employment and Workers Rights), LD 2085 (Health Care), LDs 1909, 1572 (Housing and Homelessness), LD 1684 (Juvenile Justice), LDs 1392, 2094, 2118 (Tribal Sovereignty)

RECOMMENDATION: Pass all Tier 2 bills, including LD 2139 (Basic Rights), LDs 182, 803, 1466, 1492 (Criminal Justice), LD 115 (Education), LDs 399, 2109 (Employment and Workers' Rights), LDs 836, 1539, 1689, 1937, 1955, 1957 (Health Care), LDs 1404, 1426 (Housing and Homelessness), LD 2151 (Juvenile Justice), LDs 1709, 1907 (Tribal Sovereignty), LD 420 (Wealth and Income)

FINDING: While the Permanent Commission is confident that the specific legislation recommended in this report would make an impact combating racial disparities, these recommendations came only from the options left before the 129th Legislature. Much more could be done through legislation that was designed to target the most significant disparities and that was crafted with racial, Indigenous, and Maine tribal populations in mind from conception to passage.

A focus on combating racial disparities through Maine's laws cannot end with the 129th Legislature. Future Legislatures must not only continue to assess legislation through a racial equity lens, but they must proactively address disparities in the State.

RECOMMENDATION: Policymaking must be driven by a set of guiding principles that keeps structural racism central in lawmakers' minds. Namely, legislators must remember that: building awareness takes resources; awareness alone is not enough; financial and human resources must be allocated; policies that are 'race-neutral' will ultimately maintain existing disparities; an adequate response requires a structural analysis; developing solutions should be led by impacted communities; and policies that affect tribal nations in Maine must be enacted in a government-to-government relationship.

RECOMMENDATION: With the guiding principles in mind, future Legislatures must craft legislation that: invests in communities by building infrastructure and allowing for self-determination; allocates resources and establishes systems necessary to address health disparities; targets the opioid crisis to address strain on tribal communities; and takes a bolder approach to criminal justice reform.

RECOMMENDATION: The Permanent Commission is committed to continuing its engagement with the Legislature, and encourages legislators to institutionalize a process to view legislation through a racial equity lens. Future Legislatures should be proactive, intentional, and collaborative about drafting legislation that addresses inequities across policy subject areas, including criminal justice, education, food security, health care, environmental regulation, labor, and housing.

INTRODUCTION

Throughout the summer of 2020, people of all ages, races, and backgrounds took to the streets to call for racial justice in the United States. These calls came after the public murder of George Floyd, a Black man, at the hands of law enforcement. George Floyd's death was a tragedy, but it was not the first of its kind, and it was a product of the structural racism that exists in the United States. That structural racism floods institutions across our country and creates disproportionate outcomes for racial, Indigenous, and tribal populations.

Maine is not immune to the structural racism that has held back racial, Indigenous, and Maine tribal populations over decades and centuries. Black Mainers are six times as likely to be incarcerated as white Mainers. Maine's tribal populations are treated like municipalities rather than the sovereign nations they are, and have been since long before Maine was established. In Maine, a woman who is a representative of the racial, Indigenous, or tribal population with a college degree earns only slightly more than a white man with a high school diploma. While three-quarters of white Mainers own their own home, the same is true for fewer than one in four Black Mainers. Mainers who are representatives of the racial, Indigenous, or tribal populations typically experience unemployment and poverty at twice the rate of white Mainers.³ Black Mainers are 20 times more likely to experience COVID-19 than white Mainers.⁴

For far too long, Maine and the Nation have allowed the institutions and racism that dictate these outcomes to continue. We have addressed fragments of the problem, but we have not taken a close look at the ways in which all systems need to be changed to prevent future generations from confronting the same inequities. Government has a key role to play. In Congress and in every state legislature, our elected officials must begin governing with an eye toward how their policies ease or exacerbate racial disparities.

Based on our experiences as a Permanent Commission, we have found discussions around race have never been a central part of legislation. There is no process by which to guide those conversations or to analyze racial impact when bills are being considered. As a result, our state has not established sufficient policies to truly combat racial disparities for those who call Maine home.

In 2019, the Maine Legislature took an important step toward correcting this by establishing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal populations, and Gov. Janet Mills [signed the Permanent Commission into law](#). The independent entity has a mission to examine racial disparities across all systems and to specifically work at improving the status and outcomes for the historically disadvantaged racial, Indigenous, and Maine tribal populations in the State. The Permanent Commission is empowered by statute to advise and consult with all three branches of state government. Its membership, which is made up largely of people from racial, Indigenous, and Maine tribal populations, includes representatives from sovereign tribal nations; policy and service organizations; labor, educational, and faith-based

³ Myall, James. *Data on racial inequality shows need for solutions to advance racial justice*. (June 2019). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <https://www.mecep.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

⁴ Myall, James. *Black Mainers now 20 times more likely than whites to experience COVID-19 — and the disparity is growing*. (June 2020). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <http://blog.mecep.org/2020/06/black-mainers-now-20-times-more-likely-than-whites-to-experience-covid-19-and-the-disparity-is-growing/>

institutions; and people from impacted communities who all bring relevant expertise to this work. Their expertise comes from lived experience, professional background and/or relationships with impacted communities. A full list of Commissioners can be found in Appendix B.

Capitalizing on the national conversations taking place around race, the Permanent Commission used this important moment to collaborate with Maine’s legislators and establish a first-of-its-kind process to review active legislation for its impact on racial disparities.

In the middle of a pandemic, and in the middle of the summer, 55 Maine legislators from across political parties stepped up to participate in this process, committing dozens of hours to researching legislation, educating themselves, and rethinking our legislative process when it comes to historically disadvantaged populations.

Permanent Commission members and legislators reviewed 454 bills, looking at them through a lens of how they could combat racial disparities. These 454 bills were just those bills that remain before the 129th Legislature; no analysis was given to the nearly 2,000 bills that had already been passed or killed by the Legislature. The unprecedented process resulted in a list of 46 active bills the Permanent Commission has recommended the 129th Legislature prioritize should it come back for a special session, giving 26 of those bills their highest “Tier 1” ranking, and 20 more a “Tier 2” ranking. The Permanent Commission has also finalized a set of recommendations for the kinds of legislation future Legislatures should consider.

Beyond the recommendations listed in this report, this work has initiated a process by which the Permanent Commission and other representatives from relevant constituencies can actively participate in the creation and analysis of legislation. Good policymaking cannot happen without bringing everyone to the table, listening to experts, listening to those affected, and being open to acknowledging the underlying biases that exacerbate inequities. This process has been a powerful first step that can set the tone for how Maine legislates moving forward. It is critical that this process be replicated, refined, and institutionalized.

PROCESS OVERVIEW

Participation

All members of the 129th Legislature received a letter inviting them to participate in this process, and 55 chose to join the effort. Along with these legislators, all 15 members of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, each of whom represent a key constituency, participated in the process. The process was led by Rep. Rachel Talbot Ross, who chairs the Permanent Commission, with assistance from Rep. Craig Hickman.

Legislators participated in this process in a voluntary and advisory capacity. Their input was deeply important to the conversations and work, but the final recommendations in this report were the decision of Permanent Commission members.

The methodology for this work was designed with help from Carol Kelly, Managing Director of Pivot Point Inc., and was supported by staff from the House Majority Office, Office of the Speaker of the House, and Maine Department of Labor.

A full list of participants can be found in Appendix B.

Methodology

The full committee, including Permanent Commission members and legislators, was divided into seven subcommittees, each of which was led by two members of the Permanent Commission. Legislators were assigned at random to subcommittees. The 454 bills still active in the Legislature were then divided, also at random, among the seven subcommittees, giving each subcommittee approximately 65 bills to review.

Subcommittees were instructed to use a filtering tool (provided in Appendix C) to review their bills. The filtering tool asked 10 questions aimed at determining how much potential a piece of legislation has to combat racial inequities, particularly systemic or structural inequities. Subcommittee members completed the filtering tool individually, shared results, and discussed bills that should be removed from consideration.

After filtering out a first round of legislation, subcommittee members were assigned specific bills to analyze more deeply using an assessment tool (provided in Appendix D). Prior to the assessment stage, narrowed lists were shared with the full committee to provide participants in other subcommittees an opportunity to request that a bill be reconsidered and added back to the list.

When each subcommittee completed its work, the full committee reconvened and each subcommittee presented its recommendations. As subcommittees shared their work, participants were asked to fill out a priority setting tool (provided in Appendix E) that estimated the ease of implementation and strength of potential impact for each piece of legislation. The priority setting step was the final point of participation by legislators.

Using the results of the priority setting tool as a guide, Permanent Commission members spent a series of meetings discussing the remaining legislation, sharing legislation with their constituencies for input, and narrowing the set of legislation to a final list. Throughout all meetings and conversations, attention was paid to the themes and topics that were rising most regularly to the top. Conversations also focused around what topics and themes were missing altogether from the legislation being considered. Those notes and conversations influenced an additional set of recommendations around what kind of new legislation should be introduced in future Legislatures.

Resources

Participants were provided with a set of terms and definitions, as well as some suggested literature and research related to race as optional foundational reading. To review legislation, participants relied heavily on the Legislature's [bill search website](#) and were invited to consult

members of relevant legislative committees and legislative staff for further information on legislation.

RECOMMENDATIONS TO THE LEGISLATURE

The immediate task before the Permanent Commission was to determine which of the remaining bills before the 129th Legislature had the best potential to combat racial disparities in Maine. The Permanent Commission and participating legislators were asked to make that determination in a matter of weeks to prepare for the possible reconvening of the Legislature for a special session. That resulted in a number of limitations for the group. Namely, this work was done when many of the Legislature's bills had already been voted on and after many had already been considered by committees.

For this reason, this report includes two sets of recommendations. The first set of recommendations focuses on the bills the Permanent Commission believes have the ability to pass in a special session, could be implemented with relative ease, and would have a positive impact on racial disparities. The second set of recommendations looks to the future, suggesting what more can and should be done when it comes to how the Maine Legislature considers racial equity in its work and what policies it puts forth to combat disparities.

For Special Session

Should there be a special session of the 129th Legislature, the Permanent Commission recommends that the following 46 bills be passed. Each would move Maine forward on issues of racial justice. Twenty-six bills were given the Permanent Commission's highest priority and a ranking of "Tier 1," while the remaining 20 bills were given a "Tier 2" ranking.

The delineation between Tier 1 and Tier 2 was determined through a qualitative analysis. Largely, legislation that was informed by existing data, that explicitly targeted impacted communities, or that had a clear ability to affect the necessary demographics was placed in Tier 1. Tier 1 and Tier 2 decisions also were influenced by the ease of implementation and strength of impact any particular piece of legislation may have, which was assessed using the priority setting tool (provided in Appendix E). Whether or not a bill had a fiscal note was taken into consideration; however, final decisions were determined based on the merit of the policy rather than the financial commitments required. Across the board, the Permanent Commission selected bills that were not simply race neutral, but that we believe will actively work against disparities. Any bills that would have a negative impact on racial equities were immediately eliminated.

The Permanent Commission has included notes about some amendments we believe should be considered. However, in all cases, if a bill does not explicitly mention historically disadvantaged racial, Indigenous, or tribal communities, the Permanent Commission would recommend the bill be amended to specify targeted communities, holding the law accountable to addressing those disparities.

It should be noted that all bills were assessed based on the most recent versions of the bills as they have been worked on in committee. There is no greater importance of bills placed in one

category over another. For more information on each bill, you can visit: <https://legislature.maine.gov/LawMakerWeb/search.asp>.

Basic Needs

Every Mainer deserves healthy food, economic security, and the opportunity to succeed. Unfortunately, not all communities receive the same access to the basic needs that allow them a fair chance at success. This is evident through the consistently higher poverty rates for most racial, Indigenous, and Maine tribal communities as compared with the state overall. Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 920](#), An Act To Establish the Fund To Support Local Fruits and Vegetables Purchasing
 - [LD 1134](#), An Act To Set Aside Funds from Federal Block Grants for Certain Communities
 - [LD 1403](#), An Act To Amend the General Assistance Laws Governing Reimbursement

Basic Rights

All people deserve equal protection under the law and equal support from their government. Protections for people of every background must be included in our most foundational laws in order to influence all policies. Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 759](#), An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act
 - [LD 1703](#), An Act To Improve Consistency in the Maine Human Rights Act and Related Statutes
 - *NOTE: The original form of this bill went further and would have had a greater impact combating racial disparities. The original bill should be introduced in the 130th Legislature.*
- Tier 2
 - [LD 2139](#), An Act To Increase Government Accountability
 - *NOTE: This bill resulted from media reports this year that raised questions about certain surveillance practices of law enforcement agencies in the state, including those used by the Maine Information and Analysis Center (MIAC). This state-created law enforcement information center serves as a hub for enhanced collaboration between federal and state, local, tribal, territorial, and private law enforcement and intelligence gathering entities, including Immigration and Customs Enforcement (ICE). It is widely reported that MIAC collects information on people involved in legal activities, including protest organizers as they*

exercise their 1st Amendment rights.⁵ Practices like these feed an antagonistic view of police from marginalized communities, which damages the ability to improve police-community relations. As a result of the enhanced collaboration between federal and local officials, MIAC also contributes to the over-incarceration of marginalized communities by increasing the exposure of lower-level offenders in Maine to federal charges that come with longer prison sentences. While we support the passage of LD 2139 as a small step toward increasing transparency of law enforcement agencies in Maine, we believe far more needs to be done to address the many concerns about MIAC that have been raised this past year.

Criminal Justice

There is extensive evidence showing that Black people are treated more harshly at every phase in the criminal justice system. We/They are more likely to be stopped by police, searched, ticketed, arrested, charged, and convicted, and when convicted, face longer sentences.⁶ Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 776](#), An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions
 - [LD 1221](#), An Act To Allow Deductions from Prison Sentences for Rehabilitative Activities
 - [LD 1421](#), An Act To Amend the Maine Bail Code
 - [LD 1756](#), An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community
 - [LD 1964](#), An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information
 - [LD 2086](#), Resolve, To Create a Criminal Records Review Committee
- Tier 2
 - [LD 182](#), An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond
 - [LD 803](#), An Act To Create 4 Regional Mental Health Receiving Centers
 - [LD 1466](#), An Act To Allow Community-based Organizations To Participate in Diversion Projects for Persons with Substance Use Disorder
 - [LD 1492](#), An Act To Reform Drug Sentencing Laws

⁵ Gray, Megan. *Secretive police unit gathers information on Maine citizens, commissioner tells lawmakers*. (June 2020). Portland Press Herald. Retrieved Sept. 3, 2020 from: <https://www.pressherald.com/2020/06/24/maine-police-unit-gathers-information-on-citizens-commissioner-says/>

⁶ *State data compiled by the Sentencing Project*. The Sentencing Project. Retrieved May 17, 2019 from: <https://www.sentencingproject.org/>

Education

Data about Maine schools suggests students of different races have very different experiences with public education. For example, Black students are 2.4 times more likely to be suspended than white students in Maine schools, while white students are 1.6 times more likely to be enrolled in AP classes.⁷ Structural challenges such as families' access to resources as well as the practices and policies of schools may contribute to these disparities. Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 1043](#), An Act To Establish Universal Public Preschool Programs
 - [LD 1050](#), An Act To Require Education about African-American History and the History of Genocide
 - [LD 1012](#), An Act To Provide Stable Funding and Support for Child Care Providers
 - [LD 1376](#), An Act To Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed and Make Biennial Reports on the Use of Physical Restraint and Seclusion
 - [LD 1417](#), An Act To Expand Access to Head Start To Assist Opioid-affected and Other At-risk Families
 - [LD 1760](#), An Act To Support Children's Healthy Development and School Readiness
- Tier 2
 - [LD 115](#), An Act To Appropriate Funds for Home Visiting Services To Provide Child Development Education and Skills Development for New Parents

Employment and Workers' Rights

Discrimination by individual employers, as well as unfair treatment in the education system, holds back opportunities for racial, Indigenous, and Maine tribal populations even when we/they attend college.⁸ This places a disproportionate number of racial, Indigenous, and Maine tribal people in low-income jobs that lack adequate protections in the workplace and benefits. Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 647](#), An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce
 - [LD 2087](#), An Act Relating to Fair Chance in Employment

⁷ Eads, David. *Miseducation: Is there Racial Inequality at Your School?* (October 2018). Retrieved May 17, 2019 from: <https://projects.propublica.org/miseducation/>

⁸ Myall, James. *Data on racial inequality shows need for solutions to advance racial justice.* (June 2019). Maine Center for Economic Policy. Retrieved June 15, 2020 from: <https://www.mecep.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>

- Tier 2
 - [LD 399](#), An Act To Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage
 - [LD 2109](#), An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues

Health Care

Structural racism is deeply ingrained in our health care system, leading to inferior care and worse health outcomes for impacted communities. Even for individuals of the racial, Indigenous, and Maine tribal population who have access to health care, we/they still have vastly different experiences than white people. Lack of access to comprehensive health care that can help prevent or manage chronic diseases.^{9 10} Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 2085](#), An Act To Ensure Access to Sexual and Reproductive Health Care and Education in All Maine's Jails and State Correctional and Detention Facilities
- Tier 2
 - [LD 836](#), An Act To Expand Maine's School-based Health Centers
 - *NOTE: Ideally, an amendment would be made to target impacted communities.*
 - [LD 1539](#), An Act To Provide Maine Children Access to Affordable Health Care
 - *NOTE: Ideally, an amendment would be made to target impacted communities.*
 - [LD 1689](#), An Act To Address the Opioid Crisis through Evidence-based Public Health Policy
 - [LD 1937](#), An Act To Provide Timely Access to Behavioral Health Services for Maine Children and To Address Trauma and the Impacts of the Opioid Crisis
 - [LD 1955](#), An Act To Promote Cost-effectiveness in the MaineCare Program and Improve the Oral Health of Maine Adults and Children
 - [LD 1957](#), An Act To Provide Women Access to Affordable Postpartum Care

Housing and Homelessness

Discrimination in housing based on race was legal in this country as late as the 1960s, and there have been many documented examples of illegal discrimination since. One can easily see the effects of this in the shape of cities and towns across the country today. It is no surprise then that only one in four Black Mainers are homeowners as compared with three-quarters of white Mainers. Affordable and acceptable rental housing is more difficult to obtain for racial, Indigenous, and Maine tribal populations in the state. Those with housing report a lack of basic

⁹ *Race, Racism and Health*. (July 2020). Robert Wood Johnson Foundation. Retrieved August 20, 2020 from: www.rwjf.org/en/library/collections/racism-and-health.html.

¹⁰ Maxwell, Connor. *Coronavirus Compounds Inequality and Endangers Communities of Color*. (March 2020). Center for American Progress. Retrieved August 20, 2020 from: <https://www.americanprogress.org/issues/race/news/2020/03/27/482337/coronavirus-compounds-inequalityendangers-communities-color/>

housing necessities, such as proper facilities or space, at a higher rate than people who are white.¹¹ In addition, Mainers who represent the racial, Indigenous, and Maine tribal populations experience homelessness at a greater rate than those who are white. This disparity is most pronounced for Black people, who represent 19% of those who are homeless while only consisting of 1% of the state's total population.¹² Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 1909](#), An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine
 - [LD 1572](#), An Act To Enact the Maine Fair Chance Housing Act

- Tier 2
 - [LD 1404](#), Resolve, To Provide Support Services and Funds To Prevent Homelessness
 - *NOTE: Ideally, an amendment would be made to specify that distribution should focus on impacted communities.*
 - [LD 1426](#), An Act To Increase Protections for Land Installment Contracts

Juvenile Justice

The current system and use of juvenile detention centers undoubtedly places those incarcerated at a societal and economic disadvantage upon reentry.¹⁰ While the number of juveniles who are incarcerated nationwide has dropped significantly, racial, Indigenous, and Maine tribal populations are overrepresented in the juvenile prison system as they find themselves facing charges, being unable to post bail and being convicted more often than our/their white counterparts.¹³ In addition, Black children are far more likely to be tried as an adult for the same crime as white children.¹⁴ Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 1684](#), An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles

- Tier 2
 - [LD 2151](#), An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

¹¹ *State of Maine Consolidated Plan*. (November 2019). Maine State Housing Authority and Maine Department of Economic and Community Development. Retrieved August 20, 2020 from: https://www.mainehousing.org/docs/default-source/policy-research/federal-funds/2020-2024-consolidated-plan.pdf?sfvrsn=19978e15_4

¹² *Homeless Statistics: State Fiscal Year 2018*. (July 2018). Maine State Housing Authority. Retrieved August 27, 2020 from: https://www.mainehousing.org/docs/default-source/housing-reports/2017-2018-state-fiscal-year-homeless-statistics.pdf?sfvrsn=eb32bd15_4

¹³ Holman, B. and Ziedenis, J. *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. (2006). Retrieved August 20, 2020 from http://www.vjja.org/Resources/Publications/Dangers_of_Detention_Justice_Policy_Institute_2006.pdf

¹⁴ Sawyer, Wendy. *Youth Confinement: The Whole Pie 2019*. (December 2019). Prison Policy Initiative. Retrieved August 20, 2020 from: <https://www.prisonpolicy.org/reports/youth2019.html>

Tribal Sovereignty

The state of Maine has proven reluctant to meet the needs of the tribes, whose lands the state now rests upon, but it also simultaneously has repressed the ability for the tribes to be self-governing at the same level as tribes in other parts of the nation. The state's recognition of the inherent and sacred sovereignty of the tribes, which has been in place thousands of years prior to European settlement, would enable the tribes to act in the best interest of our/their people, and therefore help address the issues, many of which are mentioned throughout this section, that stem from the oppression and discrimination that we/they incur from the state and nation. Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 1
 - [LD 1392](#), An Act To Establish a Formal Tribal Consultation Process with the State
 - [LD 2094](#), An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act
 - [LD 2118](#), An Act To Establish an Enhanced Process for Tribal-State Collaboration and Consultation and To Develop a Process for Alternative Dispute Resolution

- Tier 2
 - [LD 1709](#), An Act To Amend the Act To Implement the Maine Indian Claims Settlement
 - [LD 1907](#), An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010

Wealth and Income

Despite there being equal employment and opportunity laws in place to prevent economically driven racial disparities, people who represent the racial, Indigenous, and Maine tribal populations are shown to consistently earn less, regardless of gender, than our/their white counterparts.⁵ This wage parity is due to various forms of discrimination that exist in many workplaces. Ultimately, this leads to racial, Indigenous, and Maine tribal populations experiencing lower rates of employment and pay in comparison to those who are white.⁵ Of the bills currently before the 129th Legislature, the following would begin to address this issue:

- Tier 2
 - [LD 420](#), An Act To Amend the Maine Exclusion Amount in the Estate Tax
 - *NOTE: Ideally, an amendment would be made specifying revenue would go to impacted communities.*

For Future Sessions

Throughout this process, it was clear that the ideal way to impact racial disparities and begin to dismantle structural racism through legislation would be for lawmakers to have these goals in

mind throughout the life of a bill. This means ensuring that the legislative process is informed by relevant data and history, input from and partnership with people from impacted communities, and best practices from other parts of the country. This information is most important during the formation of legislation, but also should be prominent while committees deliberate bills and legislators consider amendments. It is in this spirit that the Permanent Commission advises legislators to adopt the following guiding principles for addressing structural racism through lawmaking.

Guiding Principles for Addressing Structural Racism through Lawmaking:

- **Building awareness takes resources.** The data we have shows us that there are significant disparities in socioeconomic and health outcomes that are based on race, tribal status, or immigration status. And yet, we know that there are so many gaps in the data that is both collected, analyzed, and made publicly available in Maine. State agencies will need a mandate and more resources to adequately measure and track disparities, and to partner with impacted communities in building trust and ensuring that the data collected is secure and collected in partnership with racial, Indigenous, and Maine tribal communities.
- **Awareness alone is not enough.** Building awareness of the disparities is a first and important step, but awareness alone is not enough. Action needs to be taken to address their causes alongside a long-term commitment to learning, investigating, and, most importantly, listening to impacted communities.
- **Financial and human resources must be allocated.** Much of what is needed to reverse the effects of racism requires resources. We urge legislators to resist falling into a mentality of scarcity and austerity if doing so means delaying the changes that are needed. While the state's resources are limited, there is wealth here, and it falls very disproportionately along racial lines. Much of that wealth has direct or indirect historical roots in racist institutions, laws, policies, and practices, such as slavery, Jim Crow, separate but unequal, segregation, redlining, predatory lending, discrimination, and more. If we as a state aim to reverse the centuries-long effects of racism, the Legislature must support and advocate for the allocation of financial and human resources for this purpose. To do otherwise would artificially limit what is possible and potentially prohibit any real progress on these issues.
- **Policies that are 'race-neutral' will ultimately maintain existing disparities.** Disparate impacts require disparate solutions. It also requires an examination of the impact of our laws and systems.
- **An adequate response requires a structural analysis.** Specific bills and policies may help provide relief in the short-term, but they generally are embedded in and reactive to the racist structures in our current systems. We need to re-examine those systems and how they intersect.

- **Developing solutions should be led by impacted communities.** We strongly believe that the right solutions will come from the communities most impacted by structural racism. This not only includes policymakers seeking input and partnership with individuals from historically disadvantaged racial, Indigenous, and Maine tribal populations. For solutions to truly be impactful, this must include representation from these populations within legislative bodies, including within the leadership of those bodies. For years, there has been representation from impacted communities on various boards, committees, task forces, and commissions, but these have advisory roles at best. A significant part of the structural change that is needed to finally begin to reverse racial disparities includes representation within those entities with decision-making power over our State's laws.
- **Policies that affect tribal nations in Maine must be enacted in a government-to-government relationship that honors and respects sovereignty.** The Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the Abenaki, and the Aroostook Band of Micmacs have lived in the region we now call Maine for millennia. Our/Their sovereignty long predates the State of Maine. However, as a result of the structural racism of European settlers, the State of Maine and the Federal government, we/they have had our/their sovereignty and ability to control our/their own lives severely limited. Since the implementation of the Maine Indian Claims Settlement Implementing Act, Maine's state government has treated tribes as if we/they were municipalities rather than the sovereign nations that we/they are. To move forward in a more constructive manner, legislators must work in partnership with tribal representatives when crafting legislation that will impact our/their communities. Any such legislation should be reviewed and approved by an entity similar to the Tribal State Task Force. This way, the legislation is not only informed by the communities impacted by historical structural racism, but representatives of those communities also will have decision-making power when crafting legislation.

Topics and Issues for the Next Legislature to Address:

The bills reviewed this summer are all in very late stages in their 'lives' as bills, and the vast majority were not designed with structural racism in mind. While the Permanent Commission believes the bills featured in this report would likely have an impact on reducing racial disparities, there were other bills that represent important topics and issues the Permanent Commission would like to see addressed, but chose not to recommend at this time. Therefore, the Permanent Commission is highlighting those topics and issues here and recommends their consideration by the 130th Legislature as its members embark on forming legislation for the 2021-2022 legislative session.

- **Make direct, ongoing investments into communities — both to build infrastructure and allow for self-determination.** Racial, Indigenous, and Maine tribal populations are the best deliverers of our/their own livelihood and healing. Structural racism has undoubtedly limited the ability of these communities to build the institutions and infrastructure that exist for white Mainers. In order to begin to change that, the State must invest directly in these communities' self-determination. Racial, Indigenous, and Maine

tribal populations must lead the way in developing the infrastructure we/they need to heal and rebuild.

One bill from the 129th Legislature illustrates this concept well. Specifically, the committee amendment to [LD 1961](#), An Act To Establish the Trust for a Healthy Maine, added the following targeted elements to the bill:

- The bill was amended by adding important new definitions to Maine statute: “health equity,” “structural inequity,” and “system racism” among them;
- The amended LD 1961 integrates racial justice, health equity, and public health by adding a member of this Permanent Commission to the Trust for a Healthy Maine board (the board created by this bill);
- Most importantly, the amended LD 1961 carves out a permanent financial investment in addressing racial equity by designating a portion of the Trust’s health improvement funding allocation to reduce health disparities and strengthen public health infrastructure. Specifically, funding is designated to:
 - Improve data collection, analysis, and reporting, particularly for populations experiencing health disparities;
 - Enhance health improvement and health equity planning at the local, district, and state levels;
 - Support local community partnerships that derive meaningful leadership from the communities they serve;
 - Support the expansion of the local public health workforce, including community health workers and government employees dedicated to addressing structural racism and structural inequity; and
 - Provide training and technical assistance for individuals and organizations providing public health services.

As amended, LD 1961 would provide a stable and ongoing funding stream to reduce structural racism and structural inequity and improve public health systems and infrastructure. The tobacco settlement is a particularly appropriate funding source, given the tobacco industry’s historic and ongoing targeting of African Americans in their product marketing campaigns — particularly menthol-flavored products.

- **Allocate resources and establish systems necessary to address health disparities.** Good health changes everything for individuals and communities, and good health depends on access to comprehensive and affordable health care services as well as the availability of public health programs. Both are essential to assuring the health of all people in Maine. The Permanent Commission supports policy efforts that aim to establish universal health coverage to all people in Maine. [LD 1611](#), An Act To Support Universal Health Care, which originally intended to establish such a system, was rated highly through the bill review process, but it was amended and turned into a study. While the failures of our current health system are felt most acutely by members of Black, Indigenous and other racial and Maine tribal communities, everyone should be able to access culturally competent health care services when they need it and not worry about falling into financial ruin.

The Permanent Commission also supports adequate and sustainable funding for public health programs, with a focus on disease prevention and health promotion. LD 1961, referenced in the preceding bullet, intends to make structural changes that would increase the sustainability of such funding. While the Permanent Commission chose not to recommend its passage at this time, we strongly recommend that legislators continue to strive to address this need.

Finally, the Permanent Commission strongly advocates for the support of legislation that addresses the social determinants of health. Our health is dictated in part by access to social and economic opportunities and the resources available to maintain a positive living environment, from strong communities to quality schools, safe workplaces, social interactions and more.¹⁵ These considerations must be central to our lawmaking when it comes to health care.

- **Target the opioid crisis to address strain on tribal communities.** While the Permanent Commission supports the passage of [LD 1689](#), An Act To Address the Opioid Crisis through Evidence-based Public Health Policy, the bill doesn't go far enough. Provisions within this bill, specifically establishing Syringe Exchange Programs, should be made available and accessible to tribal communities if we/they choose this path in addressing opioid abuse. The State should guarantee an allotment of funding for these programs, which is not part of LD 1689, and it should ensure that the Maine Department of Health and Human Services and Maine Centers for Disease Control partner with impacted communities while supporting the building of infrastructure.
- **Take a bolder approach to criminal justice reform.** While the 13th Amendment is widely understood to have ended slavery in the United States, it failed to end slavery for prisoners.¹⁶ This resulted in the system of mass incarceration, particularly of Black men, which continues to this day. We over-incarcerate in this country, and Maine is no exception. Our state's incarceration rate is more than double such countries as the United Kingdom and Portugal, and more than three times that of Canada, France, and Italy.¹⁷ And we disproportionately arrest, prosecute, and sentence Black people as compared with white people.
 - **Arrest fewer people.** We recommend exploring ways to reallocate funds at the state level from policing and incarceration to long-term safety strategies, such as education, local restorative justice services, housing, and employment programs.

The area that most clearly shows the arrest-related disparities is in our enforcement of drug laws. Black people in Maine are 1.6% of the population but comprise 21% of the people arrested for Class A drug offenses and 15% of people

¹⁵ *Social Determinants of Health*. Office of Disease Prevention and Health Promotion. Retrieved on Sept. 3, 2020 from: <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>

¹⁶ King, Shaun. *How the 13th Amendment didn't really abolish slavery, but let it live on in U.S. prisons*. (July 2016). Daily News. Retrieved on Sept. 3, 2020 from: <https://www.nydailynews.com/news/national/king-13th-amendment-didn-abolish-slavery-article-1.2801218>

¹⁷ Sawyer, Wendy and Wagner, Peter. *States of Incarceration: The Global Context 2018*. (June 2018). Prison Policy Initiative. Retrieved on August 19, 2020 from: <https://www.prisonpolicy.org/global/2018.html>

arrested for Class B drug offenses (the two highest levels of felonies in Maine).¹⁸ While the Permanent Commission supports the passage of [LD 1492](#) in a special session, the amended version of the bill abandons policies that are key to addressing some of the worst disparities we see in drug law enforcement in Maine. As originally drafted, among other things, LD 1492 would have decriminalized possession of 3.5 grams or less of most narcotics, and would have required prosecutors to prove that a person intended to traffic in drugs in order to be charged with the crime. The amendment that left the committee retained only small portions of the original legislation. In order to combat racial disparities in drug law enforcement, the Legislature must address a multiplicity of issues, including racial profiling, drug decriminalization, and adequate provision of public health and harm reduction strategies. Decriminalizing drug use and personal possession is a first step to grappling with the gross racial disparities in our system.

- **Convict fewer people.** Maine is very likely in violation of the 6th Amendment of the U.S. Constitution, specifically by inadequately providing for the defense of low-income criminal defendants in our state. The 6th Amendment Center, a national organization, was commissioned by the State in 2018 to evaluate our system for providing the Constitutionally guaranteed right to counsel in criminal cases and found that Maine’s system is woefully inadequate.¹⁹ This year, the Judiciary Committee of the Legislature decided to move forward very small pieces of the 6th Amendment Center’s recommendations, including one of the bills the Permanent Commission is recommending for a special session ([LD 182](#)). Much more needs to be done, including the establishment of a true public defender system so that people charged with crimes will have access to competently trained counsel familiar with their case before signing away their rights. Access to justice in Maine should not be determined by one’s ability to pay for suitable legal defense.
- **Allow for reintegration post-incarceration.** There were several bills this session that attempted to address the downstream impacts of incarceration, such as people’s inability to secure employment, housing, or access to credit once they are no longer incarcerated. There are several policies that could impact this, including, but not limited to, sealing criminal history records and restricting the use of criminal history in evaluating prospective employees or tenants. While the Permanent Commission recommends the passage of several bills in a special session that intend to address facets of this complex set of issues (LDs 776, 1572, 1756, 1964, and 2086), many of those bills were rendered less impactful through changes made in the committee process. There is much more needed in this area.
- **Institutionalize a process to view legislation through a racial equity lens.** The Permanent Commission is committed to helping the Legislature find the best way to

¹⁸ *CSG Justice Center Report 2019*. Council of State Governments. Retrieved August 24, 2020 from: <https://csgjusticecenter.org/>

¹⁹ *The Right to Counsel in Maine*. (April 2019). Six Amendment Center. Retrieved August 27, 2020 from: https://sixthamendment.org/6AC/6AC_me_report_2019.pdf

continue analyzing the racial equity impact of legislation. The Permanent Commission encourages future Legislatures to be proactive, intentional, and collaborative about drafting legislation that addresses inequities across policy subject areas, including criminal justice, education, food security, health care, environmental regulation, labor and housing.

APPENDIX A: GLOSSARY OF TERMS

Disparity	The quality or state of being different ²⁰
Inequity	(1) Injustice or unfairness; (2) an instance of injustice or unfairness ²¹
Marginalized populations	Groups and communities that experience discrimination and exclusion (social, political, and economic) because of unequal power relationships across economic, political, social, and cultural dimensions. ²²
Equity vs. Equality	Equity refers to the fair treatment of all people, taking into account individual needs and differences, such as gaps in opportunity. Equality refers to the same treatment of all people, with no accounting for individual needs or differences. The former often refers to the just and fair provision of resources to each individual; the latter denotes the provision of same resources to all people. Please note that equity should not be used interchangeably with equality or parity.
Race	A social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly skin color), cultural affiliation, cultural history, ethnic classification, and the social, economic, and political needs of a society at a given period of time. There are no distinctive genetic characteristics that truly distinguish between groups of people. Created by Europeans (whites), race presumes human worth and social status for the purpose of establishing and maintaining privilege and power. Race is independent of ethnicity. ²³
Racial Bias	Racial bias refers to conscious or unconscious negative attitudes toward people based on their race and often results in racial disparity.

²⁰ Merriam-Webster (n.d). Definition of Disparity. Retrieved from <https://www.merriam-webster.com/thesaurus/disparity>

²¹ Merriam-Webster (n.d). Definition of inequity. Retrieved from <https://www.merriam-webster.com/dictionary/inequity>

²² National Collaborating Centre for Determinants of Health (2020). Definitions of Marginalized Populations. Retrieved from <http://nccdh.ca/glossary/entry/marginalized-populations>

²³ University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Glossary of Equity, Diversity, and Inclusion Terms. 2019. Retrieved from https://epi.washington.edu/sites/default/files/website_documents/DEI%20Glossary_Formatted_20190711.pdf

Racial Disparity	Racial disparity refers to “unequal treatment or outcomes for different groups in the same circumstance or at the same decision point,” according to the Oxford Encyclopedia of Social Work. ²⁴
Racial Disproportionality	Racial disproportionality, according to the Oxford Encyclopedia of Social Work, refers to “the ratio between the percentage of persons in a particular racial or ethnic group at a particular decision point or experiencing an event (maltreatment, incarceration, school dropouts) compared to the percentage of the same racial or ethnic group in the overall population. This ratio could suggest underrepresentation, proportional representation, or overrepresentation of a population experiencing a particular phenomenon.” ²⁵
Racism	The term “racism” specifically refers to individual, cultural, institutional, and systemic ways by which differential consequences are created for different racial groups. Racism is often grounded in a presumed superiority of the white race over groups historically or currently defined as non-white (African, Asian, Hispanic, Native American, etc.). Racism can also be defined as “prejudice plus power.” The combination of prejudice and power enables the mechanisms by which racism leads to different consequences for different groups. ²⁶
Social Determinants of Health	Social determinants of health are conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks. Conditions (e.g., social, economic, and physical) in these various environments and settings (e.g., school, church, workplace, and neighborhood) have been referred to as “place.” ²⁷
Sovereignty	(1) supreme power especially over a body politic; (2) freedom from external control: AUTONOMY; (3) controlling influence ²⁸

²⁴ Rudd, Tom. *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*. (2014). Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University.

²⁵ Green, Erica. *Lost Girls: Young Women Face Harsher Punishment in Maryland’s Juvenile Justice System*. (December 2016). Baltimore Sun. Retrieved from <http://www.baltimoresun.com/news/maryland/investigations/bal-juvenile-justice-gender-gap-20161216-story.html>.

²⁶ *Glossary of Equity, Diversity, and Inclusion Terms*. (2019). University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Retrieved from https://epi.washington.edu/sites/default/files/website_documents/DEI%20Glossary_Formatted_20190711.pdf

²⁷ *Disparities in Health Care: Methods for Studying the Effects of Race, Ethnicity, and SES on Access, Use, and Quality of Health Care*. (2002). The Institute of Medicine.

²⁸ Merriam-Webster (n.d). Definition of Disparity. Retrieved from <https://www.merriam-webster.com/dictionary/sovereignty>

Structural Racism

The normalization and legitimization of an array of dynamics — historical, cultural, institutional and interpersonal — that routinely advantage white people while producing cumulative and chronic adverse outcomes for people of color. Structural racism encompasses the entire system of white domination, diffused and infused in all aspects of society including its history, culture, politics, economics, and entire social fabric. Structural racism is more difficult to locate in a particular institution because it involves the reinforcing effects of multiple institutions and cultural norms, past and present, continually reproducing old and producing new forms of racism. Structural racism is the most profound and pervasive form of racism — all other forms of racism emerge from structural racism.²⁹

²⁹ *Glossary of Equity, Diversity, and Inclusion Terms*. (2019). University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Retrieved from https://epi.washington.edu/sites/default/files/website_documents/DEI%20Glossary_Formatted_20190711.pdf

APPENDIX B: PARTICIPATION LIST

Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations:

Name	Representation
Keith Bisson	Coastal Enterprises, Inc. (Community Development)
Dee Clarke	Survivor Speak USA (Housing Insecurity)
Ambassador Maulian Dana	Penobscot Nation (Tribal Representative)
Bruce King	Community Member (Historically Disadvantaged)
Kenneth I. Lewis, Jr.	Green Memorial AME Zion Church (Faith Representative)
Dr. Marcelle Medford	Bates College (Scholarship on Race/History)
James Myall	Maine Center for Economic Policy (Economic Policy)
Vice Chief Darrell Newell	Passamaquoddy Tribe (Tribal Representative)

Isaiah Reid	Student, UME Farmington (Youth Representative)
Chief Clarissa Sabattis	Houlton Band of Maliseet Indians (Tribal Representative)
Vice Chief Richard Silliboy	Aroostook Band of Micmacs (Tribal Representative)
Garrett Stewart	A. Phillip Randolph/AFL-CIO (Labor Rights)
Rachel Talbot Ross	NAACP MSP Branch (Civil Rights/Racial Justice)
Joby Thoyalil	Maine Equal Justice (Anti-Poverty)
Ian Yaffe	Mano en Mano - on behalf of the Maine Immigrant Rights Coalition (MIRC) (Immigrant Rights)

Legislators:

First Name	Last Name	Party	Body
Pinny	Beebe-Center	D	House
Shenna	Bellows	D	Senate
Bruce	Bickford	R	House
Lydia	Blume	D	House
Cathy	Breen	D	Senate

Michael	Brennan	D	House
Heidi	Brooks	D	House
Anne	Carney	D	House
Brownie	Carson	D	Senate
Justin	Chenette	D	Senate
Ben	Chipman	D	Senate
Ned	Claxton	D	Senate
Kristen	Cloutier	D	House
Benjamin	Collings	D	House
Janice	Cooper	D	House
Susan	Deschambault	D	Senate
Donna	Doore	D	House
Victoria	Doudera	D	House
Michelle	Dunphy	D	House
Jeffery	Evangelos	I	House
Richard	Farnsworth	D	House
Ryan	Fecteau	D	House
Andrew	Gattine	D	House
Lori	Gramlich	D	House
James	Handy	D	House
Thom	Harnett	D	House
Craig	Hickman	D	House
Patricia	Hymanson	D	House
Troy	Jackson	D	Senate
Victoria	Kornfield	D	House

Nate	Libby	D	Senate
Tom	Martin	R	House
Anne-Marie	Mastraccio	D	House
Ann	Matlack	D	House
Chloe	Maxmin	D	House
David	McCrea	D	House
Joyce	McCreight	D	House
Genevieve	McDonald	D	House
Gina	Melaragno	D	House
Michele	Meyer	D	House
Dave	Miramant	D	Senate
Matt	Moonen	D	House
Victoria	Morales	D	House
Kevin	O'Connell	D	House
Margaret	O'Neil	D	House
Sarah	Pebworth	D	House
Anne	Perry	D	House
Bill	Pluecker	I	House
Tiffany	Roberts	D	House
Holly	Stover	D	House
Denise	Tepler	D	House
Maureen	Terry	D	House
Eloise	Vitelli	D	Senate

Charlotte	Warren	D	House
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Staff Support:

- Cheryl Davis, Labor Program Specialist, Maine Department of Labor, State Workforce Board
- Eric Feigenbaum, Chief of Staff, Office of the Speaker
- Carol Kelly, Managing Director, Pivot Point Inc.
- Reginald Parson, Senior Legislative Aide and Policy Analyst, Office of the Speaker
- Megan Rochelo, Chief of Staff, House Majority Office
- Katie Walsh, Communications Director, House Majority Office

APPENDIX C: FILTERING CRITERIA TOOL

Filtering criteria and tool

Bill Number and Title:	
Sub-Committee:	
Criteria	True/False?)
1. Legislation has potential to reduce inequities in income and access to capital/loans	
2. Legislation has potential to reduce disparities in access to timely and affordable public health, preventive, primary care, behavioral health care, specialty care, and other health care services	
3. Legislation has potential to reduce disparities in access to education (including early childhood education); access to educational curriculum (including social emotional learning); and school policies and practices that may contribute to positive educational experiences	
4. Legislation has potential to reduce disproportionate violence and/or incarceration rates	
5. Legislation has potential to improve equitable political representation and/or participation	
6. Legislation has potential to create more anti-discrimination protections for racially marginalized populations	
7. Legislation has potential to reduce racial inequities in any other social determinant of health , including housing, transportation, and internet access	
8. Legislation has potential to create positive systemic change in generational living conditions	
9. Legislation does not include exclusions that could directly or indirectly create inequitable access to services, protections, or opportunities	
10. Legislation does not have the potential to directly or indirectly increase racial inequities	
<p>Please think about the project goal and the filtering criteria above, then answer the following question:</p> <p>On a scale of 1-5, with 5 being “extremely high” and 1 being “extremely low”, how much potential does this legislation have to combat racial inequities, particularly systemic or structural inequities</p>	

APPENDIX D: ASSESSMENT TOOL

Assessment tool

Bill Number and Title:		
Sub-Committee:		
Assessment Preparer(s):		
Assessment Question	Response	Data/Sources (if available) (quantitative and/or qualitative)
1. How does the legislation reduce inequities in income and access to capital/loans?		
2. How does the legislation reduce disparities in access to timely and affordable public health, preventive, primary care, behavioral health care, specialty care, and other health care services?		
3. How does the legislation reduce disparities in educational curriculum, including SEL (social emotional learning), and in school policies and practices that may contribute to disparities in positive educational experiences?		
4. How does the legislation reduce disproportionate violence and/or incarceration rates?		
5. How does the legislation improve equitable political representation and/or participation?		
6. How does the legislation create more anti-discrimination protections for racially marginalized populations?		
7. How does the legislation reduce inequities in any other social determinants of health, including housing, transportation, and internet access?		
8. How does the legislation create positive change in generational living conditions?		

<p>9. How does the legislation create exclusions, or how could it potentially create exclusions, that result in inequitable access to services, protections, or opportunities?</p>		
<p>10. What amendments will the legislation require to maximize its impact?</p>		
<p>11. What are the likely costs and potential funding sources for this legislation?</p>		
<p>12. What additional information or perspective does the sub-committee want to document for future decision-makers?</p>		

APPENDIX E: PRIORITY SETTING TOOL

Priority Setting Tool

INSTRUCTIONS: Score each bill for "ease" and "impact", on a scale of 1-5 for each of 8 sub-categories (columns shaded yellow), where 5 is easiest/most impactful. NOTE: The worksheet will self-calculate the total "ease" and "impact" scores.

		"Ease" To get this done, do we have:					"Impact" For impacted communities, will we improve:				
LD #	Title of Legislation	Human resources required	Financial resources required	Favorable systems and structures in place	Favorable external environment (social, cultural, political)	Ease Score	Health, hope, empowerment, self-determination	Financial opportunities	Systems and structures	Environment (social, cultural, political)	Impact Score
						0					0
						0					0
						0					0
						0					0
						0					0
						0					0
						0					0