

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 2

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H.P. 5

House of Representatives, January 13, 2021

### **An Act To Require the Inclusion of Racial Impact Statements in the Legislative Process**

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Received by the Clerk of the House on January 11, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 2 MRSA c. 7** is enacted to read:

3 **CHAPTER 7**

4 **RACIAL IMPACT STATEMENTS**

5 **§201. Information regarding racial impact statements**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the  
7 following terms have the following meanings.

8 A. "Legislative committee" means a joint standing committee of the Legislature, a  
9 joint select committee of the Legislature, a task force, commission or council or any  
10 other committee established by the Legislature and composed wholly or partly of  
11 Legislators for the purpose of conducting legislative business.

12 B. "Racial impact statement" means an assessment of the potential impact that  
13 legislation could have on historically disadvantaged racial populations.

14 C. "State agency" means a state department, agency, office, board or commission or a  
15 quasi-independent agency, board, commission, authority or institution.

16 **2. Racial impact statement information.** Upon the request of a legislative  
17 committee, a commissioner or director of a state agency or the commissioner's or director's  
18 designee shall provide to that legislative committee data, analysis and other information  
19 necessary to prepare a racial impact statement for legislation before that legislative  
20 committee or legislation being prepared by that legislative committee. The racial impact  
21 statement information must be provided in a timely manner.

22 **Sec. 2. Implementation of racial impact statement process pilot project.**

23 The Legislative Council or its delegate shall perform a study to determine the best method  
24 to establish and implement a system of using racial impact statements for legislation. For  
25 purposes of this section, "racial impact statement" means an assessment of the potential  
26 impact that legislation could have on historically disadvantaged racial populations.

27 **1. Study.** In making the determination required by this section, the Legislative Council  
28 shall study and consider:

29 A. What has been done in other states to accomplish the development and use of racial  
30 impact statements;

31 B. What data, analysis or other information is needed to produce a racial impact  
32 statement and what the best source of that data, analysis or other information is, such  
33 as, but not limited to, an executive branch department or agency;

34 C. Specific policy areas that would benefit from the use of racial impact statements,  
35 including, but not limited to, education; health care; employment, including wages;  
36 housing, including home ownership; and criminal justice and public safety;

37 D. The costs of implementing the use of racial impact statements, either on a limited  
38 basis, such as for certain committees, policy areas or instruments, such as committee  
39 or floor amendments, or for all joint standing committees and all legislation; and

1 E. Anything else the Legislative Council considers relevant.

2 **2. Findings; recommendations for limited pilot project.** The Legislative Council  
3 shall complete its study under subsection 1 no later than November 1, 2021 and compile a  
4 report with its findings. Based on the information gathered pursuant to subsection 1 and  
5 its findings, the Legislative Council shall implement, no later than December 1, 2021, a  
6 pilot project for the limited use of racial impact statements in the Second Regular Session  
7 of the 130th Legislature.

8 In determining the scope of the pilot project, the Legislative Council shall consider:

9 A. Which joint standing committees will participate in the pilot project, which must  
10 be at least one but not more than 4;

11 B. What legislation, such as bills, committee amendments and floor amendments, will  
12 be subject to racial impact statement review;

13 C. What standards will be used to review legislation under paragraph B;

14 D. What resources or adjustments to the committee process will be needed to facilitate  
15 the inclusion of racial impact statements;

16 E. The cost required to implement such a pilot project;

17 F. Information or other resources needed to compile racial impact statements; and

18 G. Any other information relevant to the Legislative Council.

19 **3. Report by pilot project committees.** The chairs of each joint standing committee  
20 that was a part of the pilot project established pursuant to subsection 2 shall provide a report  
21 to the Legislative Council no later than 30 days following adjournment of the Second  
22 Regular Session of the 130th Legislature. The report must include:

23 A. The number of pieces of legislation and the types of legislation for which racial  
24 impact statements were requested and used;

25 B. The manner in which the racial impact statements were obtained or developed;

26 C. The amount of time, both as an average and individually, needed to develop each  
27 racial impact statement; and

28 D. The cost, if any, to the joint standing committee from obtaining or developing racial  
29 impact statements.

30 Based on the report of the joint standing committees, the Legislative Council shall  
31 determine whether to expand or eliminate the use of racial impact statements and make that  
32 recommendation to the Legislative Council of the 131st Legislature no later than December  
33 15, 2022.

## 34 SUMMARY

35 This bill requires, upon the request of a committee of the Legislature, the commissioner  
36 of a department or director of an agency to provide to that legislative committee data,  
37 analysis and other information necessary to prepare a racial impact statement, which is an  
38 assessment of the potential impact that legislation could have on historically disadvantaged  
39 racial populations.

1           This bill also requires the Legislative Council to conduct a study to determine the best  
2 method to establish and implement a system of using racial impact statements for  
3 legislation. Based on its findings, the Legislative Council is directed to establish a limited  
4 pilot project for the use of racial impact statements for the Second Regular Session of the  
5 130th Legislature. A joint standing committee that participates in the pilot project is  
6 required to report to the Legislative Council regarding the use of racial impact statements  
7 and, based on that report, the Legislative Council is required to make a recommendation  
8 for the use of racial impact statements in the 131st Legislature.