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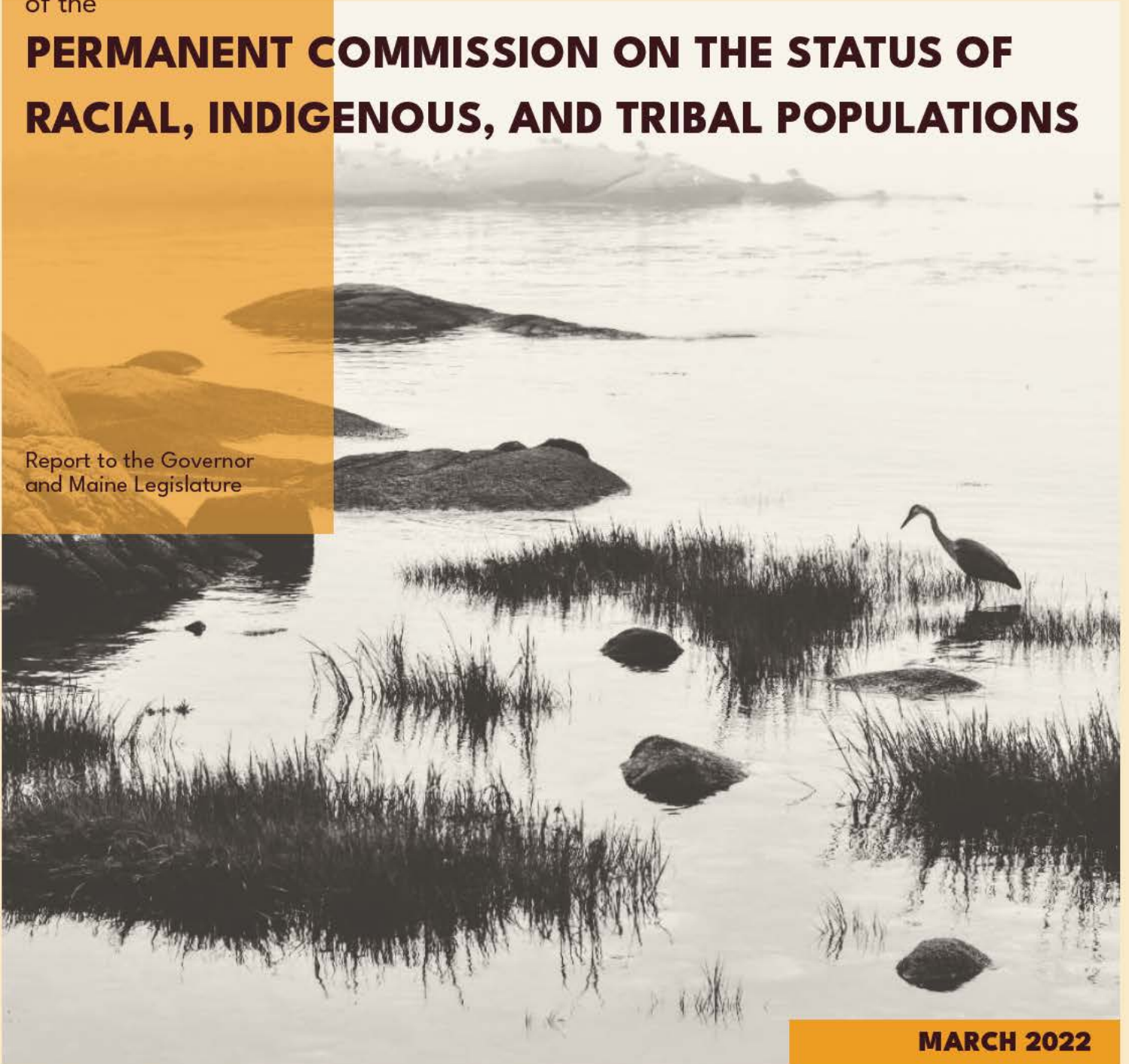
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# Annual Report

of the

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

Report to the Governor  
and Maine Legislature



MARCH 2022



**Permanent  
Commission**  
RACIAL, INDIGENOUS  
& TRIBAL POPULATIONS

# First Annual Report

OF THE

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

MARCH 2022

### CO-CHAIRS

Representative Rachel Talbot Ross  
Ambassador Maulian Dana (Penobscot Nation)

### COMMISSIONERS

Keith Bisson  
Amanda Comeau  
Bruce King  
Reverend Kenneth Lewis  
Dr. Marcelle Medford  
James Myall  
Vice Chief Darrell Newell (Passamaquoddy Tribe at Motahkmikuk, Indian Township)  
Vice Chief Richard Silliboy (Aroostook Band of Micmacs)  
Joby Thoyalil  
Juana Rodriguez Vazquez

### PAST COMMISSIONERS

Over the course of 2021, three commissioners stepped down, and one commissioner passed away. We extend our deepest gratitude to Ian Yaffe, Garrett Stewart, and Isaiah Reid for their service and contributions to advancing the mission and vision of the Permanent Commission. We are forever grateful for the service and contributions of Dianne 'dee' Clarke, who passed away on October 31, 2021. We commit to carry on her larger-than-life spirit, tireless advocacy, pursuit of justice, and endless love for all people.

### STAFF\*

Whitney Parrish, Executive Director  
Meadow Dibble, Director of Community Engaged Research  
Angela Okafor, Director of Operations  
Morgan Pottle Urquhart, Director of Communications  
Hunter Cropsey, Operations and Planning Manager

*\*All staff are currently working in an acting capacity*

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Rep. Rachel Talbot Ross  
Co-Chair

Amb. Maulian Dana,  
Penobscot Nation  
Co-Chair



**Permanent  
Commission**  
RACIAL, INDIGENOUS  
& TRIBAL POPULATIONS

March 1, 2022

The Honorable Janet T. Mills  
Governor of the State of Maine  
1 State House Station  
Augusta, ME 04333-0001

The Honorable Troy D. Jackson  
President of the Senate  
3 State House Station  
Augusta, ME 04333-0003

The Honorable Ryan M. Fecteau  
Speaker of the House  
2 State House Station  
Augusta, ME 04333-0002

Governor Mills, President Jackson, and Speaker Fecteau:

We are pleased to submit the Annual Report on the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (Permanent Commission) to the Governor and the 130th Legislature, pursuant to **Title 5, part 31, chapter 63, section 25007, subsection 1-C.**

No matter what we look like or where we come from, most Maine people believe everyone deserves the same chance to live life the way it should be. But there have always been those who use fear to divide us based on race, gender, orientation, or where we're from to keep us from working together for a better future for everyone. For far too long, Maine has allowed the institutions and racism that drive disparities to continue. From our hometowns to the State House, to the halls of Congress, we can join together to right these wrongs and make this a place where all Maine families can thrive.

The Permanent Commission is grateful for our mission to examine the racial disparities across Maine, and to work toward improving the status and outcomes for currently and historically disadvantaged racial, Indigenous, and tribal populations. This Annual Report profiles the work and interests of the Permanent Commission toward that end, including a summary of public comments obtained at our annual public forum.

In Solidarity,

Representative Rachel Talbot Ross  
Co-Chair

Ambassador Maulian Dana, Penobscot Nation  
Co-Chair

# Remembering dee Clarke

**“We are more than our stories, and also have the best insights on solutions because we have the lived experience.”**

*-Commissioner dee Clarke*

On October 31, 2021, Commissioner dee Clarke passed away at the age of 64. Taken far too soon, dee left an indelible mark on the Permanent Commission, Maine advocacy and policy making, and countless people whose lives were made better because of her fearless love and compassion.

Serving in the seat on behalf of an organization that focuses on housing or houselessness, dee let her own experiences guide her work with Homeless Voices for Justice and as founder of Survivor Speak USA (SSUSA), an organization devoted to ending sex trafficking and exploitation by empowering survivors to create social and political change.

“To call dee a fierce advocate for the homeless, for the trafficked and for the traumatized would be a gross understatement,” said Commissioner Bruce King, who chairs the Permanent Commission’s Community Engagement Committee. “dee challenged every one of us to fulfill the purpose of the Permanent Commission by not just speaking for the most estranged and most vulnerable, but to include them in conversation. No excuse would suffice as to why decisions about anyone’s humanity would be made without their input. She challenged every single person to make room, make time, and make efforts to expand access to governmental involvement. It will take all involved in this work to carry on this mandate that she made so clear to us: Nothing about us without us.”

“dee did everything she could to help somebody, even if she didn’t know them; whether it was to get a meal or find a place for them to stay for the night, dee would try to work with everyone she



could. No matter what, you never felt unwanted by dee, and you always felt joy and happiness because of her. She loved everybody in her own way,” said Commissioner Amanda Comeau, who now serves in this seat and follows in dee’s footsteps as co-director of SSUSA.

“She went through horrors and trauma that no one should go through. She found purpose in her life. Now, there’s a legacy with her name on it. She left the world better. We are better people because dee Clarke lived and fought and survived and gave and shared and loved,” said Co-Chair Talbot Ross. “She was extraordinary because she went through such horrors, and she still had love in her heart to make someone else’s life better. She leaves us that legacy.”

**“We’re better people because this woman cared enough about our humanity. She never put herself first. She was an extraordinary, loving human being.”**

*-Co-Chair Representative Rachel Talbot Ross, memorializing Commissioner dee Clarke*

# Executive Summary

In 2019, the Maine Legislature established the Permanent Commission on the Status of Racial, Indigenous, and Maine Tribal populations. Since that time, the pressing need to address the impact of structural racism has only become more apparent. 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 report details the work of the Permanent Commission since the release of its 2020 Report to the Legislature. This work has largely focused on three main areas: the establishment of the Permanent Commission as an independent agency within state government, building out the advisory role of the Permanent Commission, and the ongoing work to engage with impacted communities.

## Establishing an Agency

The structure of the Permanent Commission is outlined in this section. This includes the representation of commissioners, as well as the acting staff.

This report also describes the delicate balance of continuing to build the agency while developing research, programming, community engagement opportunities, and other work that has been and will continue to be a positive challenge. It speaks directly to the need for continued capacity-building funding in order to fulfill the critically important mission of the Permanent Commission and build an accessible and sustainable agency.

## Advising Maine Government

The practice of advising and consulting all three branches of state government is central to the work of improving the status of impacted populations. Since the Permanent Commission's establishment as an independent entity within state government, this work has manifested in three main forms: statutory work required by law, advocating for legislation to improve the status of impacted communities, and consulting with entities that have approached the Permanent Commission for guidance in their work.

## Engaging with Communities

Community engagement lies at the heart of the Permanent Commission's mission and shapes

the way it carries out its work. In statute, the Permanent Commission is tasked with the duty to seek public input at an annual hearing and has the power to conduct additional community engagement opportunities as a means of gathering information from and offering information to historically disadvantaged racial, Indigenous, and tribal populations.

Building upon this charge, the Permanent Commission leverages community engagement opportunities in order to center and amplify the voices of historically disadvantaged populations. More than informants or consultants, members of these communities are essential partners helping to define the Permanent Commission's direction and approach.

The report closes by framing the work to dismantle structural racism with seven guiding principles to be used by all three branches of government at the local, state, and federal levels:

- **Building awareness of racial disparities takes resources;**
- **Awareness alone is not enough;**
- **Financial and human resources must be allocated to eliminate the disparities caused by structural racism;**
- **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.**

The Permanent Commission thanks the people of Maine who have expressed deep interest and support for its mission; especially members of racial, Indigenous and tribal communities for their voices, leadership, and trust. We thank the Maine Center for Disease Control and Prevention, the Governor's Office of Policy Innovation and Future, the Office of the Maine State Treasurer, and others for their proactive engagement. And to the Wabanaki Confederacy Tribal citizens and Indigenous people across this land, to whom this land belongs since time immemorial: we thank you and stand with you.

# I. Establishing the Commission

## ABOUT THE PERMANENT COMMISSION

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.<sup>1</sup> 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 populations with a college degree earns only slightly more than a white man with a high school diploma.<sup>2</sup> While three-quarters of white Mainers own their own home, the same is true for fewer than one in four Black Mainers.<sup>3</sup> Mainers who are representatives of the racial, Indigenous, or tribal populations typically experience unemployment and poverty at twice the rate of white Mainers.<sup>4</sup> As of June, 2020, Black Mainers were 20 times more likely to experience COVID-19 than white Mainers.<sup>5</sup>

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

Tribal Populations, and Governor Janet T. 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 tribal populations in the state. The Permanent Commission is empowered by statute to advise and consult with all three branches of state government, as well as submit legislation.

In order to accomplish this charge, the Permanent Commission shall promote, implement, and coordinate programs that create and improve opportunities for historically marginalized and disadvantaged racial, Indigenous, and tribal populations in the state. It carries out its research by seeking public input via public hearings and engaging impacted communities through community-engaged research and outreach.

The Permanent Commission's membership, which is made up largely of people from racial, Indigenous, and tribal populations, includes representatives from sovereign tribal nations; policy and service organizations; labor, educational, and faith-based 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.

In 2021, the Maine Legislature took another critical step toward supporting the Permanent Commission's work in the state: providing funding allocations for full-time staffing and a budget to begin building an agency and fulfilling its mission through research, program development, community engagement, and advising. Governor Mills **signed LD 1034 into public law** in the summer of 2021, and the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations began its work with staffing at the end of October 2021.

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- 1 State data compiled by the Sentencing Project. Retrieved July 2019 from: <https://www.sentencingproject.org/>
  - 2 U.S. Census Bureau Current Population Survey Outgoing Rotation Group, 2008-2018 pooled data.
  - 3 Home ownership rates from U.S. Census Bureau American Community Survey, 2013-2017, via IPUMS. Business ownership figures from U.S. Census Bureau Annual Survey of Entrepreneurs, 2016.
  - 4 Myall, James. Data on racial inequality shows need for solutions to advance racial justice. (June 2019). Maine Center for Economic Policy. Retrieved February 20, 2022 from: <https://www.mecp.org/wp-content/uploads/2019/06/MECEP-racial-inequality-fact-sheet-FINAL.pdf>
  - 5 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 February 20, 2022 from: <http://blog.mecp.org/2020/06/black-mainers-now-20-times-more-likely-thanwhites-to-experience-covid-19-and-the-disparity-is-growing/>



## COMMISSIONERS AND THEIR SEATS

When the Permanent Commission was established in 2019, it comprised fifteen seats for appointed commissioners, reflective of varying lived experiences and areas of expertise relevant to advancing the Commission's statutorily-outlined mission.

Five commissioners were appointed by the Senate President. These individuals respectively represent 1) a statewide organization which promotes civil rights and racial justice (Co-Chair **Rep. Rachel Talbot Ross**, NAACP); 2) an economic policy or data-centered organization (**James Myall**, Maine Center for Economic Policy); 3) an organization with expertise in legal and policy matters related to public benefits programs assisting people with low incomes (**Joby Thoyalil**, Maine Equal Justice); 4) a member of organized labor (currently unfilled); and 5) a member of a college or university in the state specializing in the history, culture, or civil/ human rights of historically disadvantaged racial, Indigenous, and tribal populations (**Dr. Marcelle Medford**, Sociology Department, Bates College).

Four commissioners were appointed by the Speaker of the House. Similarly, these individuals represent: 1) a housing or homelessness advocacy organization (**Amanda Comeau**, Homeless Voices for Justice); 2) a representative of a community development financial institution (**Keith Bisson**, Coastal Enterprises, Inc.); 3) a representative of a historically disadvantaged racial population of the state (**Bruce King**, Maine Inside Out); and 4) a representative of an immigrant or refugee rights organization (currently unfilled).

Two commissioners were appointed by the Governor: one representing a member of the faith-based community (**Reverend Kenneth Lewis**, Senior Pastor at Green Memorial African Methodist Episcopal Zion Church), and another representing youth (currently unfilled).

The Penobscot Nation, Passamaquoddy Tribe, Aroostook Band of Micmacs, and Houlton Band of Maliseets each appoint one member to fill the four additional seats on the Permanent Commission. These representatives include Co-Chair **Ambassador Maulian Dana** (Penobscot Nation), **Vice Chief Darrell Newell** (Passamaquoddy Tribe at Motahkmikuk), and **Vice Chief Richard Silliboy** (Aroostook Band of Micmacs). The seat for the Houlton Band of Maliseets is currently unfilled.

In 2021, by changes made through the passage of LD 1034, membership expanded so that additional seats could be created via a majority vote of commissioners. The Permanent Commission has since created two more seats: one for an individual from Latino and Migrant communities (**Juana Rodriguez-Vazquez**, Mano En Mano), and another for an individual from LGBTQIA+ communities (currently unfilled). Staff and commissioners are actively seeking out candidates for all unfilled seats.

## CORE STRUCTURE

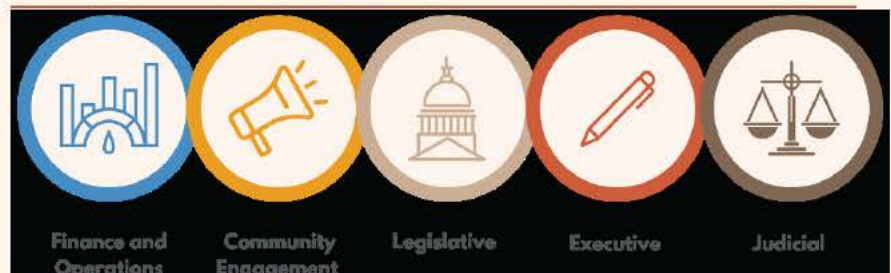
The Permanent Commission is an active, working body. All commissioners gather every other week for a full Permanent Commission meeting, led by co-chairs. During this meeting, commissioners collaboratively work to steer the overall mission and vision of the Permanent Commission and its work.

In Spring of 2021, the Permanent Commission established five standing committees to oversee different aspects of its work. Standing committees were created to reflect the Permanent Commission's statutory duty to engage the public and power to advise all three branches of Maine government. Each committee is chaired by a commissioner, and all commissioners are welcome at each meeting. The committees meet every other week, except for the Finance and Operations Committee, which meets weekly, and the Legislative Committee, which meets weekly when the Legislature is in session.

The Finance and Operations (F&O) Committee oversees all operations of the Permanent Commission, including budgeting and finances, human resources, information technology, and all other internal systems and structures. It comprises co-chairs and all standing committee chairs.

The Community Engagement Committee oversees all outreach and public facing engagement of individuals, organizations, businesses, funders, and other stakeholders. The committee also manages the Permanent Commission's brand, public facing materials, and public facing events.

## Standing Committees



The three remaining standing committees – Legislative, Executive, and Judicial – reflect the Permanent Commission’s power to advise all three branches of government. Each committee is tasked with overseeing engagement with each respective branch of Maine government.

Currently, the Legislative Committee is the only active committee of the three. The Legislative Committee makes position and engagement decisions on current legislation addressing racial disparities and other issues impacting racial, Indigenous, and tribal population. In addition, the committee reviews requests that come to the Permanent Commission regarding legislative advocacy, potential legislation and policy work, and other policy engagement. The Permanent Commission looks forward to establishing regular working meetings of the Executive and Judicial Committees in the coming months.

## **STAFFING THE PERMANENT COMMISSION**

Following the passage and signing of **LD 1034**, “An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations,” the Permanent Commission was appropriated funds to fill four full-time staff positions.

The Permanent Commission’s first three staff people began on October 25, 2021; not long after, agency ‘90R’ was created to reflect this newly expanded entity and its full capacity as a state agency. These three employees worked, and continue working, to establish core functionalities necessary of a new State agency (detailed below).

To support the work of the Acting Executive Director and build communications presence and capacity, the Permanent Commission entered into a contract with a Communications Director that extends through FY22. As of January 2022, the Permanent Commission hired its fourth full-time State employee to fill the “Business Manager II” position. This employee officially onboarded in late February 2022, bringing the Permanent Commission up to full staffing.

The Permanent Commission has entered into a number of contractual relationships with “content experts” in order to fulfill its obligations related to assigned statutory work. This is outlined further in Section II of this report.

## **THE PERMANENT COMMISSION: AN AGENCY**

The Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations became an autonomous entity upon receipt of funding allocations and the establishment of its agency account. Prior to implementation of **LD 1034, Public Law, Chapter 436**, the Permanent Commission and its modest budget was “housed” within the Department of Labor (DOL) and had no administrative structure or capacity.

While Permanent Commission staff work closely with the Department of Administrative and Financial Affairs (DAFS), the Security and Employment Service Center (SESC), and the Office of the State Controller for broad technical support, the Permanent Commission manages its own budget, accounting systems, human resources activities and payroll, records retention and archival schedules, purchasing, and all other necessary functions of a state agency. The Permanent Commission drafts all of its Service Contracts and Procurement Justification Forms for procurement purposes. As well, staff are responsible for the agency’s procurement workflow and all related activities.

The Permanent Commission has worked extensively with the Office of Information Technology’s Enterprise Architect and InforME to ensure an online presence through a website, though it has been a protracted process. Website release is slated for early to mid-April of 2022. Social media presence is not yet active, though staff continue to work with various parties to ensure social media presence and activity is in alignment with all legal expectations and guidelines. These public facing engagement tools are critically necessary for the Permanent Commission’s community engagement endeavors, and they will be immensely beneficial in furthering and deepening the Commission’s work.

The process of building a state agency from the ground up is arduous and complicated. There is no blueprint for this labyrinthian process, and staff remain diligent in ensuring all processes, procedures, and expectations of the Permanent Commission as an agency are met with due diligence and thorough attention and engagement.

As mentioned, staff were not able to be hired until the end of October 2021. This was amidst imminent statutory deadlines for assigned legislative reports, which required

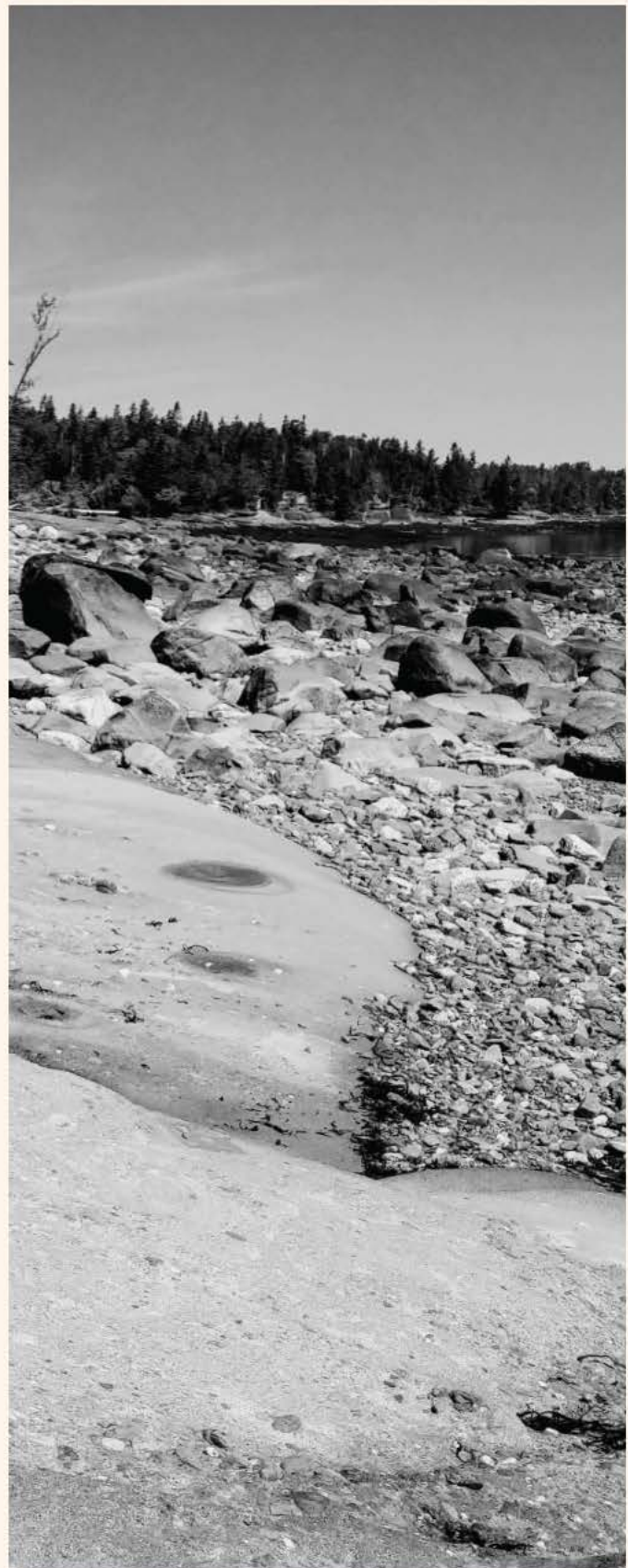
procurements and immediate onboarding to that process for certain staff, as well as general agency-building and other mission-related work. Once staffing for the Permanent Commission became public knowledge, many more requests for advice, support, and collaboration came flooding in. The Permanent Commission believes this is a true demonstration of the need for this agency, as state departments and other entities, policy makers, nonprofit and community leaders, private residents, and others reach out to engage, collaborate, task, and support the Permanent Commission on a regular basis.

To say it was, and still is, a challenge to build an agency while executing and producing the work expected of the Permanent Commission—and desired by the Commission itself—is an understatement. It is a challenge that staff are abundantly grateful to meet head on. The delicate balance of continuing to build the agency while developing research, programming, community engagement opportunities, and other work will continue to be a positive challenge, and it speaks directly to the need for continued capacity-building support in order to fulfill the critically important mission of the Permanent Commission and build an accessible agency that will persist sustainably.

## **LOOKING TO THE FUTURE: STRATEGIC PLANNING**

*Commissioners voted in the summer of 2021 to begin the strategic planning process at the beginning of 2022, acknowledging that hiring staff and standing up an agency would require a significant investment of time, bandwidth, and resources. The Permanent Commission has contracted with Pivot Point Inc., which specializes in organizational management, to guide the strategic planning process. Through this relationship, the Permanent Commission also drafted its bylaws, which are expected to be ratified in March of 2022. This work is an ongoing and a routine part of meetings and operations.*

*Both commissioners and staff look forward to strategic planning and visioning that will begin to set the middle and longer term goals of the Permanent Commission, as well as prepare for permanent staffing.*





## **II. Advising Maine Government**

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The practice of advising and consulting all three branches of state government is central to the work of improving the status of impacted populations. Since the Permanent Commission's establishment as an independent entity within state government, this work has manifested in three main forms.

### **1**

#### **Statutory**

The Legislature has passed laws that direct the Permanent Commission to conduct studies and produce reports on various aspects of racial disparities within Maine.

### **2**

#### **Advocacy**

The Permanent Commission has continued its practice of advocating for legislation that would improve the status of racial, Indigenous and tribal populations in Maine.

### **3**

#### **Consultation**

The Permanent Commission has been engaged to consult with agencies within the Executive Branch to inform their work.

# Statutory Work

LD #	TITLE	CONTENT EXPERTS	STATUS
870	Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study the Impact of Policies Regarding Agriculture, Access to Land, Access to Grants and Access to Financing on African-American and Indigenous Farmers in the State	Lokotah Sanborn, Penobscot Community Organizer and Researcher Jim Hanna, Cumberland County Food Security Council Dustin Ward, It Is Time, LLC Meadow Dibble, Ph.D., Permanent Commission	Submitted
1113	Resolve, To Direct the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study and Propose Solutions to Disparities in Access to Prenatal Care in the State	Destie Hohman Sprague, Maine Women's Lobby Advisory Group (assembled for report)	Submitted
1226	Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice	Jeremy Mack, Restorative Justice Project Maine	In Progress
1441	An Act To Create a James Weldon Johnson Annual Observance Day and an Observance Task Force	Meadow Dibble, Ph.D., Permanent Commission	In Progress
1548	Resolve, To Alleviate the Disproportionate Impact of COVID-19 and Public Health Outcomes	Deborah Deatruck, MPH	In Progress
1591	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names	Meadow Dibble, Ph.D., Permanent Commission	Submitted
1934	Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names	Meadow Dibble, Ph.D., Permanent Commission	Not enacted

## LEGISLATIVE ADVISORY ROLE

When the COVID-19 public health crisis brought the 129th second regular legislative session to a halt, the Permanent Commission began a collaborative process 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. These legislators volunteered their time to work with commissioners; at this time, the Permanent Commission had no staff.

The Permanent Commission and legislators examined 455 pieces of legislation and found that 46 active bills would address racial disparities. Ten core categories of disparity were identified, and the 46 bills were categorized by the particular disparity, or disparities, they would address. The Permanent Commission's **2020 Report to the Legislature** recommended the passage of all 46 bills.

The ten core categories of disparity identified during this bipartisan process continue to guide the Permanent Commission's work and played a central role in its first public forum. The ten core categories of disparity that guide the Permanent Commission's work are: Basic Rights, Basic Needs, Criminal Justice, Education, Employment and Workers' Rights, Health Care, Housing and Homelessness, Juvenile Justice, Tribal Sovereignty, and Wealth and Income. The area of 'environmental impact/justice' is an emerging area of importance and interest of the Permanent Commission, attendees of the public forum, and agencies seeking consultation with the Permanent Commission.

The Permanent Commission's Legislative Committee has been active during the 130th Legislature as well. The committee has reviewed and made recommendations with staff for submitting testimony on pending legislation. The Legislative Committee has used the ten core categories of disparity identified in the 2020 Report to the Legislature as a guide in this work.

In addition to legislative advocacy on bills, the Permanent Commission's work has informed the creation of a new legislative process for evaluating the racial impact of bills before the Legislature, as well as legislation to provide critical tools for studying racial disparities in Maine.

# LD 2

## An Act To Require The Inclusion Of Racial Impact Statements In The Legislative Process

For generations, the United States has implemented policies that have either directly or indirectly disadvantaged racial, indigenous, and tribal populations. The impact of this has been a system of structural racism that manifests itself in the disparities faced by these historically disadvantaged communities. Maine is not immune to the issue of structural racism.

The 2020 process of reviewing pending bills in the 129th Legislature allowed the group to narrow down and identify bills that would have the largest likely impact on increasing racial equity in our state. The exercise proved the value of this type of analysis. Among the Permanent Commission's 2020 recommendations to the 130th Legislature was a proposal to "[institutionalize] a process to view legislation through a racial equity lens". With the **passage and implementation of LD 2**, the State of Maine took a significant step toward realizing this goal.

The pilot program launched in 2021 is underway and will help the Legislature determine how best to integrate racial impact statements into full practice. Ultimately, based on that pilot program, the legislature will determine what further action to take in regard to the implementation of racial impact statements.

The Permanent Commission believes that racial impact statements are an important tool in addressing racial disparity in policy making. Racial impact statements would provide a similar function as fiscal and environmental impact statements. By establishing a system to provide an analysis of a bill's potential racial impact, legislators can make better informed policy decisions and would be less likely to pass legislation that replicates structural inequities. Racial impact statements will not end racism in Maine. However, by taking active measures to address racial disparity in the way legislation is crafted, we start the work of building a more equitable state for all Mainers.

# LD 1610

## **An Act To Promote Equity In Policy Making By Enhancing The State's Ability To Collect, Analyze And Apply Data**

Racial disparities are a ubiquitous and ever-present problem persistent throughout all aspects of public life. The problems are real, they are pervasive, and they are unacceptable. If we are to begin to address racial disparities in Maine, we must first be willing to confront the shortcomings of our data-collection system. Achieving equity requires intentional action informed by accurate data, research, and analysis. And it must be accessible.

Much of the data critical to the Permanent Commission's mission of examining racial disparities in Maine exist in incompatible "silos" within separate government agencies, if it exists at all. In order for racial impact statements to give lawmakers a full picture of how proposed laws will impact different racial groups, we need better data about populations in Maine today.

LD 1610 creates steps to allow standardized demographic data to be shared and published across state government agencies, promoting transparency, access to services, and privacy protection standards. Improved demographic analysis and data publication will allow for greater public engagement in the legislative process, the Census, redistricting, and other public policy processes that rely on this data.

It is of utmost importance to the Permanent Commission to acknowledge that data has often been used to further disadvantage communities of color. Without this acknowledgement, and without a process that promotes transparency and privacy in data broadly, we believe true equity will not be achieved.



## **EXECUTIVE ADVISORY ROLE**

The Permanent Commission has also begun to receive requests for advice from various agencies within the Executive Branch. While this area of work is new and emerging, the Permanent Commission welcomes the opportunity to bring the voices of lived, and living, experience to the table. The following are examples of larger collaborative efforts and do not encompass all consultative engagements.

### **Advising The Governor's Office On Policy Innovation And The Future**

In December of 2021, the Permanent Commission was welcomed by the Governor's Office of Policy Innovation and the Future (GOPIF) to provide input on LD 1682, "An Act to Require Consideration of Climate Impacts by the Public Utilities Commission and to Incorporate Equity considerations in Decision Making by State Agencies." This Act named GOPIF, in consultation with stakeholders, to report to the legislature about ways to incorporate equity considerations in the Department of Environmental Protection (DEP) and Public Utilities Commission (PUC), as well as to develop definitions of "environmental justice," "environmental justice populations," and "frontline communities." In developing their report, GOPIF requested the Permanent Commission's perspective on specific questions including, but not limited to:

- What are important components of an environmental justice definition in Maine?
- What are important components of a frontline communities definition in Maine?
- How can state decision-making processes be more inclusive and equitable?

To center the voices of racial, Indigenous, and tribal populations in its advisory work, the Permanent Commission held a community roundtable discussion in February of 2022. The Permanent Commission invited a variety of directly impacted community members and frontline climate justice advocates to discuss environmental justice, LD 1682, and the above questions. Drawing on the experiences, input, and perspectives offered by community members and commissioners during this roundtable, the Permanent Commission developed recommendations for GOPIF and returned these recommendations verbally and as a written report.

### **Advising The Office Of The Maine State Treasurer**

In December of 2021, the Office of the Maine State Treasurer contacted the Permanent Commission for advice on pathways to integrate justice, equity, diversity, and inclusion (JEDI) into Treasury workflows. The Permanent Commission established a subcommittee of commissioners tasked with engaging the Treasury on an ongoing basis. This subcommittee has begun meeting with the Treasury to gain a deeper understanding of the Office of the Treasury's operations as well as to collaboratively identify areas where further action can be taken to meet the goals of JEDI integration.

### **Advising The Maine CDC on COVID-19 Vaccine Distribution Plan**

The Permanent Commission met with Dr Nirav Shah, head of the Maine CDC, in December of 2020 as the state was forming its plan to distribute the new COVID-19 vaccine. The Commission offered Dr Shah advice on ensuring that vulnerable BIPOC individuals in Maine had adequate and timely access to vaccines. This included suggestions on the location of vaccination sites, ways to combat vaccine hesitancy among BIPOC communities, and ensuring equity within the prioritization schedule for vaccinations.

The advice of the Permanent Commission contributed to a relatively successful vaccine rollout in Maine. During the first stage of the pandemic, Maine had the worst racial disparities of any state, with Black Mainers more than 20 times as likely to contract COVID-19 as white Mainers. The conscious attention paid to racial equity in the vaccination contributed to people of color in Maine having generally higher vaccination rates than white Mainers, and the disparity in infection rates having shrunk dramatically.

### **LOOKING TO THE FUTURE: EXPANDING ADVISORY WORK**

*The Permanent Commission is committed to fully realizing its charge of advising and consulting all three branches of government with the goal of improving the status of historically disadvantaged communities. Our work is just beginning. Many of the steps ahead will be determined through a strategic planning process. However, some initial next steps are clear.*

*The creation of standing committees to advise the Executive and Judicial Branches is essential. While the work to advise the Executive Branch has begun, this work has been done on an ad hoc basis and will require a full standing committee to conduct this work in the future.*

*The Permanent Commission will continue to work with various stakeholders as requests for advising come to it. For example, the Permanent Commission has worked ongoing to support and enhance provisions to the amended version of LD 174, "An Act To Implement the Recommendations of the Ending Humber by 2030 Advisory Group," especially with regard to advisory committee composition. The Permanent Commission looks forward to future collaboration that advances racial equity and reduces disparities in Maine.*





# III. Community Engagement

Community engagement lies at the heart of the Permanent Commission’s mission and shapes the way we carry out our work. In statute, the Permanent Commission is tasked with the duty to seek public input at an annual hearing and holds the power to conduct additional community engagement opportunities as a means of gathering information from and offering information to historically disadvantaged racial, Indigenous, and tribal populations.

Building upon this charge, the Permanent Commission leverages community engagement opportunities in order to center and amplify the voices of historically disadvantaged populations. More than informants or consultants, we consider members of these communities to be essential partners helping to define the Permanent Commission’s direction and approach.

Over the past year, the Permanent Commission held several events that are detailed in this section.

As we continue to grow, we are committed to employing a community-engaged approach in every project we undertake. Our ability to meaningfully engage with and learn from historically disadvantaged communities and to bring their concerns to state government constitutes our core strength and highest charge.

**“This project is important in elevating the historical heritage of Black people in Maine. We don’t often think of Maine’s historical Black communities spread throughout the state, but folks need to know of our presence then and now.”**

– Adilah Muhammad, The Third Place

**“You don’t need one [DEI Coordinator] here, and one there, and one there. You need an actual office in order to tackle this thing called systemic racism.”**

–Regina, Cumberland County

## ANNUAL PUBLIC HEARING

On December 9, 2021 the Permanent Commission hosted its first Public Forum, with a goal to educate the public about the Commission’s mission and structure as well as to hear public comment. Over 300 people registered to attend this forum from all 16 of Maine’s counties.

The forum lasted a total of two hours and thirty minutes. During the first 30 minutes the Permanent Commission shared an overview of its mission and structure. Over the remaining two hours, attendees offered oral and written comments. To guide public comments, the Permanent Commission requested that attendees relate their comments to at least one of the ten categories of disparity identified in its [2020 Report to the Maine Legislature](#).

At the outset of the hearing, the Permanent Commission asked attendees to identify their priorities; 228 engaged the survey questions offered. Attendees were asked to 1) identify the categories of disparity most important to address in Maine, and 2) identify their top three priorities out of what they ranked. Out of the 228 respondents for the first question, 181 identified Tribal Sovereignty as a priority. Out of 85 respondents who engaged the second question, 57 respondents identified Tribal Sovereignty as the top priority. While this survey and sample size is small, we find it striking and telling.

All told, the Permanent Commission heard and responded to 23 oral comments over a two-hour period. Notable themes discussed at the forum include education, community engagement, basic rights, justice, health care, and overall support for the Permanent Commission. Many comments discussed the teaching of Black and Indigenous studies in schools, centering the goal to preserve truth in education as well as the goal to

fully implement LD 291, “An Act to Require Teaching of Maine Native American History and Culture in Maine’s Schools.” Attendees also expressed support for better integrating diversity, equity, and inclusion into state government, as well as support for affordable housing and expanding broadband. Discussing “basic rights,” meeting participants brought up concerns regarding the water quality at Sipayik as well as general concerns regarding racial disparities in environmental justice. Participants who mentioned “justice” highlighted the racial disparities presently found in Maine’s justice system and advocated for divestment away from the carceral system.

The Permanent Commission looks forward to hosting its second statewide public forum over the coming year so it might continue to center the priorities of racial, Indigenous, and tribal populations in its work.

### OTHER COMMUNITY GATHERINGS

Alongside the annual public forum, the Permanent Commission also hosted several targeted public events. These events allowed the Permanent Commission to center the most relevant, impacted community members at the forefront of its work. These events showcase the ability of the Permanent Commission to uplift key racial, Indigenous, and tribal stakeholders in its work addressing systemic racism in Maine.

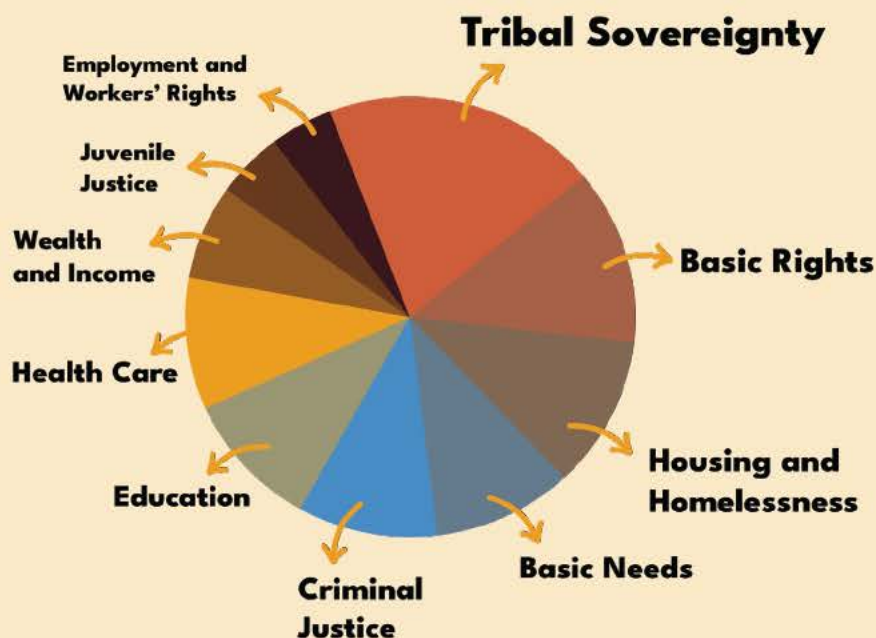
### James Weldon Johnson

With the passage last spring of **LD 1441**, Maine will now recognize every June 17 as James Weldon Johnson Day. The bill further entrusted the Permanent Commission with establishing an Observance Task Force to develop cultural and educational programming aimed at pursuing Mr. Johnson’s commitment to ending systemic racism while exploring opportunities to memorialize his life.

As the first step in this process, the Permanent Commission collaborated with local and national organizers to design a day-long event in Wiscasset honoring the great Civil Rights leader and author of “Lift Every Voice and Sing.” On Saturday, October 23, 2021, more than 40 people gathered to learn about and celebrate Mr. Johnson, whose exemplary life in service of racial justice began in Jacksonville, Florida, in 1871, and ended all too soon in Wiscasset, Maine, in 1938.

As of June 17, 2022, this quintessential coastal town will serve as the premier site in our state for activating public memory around the renowned novelist and diplomat’s legacy, with exciting implications for cultural tourism. A Task Force made up of 23 accomplished individuals was created in January 2022 and now meets regularly to solicit input from a broad range of stakeholders and engaged citizens as they draft plans to commemorate this seminal figure of our nation’s history through celebrations and educational initiatives.

## Top Priority of Public Hearing Respondents



## LD 1682 Roundtable

As detailed in Section II, the Permanent Commission engaged with the Governor's Office of Policy Innovation and the Future (GOPIF) to provide input on LD 1682, "An Act to Require Consideration of Climate Impacts by the Public Utilities Commission and to Incorporate Equity considerations in Decision Making by State Agencies."

To center the voices of impacted racial, Indigenous, and tribal populations in its advisory work, the Permanent Commission held a community roundtable discussion on February 3rd, 2022, inviting a variety of directly-impacted-community members and frontline-climate justice advocates to discuss environmental justice. Drawing on the experiences, input, and perspectives offered by community members and commissioners during this roundtable, the Permanent Commission developed recommendations for GOPIF and returned these recommendations as a written report.

## Offensive Place Names

The Permanent Commission is collaborating with various local historical societies and organizations to design and host an event series that will take place over the coming months geared toward communities in Maine with geographic features that bear offensive names.

In the course of researching the status of offensive place names in Maine pursuant to [LD 1591](#), it became apparent that many municipalities throughout the state must engage a process that is at once difficult to navigate and fraught with both practical and ethical challenges.

To address the need for public education related to the name-change process, this online event series will feature national content experts as well as state leaders and will be free and open to the public. Panel discussions will center on such topics as Language and Racism, Is Changing Place Names Erasing History?, Regional & National Renaming Efforts, Eradicating Offensive Place Names Through Policy in Maine, Renaming 101, and Local Black History in Public Education.

## LOOKING TO THE FUTURE: BRINGING THE PERMANENT COMMISSION TO THE PEOPLE

*The Permanent Commission is committed to centering the voices of historically disadvantaged racial, Indigenous, and tribal populations at the forefront of its work. The strength and value of the Permanent Commission stems from its ability to uplift the words, values, and goals of these communities. Over the coming year, the Permanent Commission will continue its efforts in community engagement through its annual forum, alongside truth-seeking work, and other targeted events as detailed below.*

- In January of 2022 the Permanent Commission embarked on a process with the University of Southern Maine Cutler Institute to explore truth-seeking strategies for the State of Maine. The team of experts at the Cutler Institute who led the "Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission" now assist the Permanent Commission in developing a statewide truth-seeking process. Central to the mission of the Permanent Commission, this truth-seeking work will be ongoing. The Permanent Commission is excited to continue on with this effort over the coming year.*
- The Permanent Commission plans to host a series of targeted public events to continue introducing itself to the racial, Indigenous, and tribal communities across Maine. At present, the Permanent Commission's standing committee on Community Engagement is planning meetings with communities such as: the unhoused/homeless community in Portland, migrant workers in Washington county, and Community Development Financial Institution (CDFI) leadership throughout the State. Alongside these community engagements, the Permanent Commission also expects to host issue-specific public engagements to guide and support its role advising all three branches of government.*



# IV. Conclusion

As part of the 2020 Report to the Legislature, the Permanent Commission identified seven guiding principles for members of the 130th Legislature. The Permanent Commission reaffirms these guiding principles and confirms their applicability to all three branches of government, at the local, state and federal levels.

## **Building awareness of racial disparities takes resources.**

We know that there are many gaps in the data that are 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. That is why the Permanent Commission strongly urges the passage of LD 1610, "An Act To Promote Equity In Policy Making By Enhancing The State's Ability To Collect, Analyze And Apply Data."

## **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. That is why the Permanent Commission urges **continued funding to expand the necessary capacity for the Commission to conduct this work.**

## **Financial and human resources must be allocated to eliminate the disparities caused by Structural Racism.**

Much of what is needed to reverse the effects of racism requires resources. We urge leaders to resist falling into a mentality of scarcity and austerity if doing so means delaying the changes that are needed. The state's wealth falls disproportionately along racial lines. Much of that wealth has direct or indirect historical roots in racist institutions,

laws, policies, and practices. If we as a state aim to reverse the centuries-long effects of racism, state government must support and advocate for the allocation of financial and human resources for this purpose.

## **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. That is why the Permanent Commission strongly urges **continued commitment to establishing the Racial Impact Statement process initiated with LD 2.**

## **Developing solutions should be led by impacted communities.**

For solutions to truly be impactful, this must include representation from these populations within government, including leadership roles. For years, there has been representation from impacted communities but these have advisory roles at best.

## **Policies that affect tribal nations in Maine must be enacted in a government-to-government relationship.**

The Wabanaki people have lived in the region we now call Maine for millennia. Our/Their sovereignty long predates the State of Maine. To move forward in a constructive manner, state government must work as equals with tribal governments. This is why the Permanent Commission strongly urges the passage of LD 1626, "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Land Claims Settlement Implementing Act."