

**SENATE**

**ANNE M. CARNEY**, DISTRICT 29, CHAIR  
**HEATHER B. SANBORN**, DISTRICT 28  
**LISA M. KEIM**, DISTRICT 18

**MARGARET REINSCH**, SENIOR LEGISLATIVE ANALYST  
**SAM SENFT**, LEGISLATIVE ANALYST  
**SUSAN PINETTE**, COMMITTEE CLERK



**HOUSE**

**THOM HARNETT**, GARDINER, CHAIR  
**CHRISTOPHER W. BABBDIGE**, KENNEBUNK  
**LOIS GALGAY RECKITT**, SOUTH PORTLAND  
**STEPHEN W. MORIARTY**, CUMBERLAND  
**ERIN R. SHEEHAN**, BIDDEFORD  
**DAVID G. HAGGAN**, HAMPDEN  
**JENNIFER L. POIRIER**, SKOWHEGAN  
**LAUREL D. LIBBY**, AUBURN  
**JAMES E. THORNE**, CARMEL  
**JEFFREY EVANGELOS**, FRIENDSHIP  
**RENA D. NEWELL**, PASSAMAQUODDY TRIBE

**STATE OF MAINE**  
**ONE HUNDRED AND THIRTIETH LEGISLATURE**  
**COMMITTEE ON JUDICIARY**

May 19, 2022

**TO:** Speaker Ryan Fecteau, Chair Legislative Council  
Members, Legislative Council

**FROM:** Senator Anne M. Carney, Senate Chair *AC*  
Representative Thom Harnett, House Chair *TH*  
Joint Standing Committee on Judiciary *MR*

**Re:** Racial Impact Statement Report

The Committee on Judiciary submits this memo pursuant to Public Law 2021, chapter 21 and the guidance letter from the Legislative Council Subcommittee to Implement a Racial Impact Statement Process Pilot.

The Legislative Council Subcommittee selected two potential LDs for inclusion in the pilot under the jurisdiction of the Judiciary Committee:

- LD 982, An Act To Protect against Discrimination by Public Entities
- LD 1068, An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment.

A 13-1 majority of the Judiciary Committee voted Ought Not To Pass on LD 1068 on January 13th; the Judiciary Committee did not receive a racial impact statement on LD 1068.

Below, please find the Judiciary Committee's responses to the questions posed by the Legislative Council in the guidance letter with regard to LD 982.

*1. Whether the timeframe in which the racial impact statement was provided to the committee was useful, or whether receipt of the racial impact statement at a different point in time might have proven more useful?*

LD 982 was carried over by the Judiciary Committee for the collection of additional information and redrafting unrelated to the racial impact statement process. The draft amendment was developed without information provided through the racial impact process. The Racial Impact Statement did, however, address the policy change LD 982 sought to accomplish and the statement was relevant to the committee's work on the bill.

*2. How much, if any, additional time did the committee devote to discussion and consideration of the bill as a result of the racial impact statement?*

The Preliminary Racial Impact Statement for LD 982 was provided to the committee members and posted on the Judiciary Committee's LD 982 webpage on March 7th. On March 11, 2022, the Judiciary Committee held a work session on LD 982. Staff reviewed the preliminary racial impact statement with the committee before the committee discussed the substance of the proposed amendment, which replaced the bill. Although the statement provided that "Assessing the full impact of this statutory change was not feasible within the timeframe of this pilot", the statement did provide an estimate of the total population that could be affected by the amendment, and the percent of those who are identified as BIPOC.

*3. Whether the information provided in the racial impact statement served to advance discussion of the bill in committee?*

The committee members discussed the Maine Human Rights Act and the classes protected under the Act, but the members did not specifically discuss the information in the statement. Some committee members found the information helpful and feel it aided in evaluating the legislation.

*4. Whether information provided in the racial impact statement influenced the development by the committee of amendments to the bill?*

The proposed committee amendment was developed during the interim and the wording of the amendment was not changed after receipt of the racial impact statement.

*5. Whether the information provided in the racial impact statement had an impact on the committee's vote on the bill?*

Although no member of the Judiciary Committee explicitly stated during the work session that the information provided by the racial impact statement affected how that member voted on the proposed amendment to LD 982, the information did impact some members' vote and subsequent advocacy for the bill's passage in the chambers and efforts related to appropriations.

*6. Any additional observations or suggestions concerning the racial impact statement process pilot:*

The Judiciary Committee members would appreciate the opportunity to experience implementation of the Racial Impact Statement process in the First Regular Session. A suggested process could be: (1) Have the committee identify during the first session legislation that needed additional work and/or would benefit from a racial impact analysis; (2) Carry over the bill; (3) Receive statement at beginning of second session; (4) Complete work on bill after reviewing the racial impact analysis.

The Judiciary Committee appreciates this opportunity to provide feedback on the racial impact statement pilot. We would be happy to answer any questions.