



SUIT UP MAINE

Feb. 3, 2020

Senator Baldacci, Representative Matlack, and honorable members of the Joint Standing Committee on State and Local Government:

My name is Kelli Whitlock Burton and I am a resident of Waldoboro and co-leader of Suit Up Maine, an independent, all-volunteer constituent action group representing more than 5,000 Mainers in all 16 counties. I offer this testimony in support of LD 2, An Act To Require the Inclusion of Racial Impact Statements in the Legislative Process.

Last summer, racial disparities in Maine were laid bare when it was reported that our state had the nation's highest racial disparity in COVID-19 cases.¹ Despite making up just 5.7% of Maine's population, Black, Indigenous, and other People of Color (BIPOC) accounted for 33% of those who had tested positive for COVID-19 as of June 2020.² While this news made national headlines, it came as no surprise to BIPOC and racial justice advocates in Maine. In a state where nearly 95% of the population is white, the subject of race has been too often ignored in public policy, a glaring omission that LD 2 seeks to address by incorporating racial impact statements into the legislative process.

To better demonstrate the need for action on racial inequities in our state, we only need to look at the data:

- Black Mainers are nearly 6 times more likely to be arrested than whites. A 2019 report found that while Black people made up just 1% of the state's population, they represented 5% of the arrests and 16% of Class A felonies in Maine in 2018.³ That report also found that in nearly one-quarter of arrests, law enforcement officers failed to record any race data at all.
- Racial inequities are evident in Maine's schools as well. A 2019 study of Portland Public Schools found that 21% of Black students met or exceeded achievement standards in language arts compared to 74% of white students.⁴

¹ "Maine has nation's worst COVID-19 racial disparity," Portland Press Herald, June 22, 2020.
<https://www.pressherald.com/2020/06/21/maine-has-nations-worst-covid-19-racial-disparity/>

² Permanent Commission on The Status Of Racial, Indigenous And Maine Tribal Populations Committee, An Overview Of Maine's Growing Coronavirus Racial Disparities reports presented to the Committee On Appropriations And Financial Affairs. <https://legislature.maine.gov/doc/4205>

³ Justice Reinvestment in Maine report, Council on State Governments Justice Center, 2019.
<https://csgjusticecenter.org/projects/justice-reinvestment/current-states/maine/>

⁴ "Audit reveals what students achieve in Portland Public Schools can depend on their race," News Center Maine, Aug. 14, 2020.

<https://www.newscentermaine.com/article/news/education/audit-found-racial-disparities-in-student-achievement-in-portland-public-schools/283-f320d7bf-4c4e-49da-b085-c826ed717692>

- Black workers in Maine make less than white workers: a Black man with a high school degree earns nearly \$2 an hour less than his white counterparts; a Black man with a college degree makes nearly \$5 an hour less.⁵
- The difference in socioeconomic status in Maine is stark: 10.2% of white Mainers live below the poverty line compared to 29.1% of Blacks and 15.1% of Indigenous people.⁶
- Black and Hispanic non-elderly Mainers are more likely to be uninsured than whites. In 2019, 10.5% of Blacks and 10.3% of Hispanics were uninsured compared to 9.8% of whites.⁷

Reports such as these are why the Permanent Commission on the Status of Racial, Indigenous, and Maine Tribal Populations included in their recommendations for the Maine Legislature the passage of a bill like LD 2.⁸ This measure would allow legislators to request racial impact statements to measure how proposed legislation might create new or deepen existing racial disparities in Maine. Legislators already use impact statements to predict unforeseen economic or environmental harms before a bill is passed. Racial impact statements offer a similar tool to predict how proposed legislation might negatively affect racial and ethnic populations. Long viewed as a crucial vehicle for dismantling systemic racism in the criminal justice system, racial impact statements are being used across the country to draft legislation in a number of areas, ranging from education policy to budgeting.⁹ The nation's first law requiring racial impact statements was passed in Iowa in 2008. Since then, at least 13 other states have passed or introduced similar measures.¹⁰ LD 2 would commission a study of how racial impact statements have been employed in those other states and how they could be generated and used in Maine, with a pilot project launching in January 2022 during the 130th Legislature's second regular session. Depending on the results, racial impact statements could be fully implemented beginning in 2023.

Systemic racism is woven into the fabric of our nation's history. But it does not have to be a part of our future. LD 2 is a step toward not only understanding racial disparities in Maine, but also toward addressing them in tangible ways that will improve the lives of BIPOC in our state. I urge you to support this bill. Thank you.

Kelli Whitlock Burton
Co-Leader, Suit Up Maine

⁵ "Data on racial inequality shows need for solutions to advance racial justice," Maine Center for Economy Policy, June 3, 2019.

<https://www.mecep.org/maines-economy/fact-sheet-data-on-racial-inequality-shows-need-for-solutions-to-advance-racial-justice/>

⁶ Poverty Rate by Race/Ethnicity, Kaiser Family Foundation, 2019.

<https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/>

⁷ Uninsured Rates for the Nonelderly by Race/Ethnicity, Kaiser Family Foundation. 2019.

<https://www.kff.org/uninsured/state-indicator/nonelderly-uninsured-rate-by-raceethnicity/>

⁸ Recommendation to the Legislature, Permanent Commission on the Status of Racial, Indigenous, and Maine Tribal Populations, September 2020. http://www.maine.gov/labor/pcrit/reports/2020_LegReport.pdf

⁹ Erickson, J. Racial Impact Statements: Considering the Consequences of Racial Disproportionalities in the Criminal Justice System. 89 Wash. L. Rev. 1425 (2014). <https://digitalcommons.law.uw.edu/wlr/vol89/iss4/12>

¹⁰ Porter ND. Racial Impact Statements. The Sentencing Project. Sept. 30, 2019.

<https://www.sentencingproject.org/publications/racial-impact-statements/>