

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 5 - L.D. 2

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

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

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

CHAPTER 7

RACIAL IMPACT STATEMENTS

§201. Information regarding racial impact statements

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

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

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

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

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

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

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

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

- A. What has been done in other states to accomplish the development and use of racial impact statements;
- B. What data, analysis or other information is needed to produce a racial impact statement and what the best source of that data, analysis or other information is, such as, but not limited to, an executive branch department or agency;
- C. Specific policy areas that would benefit from the use of racial impact statements, including, but not limited to, education; health care; employment, including wages; housing, including home ownership; and criminal justice and public safety;
- D. The costs of implementing the use of racial impact statements, either on a limited basis, such as for certain committees, policy areas or instruments, such as committee or floor amendments, or for all joint standing committees and all legislation; and
- E. Anything else the Legislative Council considers relevant.

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

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

- A. Which joint standing committees will participate in the pilot project, which must be at least one but not more than 4;
- B. What legislation, such as bills, committee amendments and floor amendments, will be subject to racial impact statement review;
- C. What standards will be used to review legislation under paragraph B;
- D. What resources or adjustments to the committee process will be needed to facilitate the inclusion of racial impact statements;
- E. The cost required to implement such a pilot project;
- F. Information or other resources needed to compile racial impact statements; and
- G. Any other information relevant to the Legislative Council.

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

- A. The number of pieces of legislation and the types of legislation for which racial impact statements were requested and used;
- B. The manner in which the racial impact statements were obtained or developed;
- C. The amount of time, both as an average and individually, needed to develop each racial impact statement; and
- D. The cost, if any, to the joint standing committee from obtaining or developing racial impact statements.

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