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**Testimony of Joby Thoyalil, Maine Equal Justice
In support of LD 2, An Act To Require the Inclusion of Racial
Impact Statements in the Legislative Process**

February 3, 2021

Good morning Senator Baldacci, Representative Matlack and members of the Joint Standing Committee on State and Local Government. My name is Joby Thoyalil and I am a senior policy advocate at Maine Equal Justice, a nonprofit legal aid organization working to increase economic security, opportunity, and equity for people in Maine. I also have the honor of serving as a Commissioner on the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations and I help to coordinate the Maine Coalition on Racial Equity (CORE). I am testifying on behalf of Maine Equal Justice in support of LD 2.

What the Bill Does

LD 2 sets up a process to review legislation to see what impact it would have on historically disadvantaged racial populations. First, the bill would allow legislative committees to ask for, and receive, data necessary to assess a bill's potential impact on racial and ethnic minorities. Second, the bill sets up a process to study and pilot racial impact statements in the short legislative session in 2022. Lastly, it instructs the Legislative Council to assess the pilot project and recommend a plan to the next legislature to either expand or eliminate the use of racial impact statements.

Why we Support It

Data tells us that there are significant socio-economic disparities based on race, ethnicity, and tribal status in Maine. We see this when we look at the data in systems like education, health care, housing, employment, income, wealth, criminal justice, and more. Since these systems all intersect and contribute to overall wealth, it's not surprising that we see some of the starkest of these disparities in poverty rates. For us at Maine Equal Justice, this is most notable when looking at poverty among Maine's children. While approximately 15 percent of white children in Maine live in poverty, the rate is 44 percent for American Indian children and over 45 percent for children from Black or African American families.¹ These racial disparities are simply unacceptable.

¹ The Annie E. Casey Foundation Kids Count Data Center. *Children in poverty by race and ethnicity (5 yr ACS) in Maine*. 2018. Retrieved February 2, 2021 from: <https://datacenter.kidscount.org/data/tables/9738-children-in-poverty-by-race-and-ethnicity-5-yr-acs?loc=21&loct=2#detailed/2/any/false/37,871,870,573,869/10,11,9,12,1,13,185/19003>

The disparities we see in different areas are the result of a complex set of factors, including unfair laws and policies. As lawmakers, you have a significant role in not only working to undue the effects of structural racism in our laws, but to also prevent further harm as you consider new laws. Furthermore, you have the opportunity to be proactive with policies that intentionally work to reduce disparities. The stark racial disparities in child poverty in our state won't begin to change until we craft laws that explicitly target those disparities.

To do any of this, lawmakers need the best information available so as to inform their decisions around questions of positive or negative racial impact. The premise behind racial impact statements is that they present objective facts that lead to better-informed decision-making. Similar to fiscal notes, they allow lawmakers to be more intentional about the effects of the laws they enact.

Looking at the data and discussing race has never been a central part of crafting legislation in Maine. That's why last summer the Permanent Commission worked with 55 volunteer legislators, including several members of this committee, to attempt to assess the racial impact of bills then pending before the 129th Legislature. Even though the 129th Legislature did not return for a special session, the process was impactful in helping us identify which bills to recommend. That is why we included as a recommendation to the 130th that Maine "institutionalize a process to examine legislation through a racial equity lens," and so naturally, we were excited to see that Assistant Majority Leader Talbot Ross introduced this bill.

Maine Equal Justice uses racial impact statements to evaluate our major legislative priorities, so that we can better understand how to create policies that move Maine toward greater justice and fairness for all. They have helped us do better work for people of color in Maine and they can help the Maine Legislature as well.

Conclusion

While racial injustice directly harms people of color, its existence harms us all. While racial impact statements will not end racism, this is an action you as legislators can take now that will have a long-lasting impact. It took centuries to create today's inequities, and while it may take many years to eliminate them, this bill is an important first step that this legislature can take to send a clear message that Maine takes the issue of racial disparities seriously. For these reasons and more, LD 2 is a priority for Maine Equal Justice, the Maine Coalition on Racial Equity (CORE), the Permanent Commission, and many other organizations across the state.

Thank you for your consideration and I hope you will vote "ought to pass" on this bill.