

Justice for All

Policy Priorities for the
131st Maine Legislature



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

JANUARY 2024

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Justice For All Policy Recommendations

The scope of issues that intersect with racial justice work is broad and far-reaching. The policies supported here reflect the lived experiences of the communities the Permanent Commission engages and collaborates with. When we create policies that uplift the people harmed most by disparities and increase access to vital resources, everyone does better. The categories of legislation that appear in this report do not represent a comprehensive approach to eliminate all disparities in Maine. Instead, they reflect areas that we have heard from community members about the need to prioritize, as well as areas that the 131st Legislature has the ability to act on in the Second Regular Session.

Whether we're Black, brown, or white; Indigenous or newly-arrived immigrants, we all want our families to be happy and healthy, our dreams to be possible, and our communities to thrive. But depending on who you are or where you live, not everyone has the same opportunities for the basics of a fair and just society: health care when we need it, a safe place to call home, reliable transportation, honest work for a fair wage, and a feeling of connection and hope for the future.

Established by the Maine Legislature in 2019, the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations (the Permanent Commission) has a mission to examine racial disparities across all systems with a goal of improving the status and outcomes for historically disadvantaged people in Maine. The Permanent Commission is empowered to advise all three branches of Maine government and to introduce legislation. More information about the Permanent Commission's work can be found at: <https://www.pcritp.me>.

Our systems and structures don't work the same for everyone, and investments in our communities too often exacerbate disparities. Our age, skin color, hometown—these can all determine whether doors of opportunity are open or closed to us.

Systemic and structural racism (Figure 1) are a driving force behind many of the disparities we can see all around us.^{1,2} Black Mainers are more than nine times as likely to be incarcerated as white Mainers.³ Childhood poverty rates in Wabanaki tribal communities in Maine range from nearly three times to more than five times higher than Maine's overall childhood poverty rate.⁴ Maine ranks last in the nation on racial disparities in homeownership with only 27% of Black Mainers owning homes (compared with 76% of white Mainers).⁵ Mainers of color typically experience unemployment and poverty at twice the rate of white Mainers.⁶

Structural disparities are not limited to those based on race, however. A full analysis of quality-of-life outcomes should include disparities that white Mainers experience. The same structural factors that drive the racial disparities in our state impact families in rural Maine, whose kids are nearly twice as likely to experience poverty than more populated areas of the state.⁷

For far too long, Maine and the nation have allowed the structural factors that dictate these outcomes to continue. A policy approach that considers these factors is needed to prevent future generations from confronting the same cycles of injustice. Government has a key role to play.

This Justice for All Policy Priorities report is the product of a collaboration between the Policy Committee and staff of the Permanent Commission to prioritize the bills that will

be heard by the Maine Legislature in 2024. It has been developed to address pressing issues impacting racial, Indigenous, and tribal populations. Organized into six categories, these bills aim to enact meaningful change across critical areas. The rationale behind the selection of these bills is multifaceted, incorporating insights from community engagement, lived experience, existing research and data, an assessment of potential impacts on one or more areas of disparity, and recognition of community interest in these policy areas. This report is intended to serve as a guide for policymakers, presenting a strategic approach to legislative action that prioritizes equity, justice, and the well-being of all Maine people.

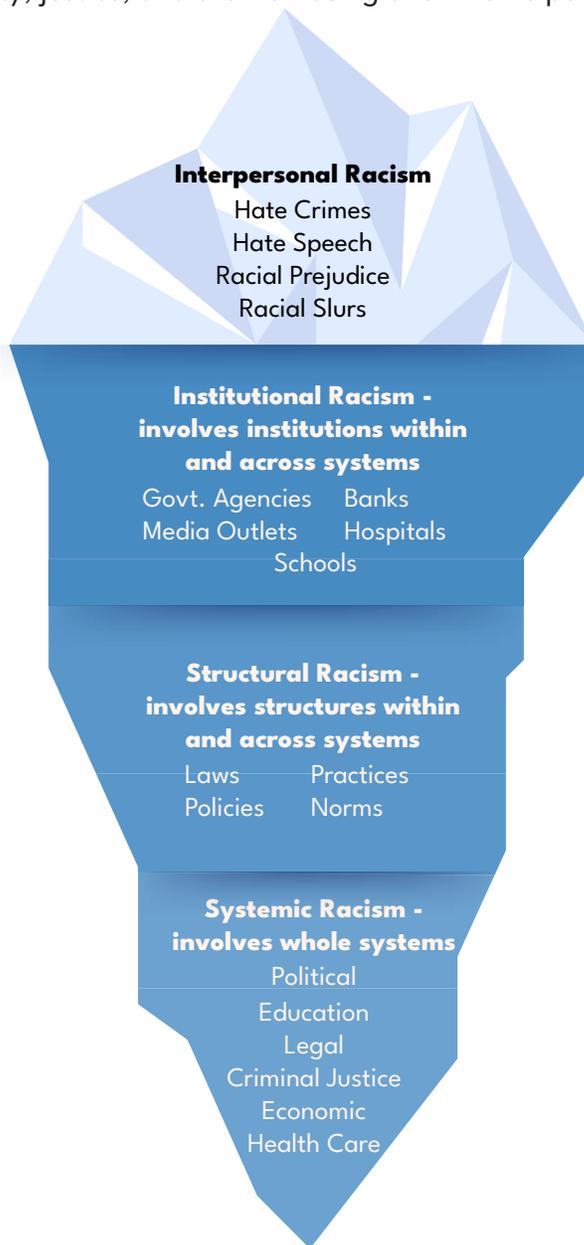


Figure 1. Systemic, Structural, and Institutional Racism are all terms that describe the way that racism becomes embedded in, around, and across our society in ways that privilege white people at the expense of Latino, Asian, Indigenous, and other racially-oppressed people. Definitions adapted from Lawrence, et al (2004) and Braveman, et al (2022).

Funding Our Future

Everyone, no matter what they look like or where they come from, deserves a safe home, enough food on the table, and access to the tools they need to build a bright future for themselves and their communities.

No matter our income, faith, or color, we all know what it's like to struggle. The last few years have taught many of us what it means to be a layoff, an illness, or a foreclosure away from fearing for our future. We all do better when every person and every family has a safe, affordable place to call home and enough food on the table. But those who benefit from an unjust system try to get us to blame each other for factors beyond any individual's control so we don't demand better. The Permanent Commission supports legislation that envisions a Maine where whatever your zip code, the color of your skin, or the contents of your wallet, you know that your family will be ok —where no matter what hardship you face, you know that you will have food on the table and a roof overhead. Creating a future where all Maine people, our families, and our communities can thrive requires active political intervention into long-standing social and economic processes that feed poverty cycles for rural, racial, Indigenous, and tribal populations.

Measures of Injustice

Maine is experiencing a severe affordable housing crisis, with the income needed to purchase a median-price home in the state far surpassing the median household income of Mainers (Figure 3).⁸ According to a 2023 report by the Maine State Housing Authority, the state would need to build 84,000 new homes in the next seven years to account for existing and anticipated demand across the state, a growth rate not seen in decades.⁸ While many of us feel the impacts of this rapid shift, our state's racial, Indigenous, and tribal populations are often the hardest hit.

Today, over 70% of Maine's Black residents are renters, compared with only 25% of the state's white residents, making it 50th out of 50 states on a national housing equity index.⁹ As these factors compound, we see racial disparities manifest not just in housing, but also in the state's unhoused populations. Since 2019, Maine has experienced a more than 3-fold increase in homelessness,¹⁰ with roughly 47% of those experiencing homelessness from Black communities, despite making up only 1.6% of the state's population.¹¹

Childhood economic well-being is another area where we see significant racial and

geographic disparities. While childhood poverty has declined in the last decade, systemic racism contributes to higher poverty rates among children of color both in Maine and the nation.¹² Black children in Maine experience poverty at more than double the rate of their white peers at 31.5% and 12.8%, respectively – and Indigenous children face similar disparities with a childhood poverty rate of 32.4% (Figure 4).¹³ Kids in rural Maine also experience higher rates of childhood poverty, at more than 20%, than those who live in more populated areas in Maine, at lower than 10% (Figure 2).¹³ Maine's benefit amount for families who receive Temporary Assistance for Needy Families (TANF) is the lowest in New England and is a contributing factor toward these disparities.¹⁴

Fortunately, we have compelling evidence that public policy can have a profound impact on reducing these disparities. Pandemic relief measures in 2020 and 2021 demonstrated the effectiveness of public policy in reducing child poverty, with the U.S. child poverty rate dropping by 46% in 2021 using the supplemental

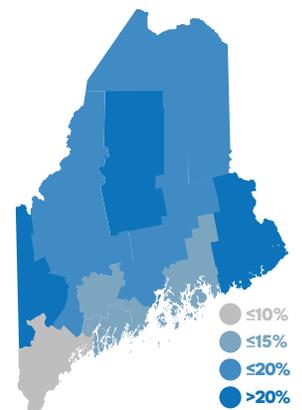


Figure 2. Childhood Poverty by County, 2021. Adapted from Maine Children's Alliance. (2023).

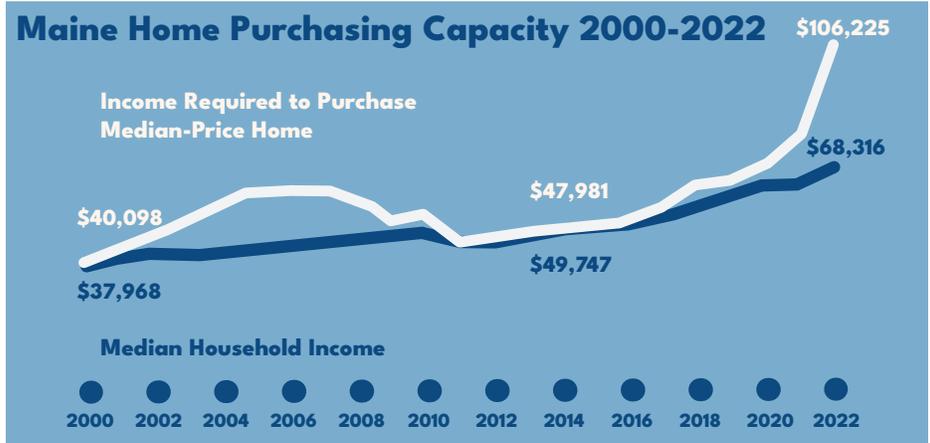


Figure 3. Maine's median home price far surpasses Mainers' ability to purchase. Adapted from HR&A Advisors. (2023).

poverty measure. The temporary expansion of the Child Tax Credit played a crucial role in this decline. When those payments stopped, many families experienced renewed economic hardship.¹³

Childhood Poverty By Race

Indigenous	32.4%
Black	31.5%
Multiracial	19%
Latino	16.9%
All Races	13.8%
White	12.8%
Asian	11.7%

Figure 4. Childhood Poverty by Race in Maine 2017 - 2021. Adapted from Maine Children's Alliance (2023).

Moving Toward Justice in 2024

BUILD NEW HOUSING

- **Pass LD 1074 - An Act to Authorize a General Fund Bond Issue to Fund New Affordable Housing for Low-income Households - for voter approval**
- **Fund LD 226 - An Act to Address Maine's Affordable Housing Crisis**

The creation of new, affordable housing is critical to addressing the disparities we have outlined. Private investment, while necessary, will not be sufficient to meet the need for 84,000 new homes by 2030 identified by MaineHousing. LD 1074 would provide \$100 million in bond funding for homeownership assistance and new affordable home construction. If it is approved by the Legislature, it will go to Maine voters for approval.

LD 226 would provide \$160 million from the state's budget (both the General Fund and Liquor Operation Revenue Fund) for homeownership assistance and new affordable home construction over the next four years.

In the crafting and implementation of these or similar policies, care must be taken to avoid mistakes that could continue or exacerbate existing disparities. The Permanent Commission recommends:

- Intentional outreach to communities that have historically been excluded from homeownership assistance programs.
- Any construction funding or contracts should consider whether the workers building these homes are fairly compensated and have a voice in their workplace.

PROVIDE RENTAL ASSISTANCE

- **Fund LD 1664 - An Act to Increase Reimbursement Under the General Assistance Program**
- **Pass LD 1710 - An Act to Establish the Maine Rental Assistance and Guarantee Program and Amend the Laws Regarding Tenants and the Municipal General Assistance Program**

Factors including rising housing costs and the end of federal pandemic housing assistance programs have led to a rise in need for alternative housing support across the state. General Assistance is a way for towns and cities to provide emergency assistance to keep residents safely housed. The increased need for rental assistance has put an enormous strain on General Assistance programs across the state.

LD 1664 provides support to municipalities providing this vital assistance by increasing the state reimbursement rate for General Assistance from 70% to 90%.

LD 1710 creates a statewide rental assistance program through Maine Housing that will relieve some of the pressure on General Assistance for housing needs and ensure wider participation from landlords.

PROVIDE MAINE KIDS WHAT THEY NEED TO THRIVE

- **Pass LD 1877 - An Act to Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families**

The additional support families received during the pandemic proved that putting our resources into families' economic well-being has a direct, positive impact on childhood poverty rates. LD 1877 leverages a federal program to put that lesson into action for Maine kids. Maine's TANF grant amount is nowhere near what families need to begin to lift themselves out of poverty—the goal of a temporary benefit program. This bill shifts the policy goal of TANF benefits from meeting the most basic needs of families to creating long-term stability. The bill makes several changes to the TANF program designed to break generational cycles of poverty and allow families to create the stability they need to build a brighter future. Some of these changes include increasing the amount of child support payments that pass through the state to directly support children, establishing a minimum housing support amount for eligible families, and increasing parents' access to education and training so they can support their families.

Tribal Self Determination

We all do better when we have the ability to choose our own path.

People in Maine know that our communities thrive when we have the ability to choose our own paths. The Wabanaki, the first people to call this land home, know this, too. The Permanent Commission strongly supports legislation that recognizes the inherent rights of Wabanaki tribal nations to self-determination so that all of us can grow and thrive together.

Measures of Injustice

The federal Maine Indian Claims Settlement Act of 1980 and the corresponding state implementing law (Settlement Acts) were the result of a dispute between the federal and state governments over Maine's illegal sale of 12 million acres of federally protected tribal lands. The Settlement Acts required the Wabanaki Nations to surrender their rights to these lands in exchange for a federally-funded pathway to purchase a small percentage of that land back.¹⁵ These laws also established a unique status for Wabanaki tribes which has allowed state government to block the applicability of federal Indian Law in Maine. This has prevented Wabanaki tribes from benefiting from the economic growth seen by other federally recognized tribes (Figure 5).² It has prevented tribal governments from accessing federal resources for disaster relief, environmental regulation, and other programs that could improve life for tribal citizens and their non-tribal neighbors in some of the most rural parts of Maine (Figure 6).¹⁶

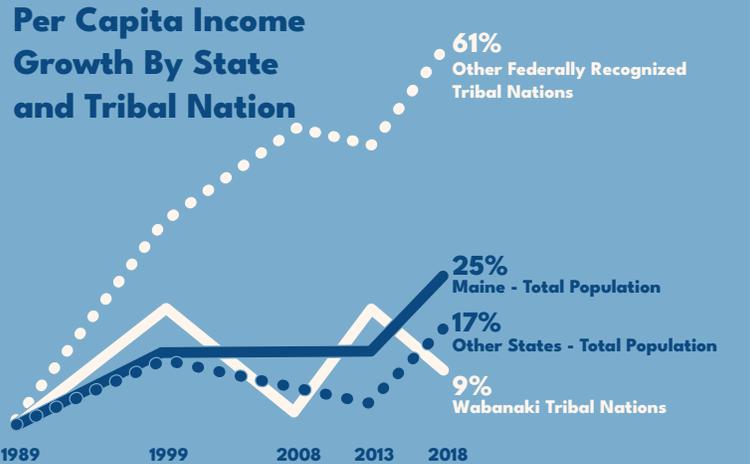


Figure 5. Restrictions on Wabanaki Nations' right to self-governance have played a substantial role in making them outliers among federally recognized tribes in economic growth. Adapted from Medford et al (2022).

Time and again, recognizing the strain in tribal-state relations resulting from the Settlement Acts, Wabanaki tribal leaders have answered the state's call to return to the negotiating table to develop amendments that are clearly needed. But time and again, the state has failed to follow through on meaningful changes. In 2019, the Legislature initiated a task force to reach consensus recommendations to change the Settlement Acts.¹⁷ We must continue this process in good faith and follow through on what we have learned.

Moving Toward Justice in 2024

RECOGNIZE WABANAKI NATIONS' RIGHTS

- Pass LD 2007 - An Act to Advance Self-determination for Wabanaki Nations

LD 2007 proposes to make substantial changes to the Settlement Acts to address some of the 2019 task force recommendations. These recommendations were developed through collaboration between the members of the task force, including legislators, tribal government representatives, and designees of the Governor, Attorney General, and the Maine Indian Tribal-State Commission. The recommendations would eliminate many of the provisions of the Settlement Acts that have caused conflict and legal battles between tribes and the state over the last four decades.



Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

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No. 165

The intent of this legislation is to improve communication, response times, and recovery of disasters in Indian Country while better respecting tribal sovereignty. I understand that tribes in Maine have a unique relationship with the State of Maine [...].

That means that, even after the enactment of this legislation, if any of the tribes in Maine wished to obtain a declaration from the President that a major disaster existed, they would have to bring their request to the Governor of Maine, [...] who would retain the discretion to deny that request.

Figure 6. Excerpt from the Congressional Record, where Senator Jon Tester (D-MT) explained that legislation designed to improve federal disaster response for federally-recognized tribes would not apply to Wabanaki Nations. Adapted from Dieffenbacher-Krall. (2016).

Public Health Response to Drugs

Imagine a world where people aren't locked away for their mistakes but offered a way to heal.

We all struggle with something and for many this includes addiction. But today, our criminal legal system emphasizes punishment over rehabilitation and incarcerates racial, Indigenous, and tribal populations at a higher rate than white Mainers. This has caused harm to every family and community in Maine. Our worst decisions shouldn't define us for the rest of our lives or continue to strain families who only want their loved ones to be able to access the help they need. Imagine a world where we treat each other with care—a world where people aren't locked away for their mistakes but offered a way to heal, where treatment resources are widely available, helping people overcome their challenges. The Permanent Commission supports legislation that focuses Maine's resources on supporting both healing and system reform. Treating mental health, substance use, and poverty as public health issues creates an environment where people can seek healing and makes Maine a place where all people and our families can thrive.

Measures of Injustice

Racial disparities in drug-related arrests in Maine are clear and outpace racial disparities in the enforcement of other types of laws.¹⁸ The data show that Black people use illicit and illegal drugs at a similar rate to white people, but they are three and a half times more likely to be arrested for drug possession charges as white people who use drugs.¹⁹ Indigenous people in Maine are twice as likely as white people to be charged with drug possession, and three times as likely to be charged with the lowest level of drug possession.²⁰

These disparities can't be explained by arrests and convictions of out-of-state residents (Figure 7). Looking solely at Maine residents, the state incarcerates Black people at almost six times the rate of white residents.¹⁸ Rates of incarceration are also disproportionately high for Maine's Indigenous population.¹⁸ Clear disparities can also be seen in sentencing for drug possession. Black defendants in Maine faced

sentences twice as long as the median sentence of 90-days jail time in 2019.²⁰

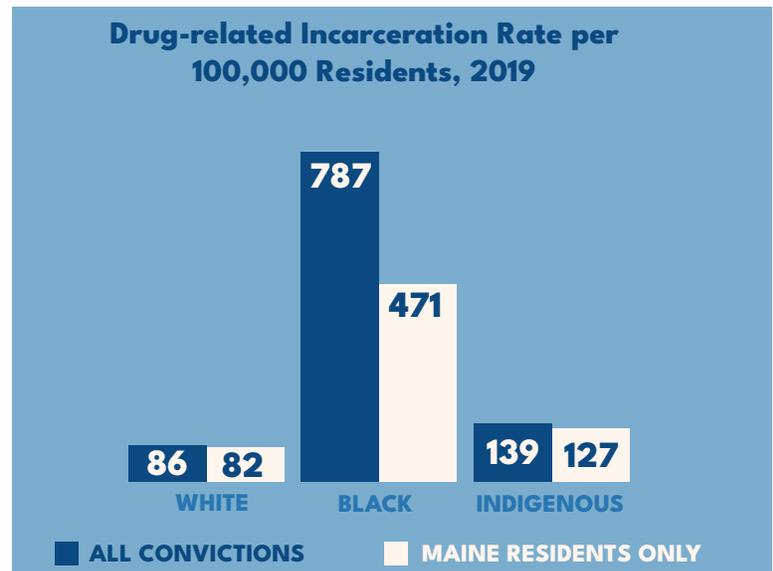


Figure 7. Incarceration rates are higher for Black & Indigenous people than white people in Maine, even after excluding out-of-state residents. Adapted from ACLU & MECEP (2022).

Moving Toward Justice in 2024

A PATH TO HEALTH AND RECOVERY

- **Pass and fund LD 1975 - An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs**

LD 1975 centers substance use as a public health issue and provides funding to navigate it as such. It funds recovery centers that will prioritize mental health support, physical health support, short and long-term housing, job assistance, childcare and more. This bill aims to destigmatize substance use and alleviate a

common poverty trap. Those with financial stability and housing security are often afforded a level of autonomy while navigating their substance use others are not privy to. This bill is a step towards making sure that everyone is afforded that same level of autonomy and respect.

A BETTER PATH FOR MAINE

The stigma against Black people as drug traffickers leads to false accusations with real consequences. One [Maine mother] faced more than a year of surveillance by the Department of Health and Human Services (DHHS), removal of her child from her home, and felony drug trafficking charges, based on racist and false allegations.

Figure 8. Excerpt from a 2020 interview with a defense attorney illustrating that the racial stigma associated with the criminalization of drugs has real and profound negative consequences. Adapted from ACLU & MECEP (2022).

Workers' Rights - Farmworkers

No matter who we are, where we come from, or the color of our skin, people deserve fair pay and fair treatment for their work.

Part of Maine's vibrance is rooted in its farming communities and the many products they produce for local and global markets. Despite this, farmworkers in Maine lack the basic rights needed to address unfair treatment and unsafe working conditions. This disproportionately impacts immigrant communities and Mainers of color. Currently, farmworkers are not subject to Maine's minimum wage or overtime laws. They cannot discuss bettering their working conditions without fear of being fired for doing so. The Permanent Commission supports legislation that protects the rights of workers and ensures fair pay for their labor. Protecting Maine's farmworkers is instrumental to building a better future for Maine's communities of color and Maine farms.

Measures of Injustice

The historic exclusion of farmworkers from labor protections is a legacy of slavery that unfortunately continues to this day. After the legal abolition of slavery, the agriculture industry used tools such as tenant farming and sharecropping with oppressive contracts to extract as much labor as possible.²¹ When the Fair Labor Standards Act of 1938 (FLSA) was passed, the exclusion of farmworkers from labor protections was a "race neutral" method of maintaining significant racial disparities, as agricultural workers were disproportionately Black.²² The role of race was so explicit that during the floor debates over the FLSA, some representatives expressed deep concern over the possibility that it would equalize wages between African American and white laborers.²³ When Maine passed its first comprehensive state minimum wage law in 1959, lawmakers followed national trends and exempted occupations where people of color were more likely to work.²⁴

The current system hurts workers and farmers. Farm owners who do right by their workers by providing livable wages and fair conditions should not have to compete with those who don't.

Although the racial composition of farmworkers nationally has shifted to largely Latino populations,²⁵ the effect of exclusion from basic labor protections is the same. This policy approach continues to have a negative impact on the health and wellbeing of the racial, Indigenous, and tribal populations that live and work in Maine. Mainers of color are more likely than white Mainers to hold jobs that lack protections like the minimum wage or overtime rules.²⁴ Addressing the lack of rights in fields commonly populated by historically disadvantaged people is essential to creating new opportunities for these communities.

Moving Toward Justice in 2024

RIGHTS TO ORGANIZE

- **Pass LD 525 - An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining**

As reflected in the name, this bill ensures that farmworkers are allowed to organize for the purpose of collective bargaining —like all other Maine workers. It creates procedures for the facilitation of such bargaining and outlines the rights of both agricultural employers and employees.

RIGHTS TO SEEK SERVICES

- **Pass LD 1483 - An Act to Protect the Rights of Agricultural Workers**

This bill protects a worker's right to access key service providers both during hours of work and in their leisure time. Key service providers include health care providers, education providers, attorneys, a government official, a member of the clergy and any other service provider a farmworker may need. It also protects a worker's right against being barred from entering their home. This is vital for immigrant populations who often rely on their employer for both housing and transportation.

Honesty in Education

Children deserve the truth so they can be ready to look with clear eyes at our history and chart a just course for our future.

School is a place where childhood happens —a place where children of different places and races learn from the past, make sense of the present and prepare for the future. Learning the truth about our shared history opens our eyes to the fact that people of color are present in Maine and have played an important part of our history. Children deserve the truth so they can be ready to look with clear eyes at our history and chart a just course for our future. Learning about the realities of what Indigenous and African American populations have faced should not be relegated to elective studies. These stories deserve to be centered and are foundational to our collective understanding of America and Maine.

Measures of Injustice

In 2001, Maine law established a requirement for Maine K–12 schools to teach students about the history, sovereignty, and contemporary culture of Wabanaki communities. But nearly 23 years later, a lack of statewide enforcement and resources for schools to implement Wabanaki Studies programs means that the application of the law is uneven across the state.²⁶ The Maine Department of Education (DOE) oversees statewide standards for K–12 learning through the Maine Learning Results but requirements for Wabanaki Studies have been criticized as being too vague to provide meaningful guidance to schools. DOE also has authority to review schools' compliance with state law but it does not list the Wabanaki Studies law as one that schools must comply with.²⁶ In 2021, Maine added requirements to teach African American Studies in K-12 schools.²⁷ That law went into effect in 2023, but similar to the Wabanaki Studies law, more state-level guidance and resources for schools are needed.

Teaching an honest account of history that includes the stories of Wabanaki and African American peoples is both the right thing to do and critically important to the future of civic politics in Maine. To date, many educational programs that teach these histories focus narrowly on slavery, the civil rights era, or passive stories of first contact between European settlers and Wabanaki tribes, eschewing the rich cultural histories and contemporary contributions of these communities to Maine's landscapes today.^{26, 28}

Moving Toward Justice in 2024

PROVIDE TOOLS FOR TEACHERS AND SCHOOLS

- **Pass LD 1642 - An Act to Strengthen the Teaching of Wabanaki Studies in Maine Schools**
- **Pass LD 2001 - An Act to Establish the African American Studies Advisory Council and Require Funding for African American Studies**

These bills call for intentional and consistent integration of Wabanaki and African American Studies into curriculum statewide. The study of people who are often left out of traditional textbooks can be expansive and nuanced. Schools need clear guidance to ensure an appropriate approach is taken. Both bills provide training and resources to support teachers and mandate reporting from the Department of Education on how the teaching of these subjects is going. Because some Maine communities are homogeneous, it can be easy to dismiss stories about identities that are not broadly represented at the local level. Comprehensive education can nourish minds and prevent racial tension and violence in the future. Providing resources, solid guidance, and ensuring that our goals are met in the teaching of African American and Wabanaki Studies is essential to making Maine a better place for all of us.

Response to Hate Groups & Hate Crimes

Whether we're walking down the streets of our neighborhoods or through the doors of our public spaces, freedom and safety for any of us depends on the freedom and safety of all of us.

Most of us believe that every person, no matter our religion, where we come from, or what we look like, deserves to live with freedom, safety and belonging. Maine has recently seen an increase in the presence and visibility of self-proclaimed neo-Nazis and other hate groups. We cannot let displays of hate stand unanswered—and this demands a community response from all of us. We must dismantle racism, hate, and all of the machinery used to generate fear and divide us against each other.

When Mainers join together with our neighbors across race and place, we can shut down the fear and protect each other. Our communities must show up for each other every time one of us is targeted because of our differences, and reject anyone who uses fear to divide us against each other. The state of Maine also has a responsibility to ensure that there are structures capable of addressing hate crimes and hate speech that are safe and accessible. Together we can build a Maine that fulfills the promise of freedom and safety for all of us, no exceptions.

Measures of Injustice

After a spike in 2020, hate crimes, defined by the U.S. Department of Justice (DOJ) as “crimes committed on the basis of the victim’s perceived or actual race, color, religion, national origin, sexual orientation, gender, gender identity, or disability,”²⁹ remain high in Maine.^{30, 31}

In 2022, among Mainers who reported being a victim of a crime, 22% believed or suspected that they were targeted based on their race, gender, religion, sexual orientation or identity. People of color who responded to the survey were more than four times as likely to have experienced a hate crime than their white peers.³²

In 2022 (the latest year for which data is available), the Southern Poverty Law Center (SPLC) tracked nine active hate groups, defined by SPLC as “an organization that [...] has beliefs or practices that attack or malign an entire class of people,”³³ in Maine. That’s more than double the number of active groups that were tracked in 2021.³⁴

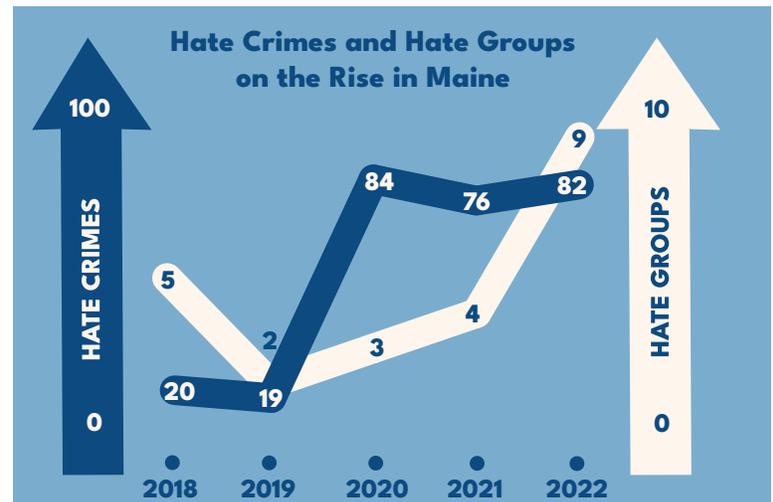


Figure 9. Hate crimes, as tracked by DOJ, and hate groups, as tracked by SPLC, are on the rise in Maine. Data from U.S. DOJ. (2020), (2023) and SPLC (2021).

Moving Toward Justice in 2024

STRENGTHEN OUR RESPONSE TO HATE

- **Pass LR 2621 - An Act to Establish a Civil Rights Unit Within the Office of the Attorney General and Provide Public Education on Issues Regarding Hate and Bias**

While the bill has not been printed at the time of this publication, the Permanent Commission believes this legislation has the potential to improve Maine’s response to the recent rise in hate crimes and visibility of hate groups in Maine. We include the bill request number here to support the approach of creating a state-level unit capable of responding to reports of hate crimes. This is an important step because the response to a reported hate crime can vary depending on the capacity, training, and presence of local law enforcement. Many areas of rural Maine do not have a municipal police department, and county sheriff departments or state police units may not have enough resources to respond to hate crimes if they are reported. Additionally, factors such as personal history with racial profiling may discourage the people who are most likely to be the targets of hate crimes from contacting law enforcement agencies to file reports. A Civil Rights Unit in the Attorney General’s office could serve as a critical resource for underserved victims to report hate crimes.

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