



# Maine Human Rights Commission

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**Amy M. Sneirson**  
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March 1, 2021

The Honorable Catherine Breen, Senate Chair  
The Honorable Teresa Pierce, House Chair  
Joint Standing Committee on Appropriations and Financial Affairs  
5 State House Station, Augusta, ME 04333-0005

The Honorable Anne Carney, Senate Chair  
The Honorable Thom Harnett, House Chair  
Joint Standing Committee on Judiciary  
100 State House Station, Augusta, ME 04333-0100

*Re: LD 221, the 2022-2023 Biennial Budget*

To the Joint Standing Committees on Appropriations and Financial Affairs and on the Judiciary:

The Maine Human Rights Commission (“Commission”) appreciates the opportunity to comment on the initiatives regarding the Commission within LD 221, “An Act Making Unified Appropriations and Allocations for the Expenditures of State Government... for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023.”

The Commission is a non-partisan, quasi-independent entity with a single program (Human Rights Commission – Regulation 0150). Established in 1971, the Commission is charged with attempting to prevent discrimination in employment, housing, access to public accommodations, education, extension of credit and offensive names, and serves the public interest by providing an administrative body to evaluate discrimination complaints in lieu of direct court filings. The Commission investigates, conciliates and at times litigates discrimination cases under the Maine Human Rights Act (“MHRA”) and enforces the Maine Whistleblowers’ Protection Act (“MWPA”). The Commission also provides guidance to entities and individuals on interpretations of the law and makes recommendations for further legislation of executive action concerning infringements on human rights in Maine. 5 M.R.S. §§ 4566(7), (11). The Commission operates via five Governor-appointed volunteer Commissioners of diverse political parties who hire an Executive Director and a Commission Counsel to perform the agency functions.

Our agency’s baseline biennial budget, and the Governor’s four proposed initiatives for our agency, can be found on pages 325-327 of Part A.<sup>1</sup>

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<sup>1</sup> Part P (page 19 of General Fund Bill language) also impacts the Commission’s attrition rate.

## ***The Agency's FY 2020-2021 Biennium Funding, and Curtailment.***

The Commission's FY 2020-2021 Biennial Budget - prepared in Fall 2019 - reflected the first major increase in General Fund ("GF") monies that the agency was to receive in many years.<sup>2</sup>

Heading into the 2020-2021 Biennium Budget, the Commission had 14 full-time positions, with nine funded by the GF and the others funded by federal partnership agreements with two federal anti-discrimination agencies, the U.S. Equal Employment Opportunity Commission ("EEOC") and the U.S. Department of Housing and Urban Development ("HUD"); on average, we receive ~\$400,000-500,000 per year in funding – about 40% of our annual budget – from our federal worksharing contracts, amounts dependent upon our production and availability of federal funds in a given year. At the start of FY 2020, the Commission's staff consisted of five Investigators and one Investigative Supervisor, three case processing staffers, two Paralegals, a Commission Counsel, a Director of Operations, and an Executive Director. In a given year, the Commission receives approximately 1200 intake questionnaires submissions and 700-800 new complaint filings<sup>3</sup>, issues 300 or more investigator reports, and processes/closes 700 cases. Under the MHRA, the Commission must complete investigation within two years of receiving a complaint; in housing cases investigation must be complete within 100 days.

Every one of our staff positions is of critical importance, but Investigators are elemental to our mission. The Commission experienced unrelenting Investigator turnover for number of years, leading the agency in March 2019 to seek reclassification for the Investigator position so as to more accurately acknowledge and compensate the complex legal analysis, independence, and discretion required to function in the position. At around the same time, one MHR Investigator submitted their own employee-initiated reclassification request, which was approved on June 27, 2019 (retroactive to August 2018). Soon thereafter, the other MHR Investigators' positions were reclassified, effective when a permanent source of funding was identified. Both Investigator reclassifications (employee-initiated and management-initiated) were included in the FY 2020-2021 Biennial Budget, with other initiatives as well.

When the COVID-19 pandemic hit halfway through FY 2020, and the Office of the Governor required state agencies to find 10% savings in their GF monies, the Commission was able to avoid cutting positions or its program by managing vacancies, reorganizing how supervisory duties from three positions were performed, and having one Paralegal voluntarily determine to reduce work to part-time. In the public health crisis that shortened the Legislative session, the stripped-down FY 2020-2021 Biennial Budget understandably did not include the approved reclassifications for Investigators. The

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<sup>2</sup> The increase in MHRC funds may have been prompted, at least in part, by the recommendations issued by a multi-stakeholder review panel appointed in September 2016 by then-Governor Paul LePage to assess MHRC operations, resources, challenges, and neutrality ("Panel Report"). The Panel Report noted that "[a] thorough review of the statistics in the Annual Reports of the Commission from 2008 through the present makes it clear that a very hard working staff is running in place just to continuously fall behind." Panel Report at 4 (<https://www.maine.gov/mhrc/sites/maine.gov/mhrc/files/inline-files/MHRCReportFinal.PDF>).

<sup>3</sup> For each signed, notarized complaint received, our staffers: review it (and what may be many claims within it) for jurisdiction; prepare requests for information/documents; notify the respondent, receive their answers and send them to the complainant; receive complainant information/documents supporting the complaint; review for administrative dismissal; and consider or offer mediation. Typically, by the end of this initial case processing (every step of which is logged into at least one database), the case has been with our agency for 5-6 months.

Office of the Governor’s curtailment decreased the Commission’s GF monies with a \$12,000 reduction of “All Other” funds for Commission meetings (renting meeting space for, and providing security at, monthly public meetings) and with a \$37,550 reduction of “Personal Services” funds which had been allotted as part of salary and benefits payments for the Paralegal who voluntarily reduced their hours.

Post-curtailment, the Commission has 13.5 staff positions, ten of which (equivalent to about 8.5 FTE positions) are funded in whole or part by the GF. Our other positions are funded via our HUD and EEOC federal partnership agreements.<sup>4</sup> During this time period, the Commission has done what other State agencies have: work more, remotely, with fewer resources. Our agency received an 8% increase in complaints as compared to the prior year; this represents more new complaints than any other year in the past decade. The Commission’s dedicated staffers received, reviewed, processed, investigated, analyzed, helped resolve, and sometimes litigated 775 new complaints and 1225 intake submissions. Our most recent annual report (attached here) outlines our staff, programs, and activities.

### ***FY 2022-2023 Initiatives***

The Commission’s baseline Part A budgets, which serve as the starting point for discussion today, are \$1,776,295 for FY 2022 and \$1,778,006 for FY 2023. There is a summary chart on the next page here.

The first two initiatives: These decrease GF monies in the Commission budget, due to changes made at the time of curtailment (and then in the FY 2021 Supplemental Budget) in reorganized position supervisory duties and hours. The reorganized Paralegal position, still at part-time, represents a reduction in the agency’s GF budget of \$48,915 in FY 2021-2022 and \$49,428 in FY 2022-2023. The reorganized MHR Investigator represents a reduction to the GF budget of \$9,381 (and \$3,125 in federal expenditures) in FY 2021-2022 and \$12,122 (and \$4,038 in federal expenditures) in FY 2022-2023.

The third initiative: This would increase the GF budget for technology and general operating costs the amounts of \$13,572 in each of the two fiscal years in the biennium; the federal expenditures line would also increase for this purpose by the amount of \$3,823 in FY 2021-2022 and \$4,038 in FY 2022-2023.

The fourth initiative: This would increase the GF budget to fund the Investigator reclassifications that have been approved but not implemented since 2019. The Biennial Budget contains a GF increase in FY 2021-2022 of \$42,131 (with a parallel federal expenditure increase of \$26,726), and in FY 2022-2023 of \$24,482 (with a parallel federal expenditure increase of \$17,492) to achieve this.

- While the 2020-2021 Biennial Budget included separate initiatives for the one retroactive employee-initiated Investigator reclassification and the management-initiated reclassification for the other Investigator positions, it appears that the present Biennial Budget initiative here put them together.
- Since the preparation of the Biennial Budget, the Commission has revised downward its projected federal revenues for the FY 2022-2023 biennium; we no longer anticipate receiving sufficient federal funds to implement this initiative. ***Accordingly, the Commission is seeking for the Legislature to provide additional GF monies to make the Investigator reclassifications effective: an increase to the GF initiative for FY 2021-2022 from \$42,131 to \$68,857 and the GF initiative for FY 2022-2023***

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<sup>4</sup> In this current budget year, we project we will receive \$563,813 in federal funds to support current fiscal year operations. These funds are based on work completed (cases closed) during a prior federal fiscal year, which each of HUD and EEOC define using different dates and criteria.

from \$24,482 to \$66,456. With this increase, the Commission can finally implement the 2019 reclassifications for all Investigators.

- Even if the Legislature is unable to increase the GF monies necessary to make this initiative happen for all Commission Investigators, *it is crucial that funding for the retroactive employee-initiated Investigator reclassification (which we believe represents \$15,412 of the \$42,131 GF line for FY 2021-22) be included in the Biennial Budget, as interest retroactive to August 20, 2018 continues to accrue.*


Fund	Biennial Base		Part A		Biennial Request	
	2022	2023	2022	2023	2022	2023
General Fund - PS	\$ 1,003,534	\$ 1,028,263	\$ (16,165)	\$ (37,068)	\$ 987,369	\$ 991,195
General Fund - AO	\$ 44,117	\$ 44,117	\$ 13,572	\$ 13,572	\$ 57,689	\$ 57,689
<b>GF Total</b>	<b>\$ 1,047,651</b>	<b>\$ 1,072,380</b>	<b>\$ (2,593)</b>	<b>\$ (23,496)</b>	<b>\$ 1,045,058</b>	<b>\$ 1,048,884</b>
EEOC - PS	\$ 213,390	\$ 215,584	\$ 11,590	\$ 8,802	\$ 224,980	\$ 224,386
EEOC - AO	\$ 98,145	\$ 98,145			\$ 98,145	\$ 98,145
<b>EEOC Total</b>	<b>\$ 311,535</b>	<b>\$ 313,729</b>	<b>\$ 11,590</b>	<b>\$ 8,802</b>	<b>\$ 323,125</b>	<b>\$ 322,531</b>
HUD - PS	\$ 172,307	\$ 177,930	\$ 12,011	\$ 4,652	\$ 184,318	\$ 182,582
HUD - AO	\$ 112,107	\$ 112,107	\$ 3,823	\$ 4,038	\$ 115,930	\$ 116,145
<b>HUD Total</b>	<b>\$ 284,414</b>	<b>\$ 290,037</b>	<b>\$ 15,834</b>	<b>\$ 8,690</b>	<b>\$ 300,248</b>	<b>\$ 298,727</b>
<b>SUBTOTAL FED FUND</b>	<b>\$ 595,949</b>	<b>\$ 603,766</b>	<b>\$ 27,424</b>	<b>\$ 17,492</b>	<b>\$ 623,373</b>	<b>\$ 621,258</b>
Seminar - AO	\$ 62,024	\$ 62,024			\$ 62,024	\$ 62,024
Publications - AO	\$ 1,840	\$ 1,840			\$ 1,840	\$ 1,840
Mediation - AO	\$ 44,000	\$ 44,000			\$ 44,000	\$ 44,000
<b>Other - 014 Total</b>	<b>\$ 107,864</b>	<b>\$ 107,864</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 107,864</b>	<b>\$ 107,864</b>
<b>All Funds</b>	<b>\$ 1,751,464</b>	<b>\$ 1,784,010</b>	<b>\$ 24,831</b>	<b>\$ (6,004)</b>	<b>\$ 1,776,295</b>	<b>\$ 1,778,006</b>

INITIATIVES	STATE FUNDS		FED		TOTAL ALL FUNDS	
	F22	F23	F22	F23	F22	F23
(PS) Paralegal Reorg	\$ (48,915)	\$ (49,428)			\$ (48,915)	\$ (49,428)
(PS) Invest.Sup. Reorg	\$ (9,381)	\$ (12,122)	\$ (3,125)	\$ (4,038)	\$ (12,506)	\$ (16,160)
(PS) Invest. Reclass	\$ 42,131	\$ 24,482	\$ 26,726	\$ 17,492	\$ 68,857	\$ 41,974
(AO) Technology	\$ 13,572	\$ 13,572	\$ 3,823	\$ 4,038	\$ 17,395	\$ 17,610
<b>TOTAL</b>	<b>\$ (2,593)</b>	<b>\$ (23,496)</b>	<b>\$ 27,424</b>	<b>\$ 17,492</b>	<b>\$ 24,831</b>	<b>\$ (6,004)</b>

### Summary

We appreciate the consideration of these GF initiatives for the Commission. Thank you for allowing the Commission the opportunity to provide this testimony, and please do not hesitate to ask us to provide additional information as needed.

Sincerely,



Amy M. Sneirson  
Executive Director

Cc: Commissioners