

## Quasi-Independent State Entity Review Checklist – Judiciary Committee

Date: February 24, 2022

Entity Reviewed: Maine Human Rights Commission

### 5 MRSA §12023, sub-§3:

**3. Committee review and report.** By March 1st of every second regular session, beginning in 2016, a joint standing committee of the Legislature receiving reports pursuant to subsection 2 shall review the reports received within the past 2 calendar years, and gather additional information as necessary from the submitting entities, to assess whether policies and procedures adopted by a governing body in accordance with section 12022, subsections 3 to 5 are consistent with expectations established in those subsections and whether all reported waivers of competitive procurement and reported contributions made are in compliance with the adopted policies and procedures, including proper justification and documentation. The joint standing committee shall report the results of its review, including any areas that should be reviewed in more depth, to the joint legislative committee established to oversee program evaluation and government accountability matters.

Statutory Criterion	Met	Unmet (comments)
<p><b>§12022(3): Policies for selection of vendors</b> must be “designed to ensure that the entity secures the best value in its procurements” and must:</p> <ul style="list-style-type: none"> <li>• Establish competitive procurement as standard procurement method;</li> <li>• Specify conditions for waiving competitive procurement; and</li> <li>• Require written justification for all non-competitive procurements &gt; \$10,000 &amp; maintain records for 5 years</li> </ul>	YES	
<p><b>§12023(3):</b> <i>Were all waivers of competitive procurement reported in the past 2 years in compliance with the entity’s policies and procedures?</i></p>	YES	
<p><b>§12022(4): Policies for use of entity’s resources for contributions</b> must require:</p> <ul style="list-style-type: none"> <li>• Contributions to be directly related to entity’s mission and activities;</li> <li>• Contributions to be budgeted and accounted for separately from other expenditures in entity’s records;</li> <li>• Maintaining documentation to support each contribution; and</li> <li>• Governing body to approve annual budget for contributions and be given periodic reports on contributions made by entity.</li> </ul>	YES	
<p><b>§12023(3):</b> <i>Were all contributions made by entity and reported in the past 2 years in compliance with the entity’s policies and procedures?</i></p>	YES	
<p><b>§12022(5): Policies for use of entity’s resources for travel, meals and entertainment</b> must:</p> <ul style="list-style-type: none"> <li>• Limit these costs to those reasonable &amp; necessary to accomplish the entity’s mission and activities;</li> <li>• Specify for whom these costs will be paid, conditions under which they will be paid, and whether they will be paid directly or through reimbursement;</li> <li>• Set requirements for supporting documentation and approval of these costs;</li> <li>• Require that these costs be budgeted and accounted for separately from other expenditures in entity’s records; and</li> <li>• Require governing body to approve annual budget for these costs.</li> </ul>	YES	



SUZANNE M. GRESSER

EXECUTIVE DIRECTOR  
OF THE LEGISLATIVE COUNCIL



MAINE STATE LEGISLATURE

OFFICE OF THE EXECUTIVE DIRECTOR  
LEGISLATIVE COUNCIL

To: Members of the Joint Standing Committee on Judiciary

From: Suzanne M. Gresser, Executive Director *SMG*

Date: February 1, 2022

Re: Submission of report by the Maine Human Rights Commission

5 MRSA §12023, sub-§2 requires quasi-independent state entities to submit a report to the Legislature by February 1<sup>st</sup> of each year. That report must include, among other things, a list of procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under policies adopted pursuant to law, a list of persons to which the entity made contributions greater than \$1,000 and the total contributed, and a description of changes to written policies and procedures required by section 12022 or to procedures used to monitor compliance.

Pursuant to 5 MRSA §12023, sub-§2 regarding distribution of the reports, I am attaching the report that was recently filed by the Maine Human Rights Commission to the committee for its review.

Pursuant to 5 MRSA §12023, sub-§3, by March 1<sup>st</sup> of every second regular session, a joint standing committee of the Legislature receiving reports pursuant to subsection 2 shall review the reports received within the past 2 calendar years, and gather additional information as necessary from the submitting entities, to assess whether policies and procedures adopted by a governing body in accordance with section 12022, subsections 3 to 5 are consistent with expectations established in those subsections and whether all reported waivers of competitive procurement and reported contributions made are in compliance with the adopted policies and procedures, including proper justification and documentation. The joint standing committee shall report the results of its review, including any areas that should be reviewed in more depth, to the joint legislative committee established to oversee program evaluation and government accountability matters.

If you have any questions, please do not hesitate to contact me at 287-1615.

Thank you.

Attachment(s)





# Maine Human Rights Commission

# 51 State House Station, Augusta, ME 04333-0051

Physical location: 19 Union Street, Augusta, ME 04330

Phone (207) 624-6290 ▪ Fax (207) 624-8729 ▪ TTY: Maine Relay 711

[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

January 21, 2022

The Honorable Troy D. Jackson  
President of the Senate  
3 State House Station  
Augusta, ME 04333-0002

The Honorable Ryan Fecteau  
Speaker of the House of Representatives  
2 State House Station  
Augusta, ME 04333-0003

Dear President Jackson and Speaker Fecteau:

I am pleased to provide you with the Maine Human Rights Commission's report of quasi-independent state entity activity for the preceding year, as required by 5 M.R.S. §12023. The Maine Human Rights Commission ("MHRC") is committed to ensuring that its governing body has all the information needed to oversee the MHRC's activities and expenditures responsibly.

For the 2021 Fiscal Year (July 1, 2020 - June 30, 2021), the MHRC reports as follows:

- A. All procurements exceeding \$10,000 for which competitive procurement was waived under the policies adopted pursuant to 5 M.R.S. §12022(3), including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. Answer:**

In June 2020, the MHRC was awarded a grant via federal Coronavirus Aid, Relief and Economic Security Act (CARES Act") funding to the U.S. Department of Housing and Urban Development ("HUD") Office of Fair Housing and Equal Opportunity ("the Grant"); the purpose of the Grant was to affirmatively further fair housing and equal opportunity ("FH") in Maine related to COVID-19. The Grant was time-limited, labor-intensive, and had three components: education/outreach; purchase of technology assets to support remote FH investigation work; and creation of print and multimedia resources for the public about the intersection of COVID-19, FH, and the MHRC. One portion of the Grant – creating multimedia resources – required the MHRC to hire a media content contractor with expertise in Maine's FH laws and the federal Fair Housing Act. As the pool of qualified persons who could do this work on a contract basis in Maine - and do it very quickly – was (and is) extremely limited, the State's Division of Procurement Purchases approved the MHRC's use of a sole source contract. The MHRC contracted with Helix Media Marketing, LLC, a Maine company, to create both a public service announcement and a longer webinar about FH implications from COVID-19; the project began on October 1, 2020 and called for work totaling \$12,000 to be completed by January 15, 2021. In late December 2020, the Helix contract was amended to add marketing services to promote both products created, for an additional \$2500, with work ending by February 28, 2021. The total paid to Helix under the contract was \$14,500. All Grant work was completed by June 30, 2021.

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- B. All persons to whom the MHRC made contributions greater than \$1,000 and the total amount contributed to each. Answer: None.
  
- C. Changes made in the preceding year to the written policies and procedures required by 5 M.R.S. §12022 or the MHRC procedures to monitor compliance with those policies and procedures. Answer: None.

We believe that the MHRC is in full compliance with the spirit and letter of 5 M.R.S. §§12021-12024, and thank the Legislature for its attention to this matter. Should you or another member of the Legislature require additional information, or have a question, about the above report, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,



Amy M. Sneirson  
Executive Director

# MAINE HUMAN RIGHTS COMMISSION

## FINANCIAL POLICIES AND PROCEDURES

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Pursuant to 5 M.R.S. §§ 12021-12024 (2013), the Maine Human Rights Commission hereby adopts the following Financial Policies and Procedures. These Policies and Procedures concern only the internal management of the Commission and are not judicially enforceable. They shall be implemented on or before July 1, 2013.

### **1.00 Commission Activities and Expenditures**

All activities and expenditures of the Commission shall be limited to those necessary to accomplish the Commission's mission and to carry out its duties consistent with the Maine Human Rights Act.

In carrying out this policy, the Commission shall review the activities and expenditures of the agency quarterly at public meetings. The Commissioners shall receive detailed quarterly reports about the activities of the Commission in the prior quarter. The quarterly report shall give specific data on personnel changes, pending caseload, complaint filings and dismissals, case settlements, status of compliance matters and litigation, legislative matters affecting the Commission, and trainings in which Commission staff took part. The Commissioners shall also receive detailed quarterly reports regarding expenditures of the Commission, with specific information on every aspect of its budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for contributions (labeled "dues" because the Commission does not provide any gifts, donations or sponsorships) and travel, meals and entertainment. These quarterly reports, reviewed by Commissioners at public meetings, will allow the Commissioners to ensure that the activities and expenditures of the Commission are limited to those necessary to accomplish the agency's mission and to carry out the agency's duties consistent with the Maine Human Rights Act.

The Commission shall report annually to the Legislature a description of changes made in the preceding year to these Financial Policies and Procedures, or to the procedures used by the Commission to monitor compliance with these Financial Policies and Procedures.

### **2.00 Commission Compliance with Financial Policies and Procedures**

The Commission, management and staff shall comply with these Financial Policies and Procedures, and shall also follow all requirements set forth in the State of Maine's Administrative and Accounting Manual (hereinafter "SAAM") regarding financial policies and procedures.

The Commissioners shall receive detailed quarterly reports regarding expenditures of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and

reporting for contributions (labeled “dues” on our reporting because we do not provide any gifts, donations or sponsorships) and travel, meals and entertainment. These quarterly reports, which shall be reviewed by the Commissioners at public meetings, will allow the Commissioners to ensure that they, the management and staff of the Commission comply with these Financial Policies and Procedures.

### **3.00 Selection of Vendors**

The Commission shall select vendors in a manner that secures the best value in agency procurements.

To the extent possible, consistent with the Maine Human Rights Act, the Commission shall utilize competitive procurement as the standard procurement method. When necessary to meet the mandates of the Maine Human Rights Act, the Commission may waive the competitive procurement presumption. In that regard, the Commission shall follow the requirements of 5 M.R.S. Subchapter 1-A (“Rules Governing the Competitive Bid Process”), state regulations governing the purchase of services promulgated by the Department of Administrative and Financial Services, Bureau of General Services, and all current policies, bulletins and recommended practices from the Division of Purchases regarding purchasing special services. For procurements exceeding \$10,000 that were not competitively procured, the Commission shall maintain written justification for and evidence of approvals for 5 years.

The Commissioners shall receive detailed quarterly reports regarding procurements of the Commission and review them at public meetings. These quarterly reports will allow the Commissioners to ensure that the Commission has selected vendors that secure the best value in agency procurements.

The Commission shall report annually to the Legislature a list of all procurements exceeding \$10,000 in the preceding year for which competitive procurement was waived under this policy, including procurements exceeding \$10,000 that were made under contracts previously entered into for which competitive procurement was not required. The list will include the names of the vendors and costs associated with those procurements.

### **4.00 Contributions**

The Commission shall ensure that all contributions are directly related to the Commission’s mission and activities.

For identification and reporting purposes, the Commission shall budget and account for contributions separately from other expenditures in the Commission’s records. In that regard, the Commission shall follow the requirements of the SAAM as they relate to separately coding, maintaining documentation for, and reporting contributions. The Commission shall maintain documentation to support each contribution. The Commissioners shall approve the annual budget for contributions made by the Commission.



The Commissioners shall receive detailed quarterly reports regarding contributions of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for contributions, which will be labeled as "dues" in the reporting because the Commission does not provide any gifts, donations or sponsorships. These quarterly reports, which will be reviewed by Commissioners at public meetings, will allow the Commissioners to ensure that the Commission is only making contributions that are directly related to the Commission's mission and activities.

The Commission shall report annually to the Legislature a list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each.

#### **5.00 Travel, meals and entertainment**

The Commission shall limit the use of Commission resources to pay costs of travel, meals and entertainment to those reasonable and necessary for accomplishing the agency's mission and activities.

The Commission will pay travel and meal costs for employees who are conducting Commission business and who have previously received approval to incur travel and meal costs while doing Commission business under the conditions set forth in Chapter 10 of the SAAM regarding travel and meal costs. The Commission will not pay entertainment costs. The Commission shall also follow applicable collective bargaining agreement requirements on expense reimbursement. The Commission shall follow the applicable provisions of the SAAM with respect to supporting documentation and approval of travel and meal costs paid directly or through reimbursement. The Commission shall also follow the applicable provisions of the SAAM with respect to requiring that travel and meal costs be budgeted and accounted for separately from other expenditures in the Commission's records. The Commission shall approve the annual budget for travel and meal costs.

The Commissioners shall receive detailed quarterly reports regarding travel and meal costs of the Commission, with specific information on every aspect of the Commission's budget and expenditures on an actual basis. The reporting shall include separate identification and reporting for travel and meal expenses and will identify actual costs paid directly or reimbursed. These quarterly reports, which shall be reviewed by the Commissioners at public meetings, will allow the Commissioners to ensure that the Commission is limiting the use of Commission resources to pay costs of travel, meals and entertainment to those reasonable and necessary for accomplishing the agency's mission and activities.

#### **6.00 Lobbyists**

The Maine Human Rights Commission shall not retain any person, other than Commission staff, who is required to register as a lobbyist as defined in 3 M.R.S. § 312-A(10).





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**Amy M. Sneirson**  
EXECUTIVE DIRECTOR

**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## MEMORANDUM

**To:** Commissioners, Maine Human Rights Commission  
**From:** Amy Sneirson, Executive Director  
**Date:** March 12, 2018  
**Subject:** Policy on selection of vendors

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It is the Commission's intention that all of its activities and expenditures are limited to those necessary to accomplish the Commission's mission and carry out its duties consistent with the Maine Human Rights Act.

With respect to selection of vendors for accomplishing the Commission's mission and activities, the Commission intends to secure the best value in its procurements and shall select vendors accordingly. The Commission will select vendors under the following conditions:

- (a) Competitive procurement – which means the transmission of a written request for proposal, written request for qualifications, or other invitation to compete on price or qualifications to at least 3 responsible suppliers that is to be replied to at a stated time – is the Commission's standard procurement method.
- (b) The Commission has followed, and will continue to follow, the procurement policies and practices proscribed by the State Department of Administrative and Financial Affairs ("DAFS").
- (c) Under some circumstances, as outlined in DAFS's procurement policies, competitive procurement may be waived.
- (d) Any procurement for which competitive procurement may be waived must be previously approved by the Commission's Executive Director.
- (e) For procurements exceeding \$10,000 that are not competitively procured, the Commission shall maintain on file written justification for the approval and evidence of it for five years and/or in compliance with the State's record retention policies applicable to the Commission, whichever is greater.





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COMMISSION COUNSEL

## MEMORANDUM

**To:** Commissioners, Maine Human Rights Commission  
**From:** Amy Sneirson, Executive Director  
**Date:** March 12, 2018  
**Subject:** Policy on contributions

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It is the Commission's intention that all of its activities and expenditures are limited to those necessary to accomplish the Commission's mission and carry out its duties consistent with the Maine Human Rights Act. This includes using any Commission funds for "contributions", which means payments for membership dues and fees, gifts, donations and sponsorships, including those that result in public advertisement of the Commission.

With respect to the use of the Commission's resources for contributions, the Commission limits such use to those reasonable and necessary for accomplishing the Commission's mission and activities. The Commission will pay for contributions on behalf of an employee under the following conditions:

- (a) All contributions for which Commission funds may be used must be previously approved by the Commission's Executive Director.
- (b) The only contributions for which Commission funds may be used are those necessitated by an employee's participation in a previously-approved agency activity that is directly related to the Commission's mission and activities.
- (c) For any contribution made by the Commission, the agency must maintain documentation to support the contribution as required by the State of Maine record retention schedule applicable to the Commission.
- (d) For identification and reporting purposes, the Commission will budget and account for contributions separately within the agency's records.
- (e) The Commissioners must approve the agency's annual budget for contributions when that budget is submitted to the State at the commencement of each fiscal year.
- (f) The Commissioners must receive periodic reports on actual contributions paid directly or via reimbursement throughout each fiscal year.





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**Barbara Archer Hirsch**  
COMMISSION COUNSEL

## MEMORANDUM

**To:** Commissioners, Maine Human Rights Commission  
**From:** Amy Sneirson, Executive Director  
**Date:** March 12, 2018  
**Subject:** Policy on travel and meal expenses

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It is the Commission's intention that all of its activities and expenditures are limited to those necessary to accomplish the Commission's mission and carry out its duties consistent with the Maine Human Rights Act.

With respect to meal and travel expenses, the Commission limits such expenditures (or reimbursement for an employee's paying such expenditures) to those reasonable and necessary for accomplishing the Commission's mission and activities. The Commission does not allow entertainment expenses. The Commission will pay for (or reimburse an employee's payment of) travel and meal expenditures for an employee who is conducting business of the Commission under the following conditions:

- (a) All travel and meal expenses must be accrued, identified, documented and reported in compliance with the requirements of the Maine State Controller's State Administrative and Accounting Manual ("SAAM").
- (b) Any activity for which an employee may seek travel or meal expenses must be previously approved by the Commission's Executive Director.
- (c) The only meal expenses which the Commission may pay are those necessitated by an employee's participation in previously-approved agency activity; qualifying expenses include only (i) meals during required travel or (ii) light refreshments for an agency conference/outreach activity.
- (d) Whenever possible, the Commission will in advance directly pay an employee's travel and meal expenses with the agency's Procurement Card. When such advance payment for a travel or meal expense is not possible, the employee may accrue the expense and seek reimbursement for it if the other conditions of this policy are met.
- (e) All travel and meal expenses must be approved by the Commission's Executive Director.
- (f) For identification and reporting purposes, the Commission will budget and account for travel and meal expenses separately within the agency's records.
- (g) The Commissioners must approve the agency's annual budget for travel and meal costs when that budget is submitted to the State at the commencement of each fiscal year.
- (h) The Commissioners must receive periodic reports on actual costs paid directly or reimbursed for travel and meals throughout each fiscal year.