



Our Power Testimony in Support of LD 1900
An Act to Bring Parity to the State's Recognition of the Wabanaki Nations' Authority to Provide
Electric Power Districts and Child Support Enforcement

May 16, 2025

Senator Carney, Representative Kuhn, and Committee Members:

My name is Seth Berry, I am Executive Director of Our Power, and I live in Bowdoinham. Our Power is a Maine nonprofit advocating for energy democracy. Energy democracy means energy systems that are of, by and for the people those systems purport to serve. Our Power strongly supports the full recognition of Wabanaki sovereignty in general, and especially in relation to energy systems in tribal areas. Our comments here are limited to Section 2 of the bill.

LD 1900, Sec. 2 would extend the right to form tribal power districts to all Maine tribes.

Nearly two decades ago, the legislature amended Title 35-A to provide for limited powers to form tribal power districts. These powers are similar to those of municipalities. At present they apply only to the Passamaquoddy Tribe and Penobscot Nation.

LD 1900 would extend the right to form power districts to the Houlton Band of Maliseets and the Mi'kmaq Nation, and allow these districts to use trust lands. Both steps are sensible and overdue.

No Maine tribe has yet used its power to form a district. Such an effort would be an exercise of both energy democracy and tribal energy sovereignty. LD 1900 may help make this more likely.

Current law and LD 1900 both fall short of true energy sovereignty.

LD 1900 does not change current law, which requires approval by the Maine Public Utilities Commission (PUC) to deliver tribal power. Even if the energy moves from tribally owned generation, on tribal lands, and to tribal individuals, it cannot cross or follow a state or municipal right-of-way without first notifying the incumbent utility in that area, and then seeking explicit PUC permission.¹

A tribe seeking this permission should expect to encounter opposition from the incumbent utility in the affected area. Because each service area is a monopoly, utilities strongly oppose reducing or

¹ See 35-A MRSA §2305-B, Construction of transmission and distribution lines

diluting their service area. However, it is important to note that the monopoly is granted by the people of Maine, and it is entirely legal and constitutional for the people of Maine to make changes.

Utilities are experts in using complex PUC dockets to win outcomes they favor. In general, they are able to use legal and technical resources paid for by all customers, and built into our utility rates, to assert and to defend their position. Understandably, utilities tend to use this remarkable influence to oppose changes that may result in the loss of captive customers.²

For these reasons, Our Power does not expect LD 1900 to result in the immediate formation of a tribal power district.

Full recognition for tribal power is also overdue.

Our Power strongly supports the tribal power district portion of LD 1900. Given the limitations of both LD 1900 and current law described above, we also urge legislators to consider recognizing -- *fully and without limitation* -- the right of the Wabanaki people to generate, store, and deliver their own power.

Thank you for the opportunity to testify on this simple but important step toward tribal energy parity. If Maine tribes were to request full recognition of tribal energy sovereignty in this or a future legislature, Our Power would be ready and eager to assist.

² For instance, when Kennebunk Light and Power District wanted to extend its service territory to all of the town of Kennebunk in 2008, a bill was passed to allow this to occur. Kennebunk residents had voted overwhelmingly in support of the change. However, Central Maine Power did not want to lose customers, and was ultimately able to defeat the KLPD/Kennebunk effort, retaining its non-KLPD Kennebunk customers to this day. Customers in the CMP portion of Kennebunk continue to experience longer outages and to pay rates more than twice as high as their KLPD neighbors, but are still unable to switch unless they move to another part of town.