



STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

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**Testimony of the Maine Public Utilities Commission**

**Neither For Nor Against**

**LD 1160, An Act to Prohibit Ownership of 6 Percent or More or Control of a Public Utility by an Entity Providing Aid to a Foreign Terrorist Organization**

April 9, 2025

Senator Lawrence, Representative Sachs, and Distinguished Members of the Joint Standing Committee on Energy, Utilities, and Technology (Committee), my name is Deirdre Schneider, testifying neither for nor against LD 1160, An Act to Prohibit Ownership of 6 Percent or More or Control of a Public Utility by an Entity Providing Aid to a Foreign Terrorist Organization on behalf of the Public Utilities Commission (Commission).

LD 1160, which is emergency legislation, specifies that the Commission may not approve a reorganization, if the reorganization would result in the ownership of six percent or more or control of a public utility or the parent company of a public utility by an entity that the Commission finds has provided material aid or comfort to an organization that is designated as a foreign terrorist organization in accordance with the US Immigration and Nationality Act, Section 219 (Act). It also specifies that if the Commission finds an entity has provided material aid or comfort to an organization that is designated as a foreign terrorist organization in accordance with the Act, that entity may not own six percent or more and may not control a public utility or the parent company of that utility. If the Commission finds, after investigation and an adjudicatory proceeding that a public utility is in violation of this prohibition, the Commission is required to order divestiture of or by the utility.

Federal law at 18 USC § 2339B specifies that is unlawful for a person to knowingly provide material support or resources<sup>1</sup> to a foreign terrorist organization and if a person does so that person is subject to a fine or imprisonment. A violation of this law requires that the person have knowledge that the organization is a designated terrorist organization, that the organization has engaged or engages in terrorist activity, or that the organization has engaged or engages in terrorism. The stated purpose of this section of law "is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States, or subject to the jurisdiction of the United States, from providing material support or resources to foreign organizations that engage in terrorist activities."

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<sup>1</sup> Material support or resources mean any property tangible or intangible, or service, including currency or monetary interests or financial securities, financial services, lodging, training, expert advice or assistance, safehouse, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, and transportation, except medicine or religious materials. 18 USC § 2339A.

LD 1160 uses the terminology “providing aid or comfort” which is terminology generally used in cases involving treason.<sup>2</sup> Furthermore, LD 1160 does not require that the entity provide aid or comfort knowingly.

The requirement that the Commission make determinations of this nature is well outside of the Commission’s expertise and may prove challenging to develop an investigation in accordance with these provisions and to enforce these provisions as proposed in LD 1160. These actions seem to be firmly within the jurisdiction of the federal government that has agencies and entities tasked with these types of investigations.

It may be more meaningful if the law directed that if there was a finding by a Court or a federal agency that this criterion has been met, then the Commission shall deny a reorganization or order divestiture.

I would be happy to answer any questions or provide additional information for the work session.

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<sup>2</sup> Article III, Section 3, Clause 1 specifies that “treason against the United State, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.”