

Testimony in Opposition to LD 1535, An Act to Reduce Illegal Cannabis Operations by Requiring Permits for High Electric Usage

Senator Lawrence

Representative Sachs

Members of the Joint Standing Committee on Energy, Utilities and Technology

My name is Debra Hart, and I am a resident of Manchester, Maine. I am providing this testimony on behalf of my clients, the Dirigo Electric Cooperative. The Dirigo companies, which are consumer-owned, include Van Buren Light & Power District, Houlton Water Company, Eastern Maine Electric Cooperative, Fox Island Electric Cooperative, Madison Electric Works, Kennebunk Light & Power District, Isle Au Haut and the Brunswick Landing Electric Utility (collectively, "the COUs"). We testify in opposition to this legislation.

This bill is asking utilities to perform functions of law enforcement and is likely to put a utility employee in danger from residents of these properties. Utilities can and will continue to provide information to law enforcement agencies through the subpoena process. Providing this information without a warrant could open utilities to lawsuits from the residents of a suspected house and utilities would not have immunity from such lawsuits.

The COUs support Maine's goals to reduce illegal cannabis operations and will comply with local permitting ordinances and respond to subpoenas served upon the utilities. However, the role of an electric utility is not to monitor and investigate the behavior of its' customers or report suspicious activities. Utilities are not law enforcement entities and should not be investigating customers or sharing private customer information with any third-party including law enforcement without a subpoena or warrant. Due process protects U.S. citizens from unlawful search and seizure; the State may not sidestep due process by mandating that utilities perform law enforcement functions for the State.

Furthermore, utilities do not have governmental immunity to protect their employees, business and customers from the financial risks of tort-based lawsuits and legal actions that may arise from LD 1535 mandates. The COUs are not equipped or trained to investigate and report suspicious and/or illegal activities or legally protected to act in the capacity of law and code enforcement officials.

For these reasons, the COUs object to LD 1535 and ask for a vote of ought not to pass.

Thank you for your time and attention. I'd be happy to answer any questions you may have or provide you with additional information.