



TESTIMONY OF MICHAEL KEBEDE
LD 2176 – Ought to Pass as Amended

**An Act to Safeguard Personal Information and Strengthen Tenant
Rights in Maine**

Joint Standing Committee on Judiciary

March 11, 2026

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, good afternoon. My name is Michael Kebede and I am a policy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to support LD 2176, provided that it is amended to address its restriction on First Amendment activity.

Landlords have significant power over tenants, especially if those tenants are not U.S. citizens. Landlords have access to a vast array of sensitive tenant information. Tenants have limited ability to control or monitor how that information is stored or used. Disclosure of that information to ICE or CBP, which have displayed a widespread disregard for constitutional rights, can result in significant harm to tenants.¹

If enacted, this bill will create safeguards around the disclosure of tenant information, helping ensure that tenants are not forced to choose between maintaining stable housing and protecting their families.

Importantly, this bill includes exceptions in Section 6025-B, subsection 3, allowing landlords to comply with a valid judicial warrant or respond to exigent circumstances. As this committee has discussed at length, the warrant requirement is one of the most fundamental safeguards of the Fourth Amendment. That protection should be especially meaningful in the home. A landlord should not be able to grant access to a tenant's private residence or disclose sensitive information to law enforcement without the legal process that the Constitution requires.

¹ *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026) (finding that the Department of Homeland Security has “far crossed the boundaries of constitutional conduct” and is engaged in a “campaign of illegal action.”).



However, this bill presents two First Amendment concerns. First, its rebuttable presumption that disclosure of protected information would be unlawful makes the speaker bear the burden of proving that they acted with a lawful purpose.² And second, the law's broad definition of personal information raises potential First Amendment concerns.³ We would be happy to work with the sponsor and any stakeholders on language to address these concerns.

Thank you for your time and attention.

² See *Virginia v. Black*, 538 U.S. 343 (2003) (invalidating a state statute that created a rebuttable presumption that burning a cross in public view “shall be prima facie evidence of an intent to intimidate” because it was facially unconstitutional under the First Amendment).

³ *Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 624 (1994) (“The Government must demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way.”).