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Testimony of Representative Nathan Carlow before the Joint Standing Committee on Energy, Utilities, and Technology

April 13, 2021

In **support** of L.D. 840, *An Act to Prevent Power Line Electrocutions*

Thank you, Mr. Chairman, and distinguished members of the Joint Standing Committee on Energy, Utilities and Technology.

I am Representative Nathan Carlow, and I am pleased to be with you this morning to present brief testimony in support of legislation I have cosponsored with Representative Berry.

As the sponsor has expressed to the Committee, this legislation was written in a very sorrowful context. Truthfully, this was an incident that claimed two victims, both the worker who suffered paralysis due to electrocution, and also the owners of the small Maine boatyard who were driven out of business despite the electric company's overwhelming negligence.

If this case was litigated in the court of common sense, it very clearly would have been Central Maine Power that would have been held liable for damages.

While I won't further restate the somber circumstances that prompted this legislation to be submitted, I will say that the incident, as well as the ensuing court battles, was a failure on the Legislature's part to conform electric safety regulations with other utilities. This bill establishes much needed parity that will ensure that the issue which has been outlined by the sponsor does not recur.

More than four decades ago, the Maine Supreme Court articulated that the "paramount objective" of utility regulation was to ensure "that the public receives an adequate service, delivered in a *safe* and reliable manner."

I want to be clear; this bill is just as much about safety as it is about who shares liability. Accidents do happen, and as unfortunate and upsetting as they may be, we will never be able to legislate away facts of life. The question here is whether or not this infrastructure would have been made more secure if statute held electric companies liable for damages.

Effectively, current law extends unqualified immunity to electric companies, even in cases where their infrastructure does not meet safety requirements imposed by law. At this point, it's a profoundly regrettable oversight, but should the Committee not approve this bill, I fear it would then become a dangerous precedent.

For those reasons, I encourage my colleagues to vote in favor of this bill.

Thank you, Mr. Chairman. I would be happy to take questions from committee members at this time.

Nathan Carlow
Maine State Legislature

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