130th Legislature
Senate of Maine
Senate District 19

Senator Richard A. Bennett
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1505
Cell (207) 592-3200
Richard.Bennett@legislature.maine.gov

Environment and Natural Resources Committee
Government Oversight Committee

Testimony of Senator Richard Bennett
before the Joint Standing Committee on Criminal Justice and Public Safety

LD 1278, An Act To End the Maine Information and Analysis Center Program
April 12, 2021

Senator Deschambault, Representative Warren and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety: I am Sen. Rick Bennett from Oxford, and I have the honor of representing 13 towns in the beautiful lake region and foothills of western Maine. I am pleased to cosponsor and to speak in favor of LD 1278, "An Act To End the Maine Information and Analysis Center Program."

One of 80 "fusion centers" around the country, the Maine Information and Analysis Center Program was established by Governor Baldacci in 2006 with an Executive Order.[i]

According to the *Bangor Daily News*, "A 2012 U.S. Senate[ii] investigation co-chaired by ultraconservative then-Sen. Tom Coburn, R-Oklahoma, found that fusion centers are incompetent and mismanaged. The Senate could not find any fusion center 'reporting which uncovered a terrorist threat… [or any] contribution such fusion center reporting made to disrupt an active terrorist plot.' It did, however, find a chronic over-reporting of dubious information, misappropriation of funds, and accounting mechanisms so lax that the Department of Homeland Security could not tell Congress how much money they've invested in fusion centers."[iii]

Fusion centers are owned and operated by state and local entities and are designated by the governor of their state. Governor Baldacci's Executive Order established a MIAC Advisory Board; however, the center's website does not contain any information regarding the board or its meeting minutes prior to 2019.

From the days of its origins, the Maine fusion center has lacked the oversight, transparency, and proper accountability of a public agency. It initially had a three-member advisory board to counsel on the civil rights and privacy concerns central to its existence. The board consisted of attorney Charles Leadbetter, former Chief Justice Dan Wathen, and State Chamber of Commerce chief Dana Connors. The latter might seem an odd choice, but Mr. Connors' membership evidenced from the outset the cryptic relationship this intelligence gathering agency has had with the largest corporations in Maine.

But even such an advisory board turned out to be a thin veneer of false accountability. By 2015, former Chief Justice Wathen told a newspaper that it had years since the board had met and tried

to evaluate the center's activities. He said, "It was rather hard to get your hands around what they were actually doing."[iv]

That same newspaper article reported: "The MIAC's activities in Maine are largely covert. The agency is overseen by Maine State Police, but its budget, the information it collects and the exact makeup of its 12-member staff are not publicly disclosed." Notwithstanding that, its managers insisted the agency was not a "spooky" as it seemed; we just needed to take their word for it.

In late 2019, thirteen years after its founding, the agency finally created bylaws for their advisory board, listed its members on its website and posted meeting minutes. Bizarrely, the number of listed members is 12, but the bylaws posted immediately before the roster only authorizes 11 members. Until recently, the membership included the head of security for CMP, but his name quietly disappeared some months ago.

In May 2020 the *Bangor Daily News* and the *Portland Press Herald* reported on a lawsuit filed by a whistleblower. Maine State Police Trooper George Loder alleged that the Maine Information and Analysis Center (MIAC) spied on activists, including those in opposition of the CMP Corridor, and maintained a database of gun owners. Loder further alleged that the Center shared some of this information with Central Maine Power. When he questioned these practices internally, he was allegedly demoted and transferred.

Mr. Loder's lawsuit also revealed that MIAC was gathering information on the staff and counselors of the Seeds of Peace summer camp in my district. Seeds of Peace offers children in conflict-ridden parts of the world an opportunity to escape to Maine to find tranquility and the hope of reconciliation. Whatever intelligence MIAC was gathering on Seeds of Peace may have even been too much for agency management. According to the lawsuit, an internal memo in 2018 amended and restricted "MIAC's protocol going forward with respect to the collection, dissemination and retention of information" on those running the camp.

Most troubling is the agency's focus on researching the activities of law-abiding Mainers and then feeding their information and analysis to the largest corporations doing business here. It is no wonder that their activities have been described as Orwellian.

This intelligence-gathering agency of state government, founded explicitly as one node in a national web of spy agencies, brazenly embraces secrecy and opacity and cozy relationships with multinational corporations. And even after facing searing questions from this committee, its leadership believes itself immune from justification, public scrutiny, and legislative oversight. If we cannot hold such a government agency accountable, God help our republic.

Thank you for your consideration, and I would be happy to answer any questions.

[i] https://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=28092&v=Article
[ii] https://www.hsgac.senate.gov/imo/media/doc/10-3-2012 PSI STAFF REPORT re FUSION CENTERS.2.pdf
[iii] https://bangordailynews.com/2020/06/13/opinion/contributors/investigate-and-shut-down-the-maine-information-and-analysis-center/
[iv] https://www.pressherald.com/2015/09/06/secretive-fusion-center-to-play-key-role-in-maine-drug-crackdown/