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Testimony of Representative Charlotte Warren presenting

LD 1278, “An Act To End the Maine Information and Analysis Center Program”

Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety, I am here today to present LD 1278, “An Act To End the Maine Information and Analysis Center Program.”

This bill is easy to understand. In fact, visually, it’s just two full pages of dollar figures wrapped in parenthesis. And that means savings. This bill is aimed at **not spending** taxpayer dollars on Maine’s Fusion Center, the Maine Information Analysis Center (MIAC). **Not spending** a million and a half dollars to be precise. As we in this committee all know, it’s rare to see fiscal notes that only contain savings.

Now, let me be clear, we must invest in public safety. We all want our communities and our state to be safe. We, the thirteen of us, together have spent months on this very topic. But it is also our job to decide **not to spend** our constituents’ hard-earned dollars on initiatives that are wasteful.

Many of you were members of this committee last session when we, along with the Judiciary Committee, spent hours trying to ascertain what MIAC does to make Mainers safer. We got a long list of what MIAC doesn’t do, but no metric to measure its effectiveness. In July, after facing criticism for a lack of transparency, the MIAC opened its doors to reporters. I also attended the session. When asked, “What service does the center provide that other agencies don’t already do?” Lieutenant Johnston deferred to other agencies to answer the question. He said, and I quote, “I think that question is better asked of the people we partner with and we try

to serve on a daily basis, the law enforcement agencies that utilize us, the public and private sector entities that we partner with...”

To my way of thinking, recipients of Maine government funding better be able to prove to taxpayers that they’re worth the money. If you are a public safety agency that cannot answer the question of how you create public safety, you shouldn’t receive government dollars.

There also exist three other troubling words in Lieutenant Johnson’s response: private sector entities. Why are we using Maine citizens’ hard earned dollars to pay the Maine State Police to gather data on those citizens – who are not committing crimes – and report it to private sector corporate executives?

As has been widely reported, State Trooper George Loder is suing the MIAC, and its supervisors, claiming he was demoted after he told his bosses that the MIAC was illegally collecting and maintaining data, including a gun registry and information on citizens lawfully protesting – or said another way, expressing their first amendment freedoms. Among other allegations, the Maine state trooper says that the MIAC illegally gathered and kept information gleaned from social media about Maine citizens who legally protested against Central Maine Power Co.’s proposed transmission corridor.

Shortly after those allegations came to light, there was a very large data breach and included in the trove of documents was the MIAC’s email distribution list. Through the data breach, we learned that the MIAC sends intelligence reports to corporate executives and security officials at major corporations with interests or operations in Maine, including Avangrid, Central Maine Power’s parent company. (Also on MIAC’s distribution list, ExxonMobile, Bath Iron Works, Emera Maine, Smith & Wesson, Nestle Waters North America, Sinclair Research, Verizon, Oxford Casino, Sprague Energy, Irving Oil, Maine Medical Center, Portland Pipeline Company and Lockheed Martin, among others.)

These private-sector partners receive “situational awareness reports.” And, in fact, in an August 28, 2018 Situational Awareness Report also leaked, the MIAC detailed a case of “criminal mischief in The Forks, ME, in protest of the New England Clean Energy Connect (NECEC) project.” The document, shared by this large distribution list to law enforcement agencies and private sector corporate executives, goes on further to ask law enforcement to report any information on the incident to the Maine Warden Service.

Incidentally, the criminal mischief described in the report as, “Signs were hung on trees and on a wire suspended across a gorge that is used by local rafting companies...Paint stirring sticks with hand-written messages were also thrown into the gorge.”

Now, I am a Pittston-born, farm-raised Mainer, so I have an inherent visceral distaste for any litter bugging scofflaw, but criminal mischief? Hanging signs to communicate to white water rafters seems like first amendment speech to me.

Why are we billing Maine taxpayers to pay State Police to collect information on Maine people who are not committing crimes and reporting it to corporations? Is that really the role of government? Would your constituents think that was a good use of their hard-earned dollars? Last summer during our joint hearings with the Judiciary Committee, former Senator and now Maine Secretary of State Shenna Bellows asked Commissioner Sauschuck, “What percentage of the fusion center time is being spent collecting information on groups that have never been involved in criminal activity?”

Commissioner Sauschuck answered, and I quote, “I don’t have specific percentages on their work product. We can try to drill that down.”

I don’t know about you, but I wanted that answer to be an unequivocal “zero percent.” I wanted Commissioner Sauschuck to tell the 26 lawmakers present and trying to get a handle on what the MIAC does, that **zero percent of time was spent collecting information on Maine citizens that have never been involved in criminal activity**. I bet that is what our constituents want, too.

Maine lawmakers are not alone in their interest in Fusion centers. Under the leadership of Republican Senator Tom Coburn, the Permanent Subcommittee on Investigations spent two years examining Federal support of fusion centers and evaluating the resulting counterterrorism intelligence. The Subcommittee’s investigation included interviewing dozens of current and former Federal, state, and local officials, reviewing more than a year’s worth of intelligence reporting from the fusion centers, conducting a nationwide survey of fusion centers, and examining thousands of pages of financial records and grant documentation. The Subcommittee found, and I quote, “the fusion centers forwarded ‘intelligence’ of uneven quality – oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.” (I have included a link to the full report: <https://www.hsgac.senate.gov/imo/media/doc/10-3-2012%20PSI%20STAFF%20REPORT%20re%20FUSION%20CENTERS.2.pdf>)

Committee colleagues, Maine government does not have unlimited resources to spend. Every single dollar we approve in this committee better be spent toward improving public safety. And there better be a way for us to show our constituents we’re spending their dollars wisely. We have many initiatives before us in this committee that need funding **that have already proven**

their effectiveness. Among the many competing proposals for unlimited resources, a new incinerator for marine flares, treatment for suffering Mainers, Batterer Intervention Programming, Crime Lab investigators, and the list goes on. Let's choose, together, to spend taxpayer dollars on what we know works. I hope you'll join me by voting ought to pass on this important proposal.