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ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 547, L.D. 861, “An Act Related to the Work of the Public Advocate”

Amend the bill by striking out the title and substituting the following:

'An Act to Prohibit the Public Advocate and a Commissioner of the Public Utilities Commission from Certain Employment Activities Following Service'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 35-A MRSA §124 is enacted to read:

§124. Post-term employment restrictions; commissioners

1. Definition. As used in this section, "employment" means any full-time or part-time work performed for compensation and includes, but is not limited to, consulting and membership on a board.

2. Prohibitions. An individual serving as a commissioner on or appointed to serve as a commissioner on or after December 15, 2025 may not, until 60 months after the completion of the commissioner's service in accordance with section 105, subsection 2:

A. Solicit employment with or accept employment from a public utility in the State; or

B. Appear before the commission for compensation in a commission proceeding on behalf of a person.

3. Penalties. An individual who violates this section is subject to a civil penalty not to exceed \$10,000 per occurrence, payable to the State.

4. Enforcement. The Office of the Attorney General may investigate alleged violations of this section and bring an action for a violation of this section.

Sec. 2. 35-A MRSA §1715 is enacted to read:

§1715. Post-term employment restrictions

1. Definition. As used in this section, "employment" means any full-time or part-time work performed for compensation and includes, but is not limited to, consulting and membership on a board.

2. Certain employment prohibited. An individual serving as the Public Advocate on or appointed to serve as the Public Advocate on or after December 15, 2025 may not, until 60 months after the completion of the Public Advocate's service in accordance with section 1701, subsection 1-A:

A. Solicit employment with or accept employment from a public utility in the State; or

B. Appear before the commission for compensation in a commission proceeding on behalf of a person, other than a state agency or quasi-independent state entity, if that person was a party to an adjudicatory proceeding in which the Public Advocate was a party during the Public Advocate's term of service.

3. Penalties. An individual who violates this section is subject to a civil penalty not to exceed \$10,000 per occurrence, payable to the State.

4. Enforcement. The Office of the Attorney General may investigate alleged violations of this section and bring an action for a violation of this section.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is a minority report of the committee, replaces the bill, which is a concept draft, and changes the title. It prohibits the Public Advocate or a commissioner of the Public Utilities Commission serving on or appointed on or after December 15, 2025, until 60 months after the completion of the Public Advocate's or commissioner's service, from soliciting or accepting employment from a public utility. It also prohibits, until 60 months after the completion of service, a commissioner from appearing before the commission in a proceeding for compensation and the Public Advocate from appearing before the commission in a proceeding for compensation on behalf of a person, other than a state agency or quasi-independent state entity, if that person was a party to an adjudicatory proceeding in which the Public Advocate was a party during the Public Advocate's term of service. The amendment provides that the law is enforced by the Office of the Attorney General and an individual who violates the law is subject to a civil penalty not to exceed \$10,000 per occurrence.

FISCAL NOTE REQUIRED

(See attached)