



# SIERRA CLUB

## MAINE CHAPTER

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To: Members of the Joint Committee on Energy, Utilities, and Technology,  
From: Jacob Stern  
Date: March 23, 2023  
Re: **Testimony in Support of L.D. 939: *An Act to Support Environmental Justice by Requiring Certain Notice Requirements for Whistleblower Protections***

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Senator Lawrence, Representative Zeigler, and the members of the Joint Committee on Energy, Utilities, and Technology,

I am submitting the following testimony on behalf of Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nation-wide as we work towards combating climate change and promoting a just and sustainable economy. To that end, we urge an "ought to pass" report on L.D. 939: *An Act to Support Environmental Justice by Requiring Certain Notice Requirements for Whistleblower Protections*.

This straightforward legislation would require Maine's competitive electricity providers and utility contractors to annually notify their employees of existing whistleblower protections. In the existing statute, managers "*may not discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee, in compliance with this section, in good faith testifies before or provides information to a legislative committee, the commission or the Public Advocate regarding the operation of the business of a public utility or competitive service provider or because the employee brings the subject matter of the testimony or information to the attention of a person having supervisory authority*" (see 35-A MRSA §1316). Under the proposed legislation, these protections would remain in place unchanged, managers would simply have to make sure all employees are aware of this information on a regular basis.

That being said, the Committee may consider adding an amendment to the bill that would bring Maine's whistleblower protections closer to those outlined by the Federal Whistleblower Protection Act.<sup>1</sup> We offer the following language to be included in 35-A MRSA §1316, paragraph 3. After "supervisory authority" insert the following: "or any other

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<sup>1</sup> "FAQ: Whistleblower Protection Act." National Whistleblower Center, <https://www.whistleblowers.org/faq/whistleblower-protection-act-faq/>.

person whom the employee reasonably believes can help correct what he or she reasonably believes is a risk to public safety or the health of the environment or a potential violation of law.”

This language would prevent the protections in the Maine statute from being limited to those expressed and from excluding reports to law enforcement, fire departments, or investigative reporters, for example, depending on the situation and the severity of the threat of harm or on-going violation of law.

While we all hope for and expect the best from our utility companies, strong whistleblower protections have been a key accountability mechanism to prevent bad behavior. For example, in the case of NW Natural, Oregon’s largest gas utility company, a former employee reported a complaint involving systemic inaccuracies across the company's thousands of gas meters. The employee was fired and it wasn’t until over a decade later that Oregon’s Public Utility Commission began investigating NW Natural’s meters and billing discrepancies.<sup>2</sup>

With electric rates rising across the region and CMP proposing yet another series of rate increases through 2025, we believe it is critical to hold utility providers to the highest standard possible. L.D. 939 will increase accountability, empower utility workers, and importantly, benefit ratepayers. Again, we urge an “ought to pass” report on L.D. 939: *An Act to Support Environmental Justice by Requiring Certain Notice Requirements for Whistleblower Protections*. Thank you for your time and consideration.

Sincerely,  
Jacob Stern

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Vice Chair, Executive Committee  
Sierra Club Maine Chapter

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<sup>2</sup> May, Chris. “Defective Meters and Whistleblower Complaints Raise Questions About Gas Utility’s Profits.” DeSmog, 16 Dec. 2022, <https://www.desmog.com/2022/12/16/nw-natural-gas-utility-profits-whistleblower-complaint/>.