



Testimony in Opposition to LD 1963
An Act to Protect and Compensate Public Utility Whistleblowers
May 2025

Senator Lawrence, Representative Sachs, and members of the committee, my name is James Cote and I am here on behalf of Versant Power to provide testimony in opposition to LD 1963.

Versant Power is proud of its employees and supports their rights as employees. We strive every day to ensure that workers enjoy a supportive culture that encourages them to do what's right for our customers and themselves. We also honor the privilege of serving our customers and the State of Maine, working hard each day to maintain a safe and reliable grid. As such, it is our goal that protections like these will never be necessary.

Importantly, we should note that Versant Power employees are already covered under Title 26, chapter 7, subchapter 5-B, the Whistleblowers' Protection Act, and Title 35-A, section 1316, which protects testimony presented by employees of public utilities, affiliated interests, and utility contractors. Because of this, we ask the following questions:

- The Whistleblowers' Protection Act requires prior notice of a violation, condition or practice and reasonable opportunity to correct the same unless the employee has specific reason to believe that reports to the employer will not result in prompt correction. Does LD 1963 envision the same?
- Does this legislation supersede the Whistleblowers' Protection Act under the Maine Human Rights Commission and/or 35-A M.R.S. § 1316 as it pertains to Versant employees?
- If not, is a decision from one commission on a whistleblower action admissible in a proceeding before the other?
- The Whistleblowers' Protection Act specifies that it may not be construed to derogate any common-law rights of an employee. We ask if LD 1963 envisions the same?

Versant has the following questions and comments as they relate to "covered sanctions":

- When would a covered sanction be in the form of an administrative penalty versus a negative revenue adjustment?
- The definition of "covered sanction" as it relates to administrative penalties in subsection 1(A)(1) appears to be ambiguous in that it is unclear as to whether the definition includes a penalty of *less than* \$100,000 if awarded pursuant to a provision of Title 35-A *other than* section 1508-A.
- It is also unclear as to whether the definition of "covered sanction" seeks to expand the commission's authorization to award an administrative penalty for a violation of *any* provision of Title 35-A.



- To eliminate these ambiguities, Versant suggests striking “or pursuant to any other provision of this Title” from subsection 1(A)(1).

Would claims made by way of an informational report from a whistleblower be subject to the 5-year statute of limitations contained in 35-A M.R.S. § 1509?

Would the imposition of a covered sanction or the amount of any resulting award to a whistleblower be appealable to the PUC or a court?

Versant Power remains especially concerned that this provision could incentivize an employee to not bring a safety, health, customer or financial concern forward to an appropriate supervisor for timely action to be taken and instead wait for the problem to compound itself to improve chances of a successful action and subsequent compensation at the Public Utilities Commission.

Thank you for your consideration and we would be pleased to answer questions or provide more information for the work session.