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Testimony of Representative Sophie Warren Presenting
L.D. 861, An Act to Prohibit the Public Utilities Commissioners and Public Advocate from Employment with Regulated Entities and Certain Government Agencies Following Service
Before the Joint Standing Committee on Energy, Utilities and Technology

Good morning, Senator Lawrence, Representative Sachs, and respected colleagues of the Joint Standing Committee on Energy, Utilities and Technology. My name is Sophie Warren, and I represent House district 124. Thank you for the opportunity to present **L.D. 861, An Act to Prohibit the Public Utilities Commissioners and Public Advocate from Employment with Regulated Entities and Certain Government Agencies Following Service**.

The bill before you prohibits¹ a Public Utilities Commissioner or Public Advocate, until 12 months after the completion of their service, from employment with an entity from a business whose activities are governed by regulations adopted by the commission.²

This bill first came in the context of two confirmation hearings this session which inspired a discussion of how our laws might undermine public trust, in these critical roles and the great work being done by our current public utilities commissioners and our current public advocate, if there can be an appearance of impropriety insofar as a post-appointment role may implicate the critical decisions made with immense power and public trust.

Beyond traditional disagreements and respected differences in perspectives so many Mainers have, some issues can sometimes rise above, in questions of public trust and the role of money in politics. This bill seeks to eliminate even the appearance of impropriety and protect public trust in the honorable professions and profoundly important work that is done through the Public Utilities Commission. With power comes due responsibility. It doesn't come just through personal choices, but in the decisions we make. It is through law ensuring the standards and practices we believe are necessary be established and upheld.

In this context, I learned about the myriad states³ and examples in federal law⁴ where these provisions are well established and the ways Maine may be seen as somewhat of an outlier.

¹ Beginning December 15, 2025, and thereafter all those appointed.

² Including a public utility offering utility service in the State or an affiliate of that utility, a licensed competitive electricity provider or its affiliate, a regional transmission organization or a generation provider.

³ [Revolving-Door-Restrictions-by-State-2019.pdf](#).

⁴ [Post-Employment, "Revolving Door," Laws for Federal Personnel](#).

Just a few examples are as follows: In Nevada, there is a 1-year restriction where former public officers or employees of a board, commission, etc. shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, etc.⁵ In Texas, there is a 2-year employment ban on former officers for employment with people that contracted with, negotiated with, or procured with the state.⁶ In Wisconsin there is a 1-year restriction on employment or any form of compensation for a former state official if there is any connection between that party and any judicial or quasi-judicial proceeding, application, contract, claim, or charge in which the former state official substantially participated.⁷ Many more of various scope and application are available at the references to this testimony.

I want to restate my appreciation for the great work and leaders in this state involved for so many years in the important and necessary work of public utility and energy regulation. I have immense respect for the integrity of each individual in these critical public service roles. Nothing about this bill or this testimony intends to imply anything different.

I do believe this is an important piece of legislation, however. I think it is in line with the interests of our state and its people, putting us on closer footing to a broad, diverse set of states who have seen the wisdom in adopting these provisions.

With those intentions, I respectfully urge the Committee to support this bill, and I thank you for your time and consideration. I'd be happy to answer any questions.

⁵ § 281A.550.

⁶ § 572.054, 572.069.

⁷ § 19.45(8).

LD 861
PROPOSED SPONSOR AMENDMENT
CHANGES HIGHLIGHTED
Offered by Representative Warren
April 28, 2025

New Title: An Act to Prohibit the Public Utilities Commissioners and Public Advocate from Employment with Regulated Entities and Certain Government Agencies Following Service

Amend the bill by striking everything after the enacting clause and before the summary and replace with the following:

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

§124. Post-term employment restrictions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Affiliate" means any person who controls, is controlled by or is under common control with any other person.

B. "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.

C. "Generation provider" means:

(1) A distributed generation resource participating in net energy billing in accordance with sections 3209-A or 3209-B;

(2) An entity approved for a contract by the commission in accordance with a competitive procurement under this Title for energy or renewable energy credits;

(3) A resource certified by the commission as a Class I resource as defined in section 3210, subsection 2, paragraph A-2;

(4) A resource certified by the commission as a Class IA resource as defined in section 3210, subsection 2, paragraph A-3; or

(5) A resource certified by the commission as a Class II resource as defined in section 3210, subsection 2, paragraph B.

D. "Regional transmission organization" has the same meaning as in section 10102, subsection 8.

2. Certain employment prohibited. An individual serving as a Public Utilities Commissioner or the Public Advocate or appointed to serve as a Public Utilities Commissioner or the Public Advocate on or after December 15, 2025, may not be employed by the following entities until 12 months after the completion of a Public Utilities Commissioner in accordance with section 105, or the Public Advocate's service in accordance with section 1701, subsection 1-A:

A. A public utility offering utility service in the State or an affiliate of that utility;

B. A competitive electricity provider licensed in accordance with section 3203 or an affiliate of that

competitive electricity provider;

C. A regional transmission organization as defined in section 10102, subsection 8; or

D. A generation provider.

3. Penalties. An individual who violates this section is subject to a civil penalty not to exceed \$15,000 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.

SUMMARY

This amendment replaces the bill which is a concept draft. It prohibits a Public Utilities Commissioner or Public Advocate serving on December 15, 2025 and a Public Utilities Commissioner or Public Advocate appointed on or after that date from, until 12 months after the completion of a Public Utilities Commissioner or Public Advocate's service, employment with a public utility offering utility service in the State or an affiliate of that utility, a licensed competitive electricity provider or its affiliate, a regional transmission organization or a generation provider. The amendment provides that the law is enforced by the Office of the Attorney General.