

LD 1963, An Act to Protect and Compensate Public Utility Whistleblowers

Senator Lawrence

Representative Sachs

Members of the Energy, Utilities and Technology Committee

My name is Debra Hart, and I am a resident of Manchester, Maine. I represent the Dirigo Electric Cooperative Companies ("Consumer-Owned Utilities" or COUs), which include VanBuren Light & Power, Houlton Water Company, Eastern Maine Electric Cooperative, Kennebunk Light & Power District, Madison Electric Works, Brunswick Landing Electric Utility, Fox Island Electric Cooperative, and Isle Au Haut Electric Power Co.

The COUs oppose LD 1963, as amended, primarily because it creates a financial incentive for whistleblowers at the expense of COU ratepayers. As nonprofit, member-owned utilities without shareholders, the COUs assert that it would be inappropriate for a whistleblower to recoup compensation from COU ratepayers or retain damage penalties that should be returned to the ratepayers. There should be no financial incentive for whistleblowers in COU matters, as such compensation would ultimately be paid by the COU's ratepayers. For this reason alone, LD 1963 should not apply to COUs.

Furthermore, the COUs are already subject to whistleblower laws that address the areas of risk to COU ratepayers. The U.S. Department of Labor administers the majority of these federal laws that protect private sector workers from retaliation when they blow the whistle through the Occupational Safety and Health Administration (OSHA). The laws include, but are not limited to, employment health and compensation, environmental safety, employee safety, fraud, and financial issues. More information is available on the DOL's website at <https://www.dol.gov/general/topics/whistleblower>.

The Commission already has the authority to investigate any complaint brought to it by a customer, employee, or contractor of a COU. The COUs do not have shareholders and are not publicly traded companies; the utility exemption from the Securities and Exchange Commission's financial disclosures, which is the reason for introducing LD 1963, does not apply to COUs. For these reasons, the COUs oppose LD 1963 and request an exemption from its provisions.