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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 764, L.D. 1026, “An Act To Update the Regulation of Public Utility Monopolies”

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

**'An Act To Update the Terminology in the Maine Revised Statutes, Title 35-A'**

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

**'Sec. 1. 35-A MRSA §102, sub-§2-A,** as enacted by PL 1999, c. 398, Pt. A, §3 and affected by §§104 and 105, is repealed.

**Sec. 2. 35-A MRSA §102, sub-§2-B** is enacted to read:

**2-B. Competitive electricity provider.** "Competitive electricity provider" has the same meaning as in section 3201, subsection 5.

**Sec. 3. 35-A MRSA §103, sub-§2, ¶C,** as enacted by PL 1999, c. 398, Pt. A, §10 and affected by §§104 and 105, is amended to read:

C. The commission shall oversee the activities of competitive ~~service~~ electricity providers to the extent provided in this Title.

**Sec. 4. 35-A MRSA §109, sub-§1,** as amended by PL 1999, c. 398, Pt. A, §11 and affected by §§104 and 105, is further amended to read:

- 1. Public utilities.** A member or employee of the commission may not:
  - A. Have any official or professional connection or relation with any public utility or competitive ~~service~~ electricity provider operating within this State;
  - B. Hold any stock or securities in any public utility or competitive ~~service~~ electricity provider operating within this State;
  - C. Render a professional service against any such public utility or competitive ~~service~~ electricity provider; or

**COMMITTEE AMENDMENT**

1 D. Be a member of a firm that renders service against any such public utility or  
2 competitive ~~service~~ electricity provider.

3 **Sec. 5. 35-A MRSA §1316**, as amended by PL 1999, c. 398, Pt. A, §21 and affected  
4 by §§104 and 105, is further amended by amending the section headnote to read:

5 **§1316. Testimony presented by employees of public utilities or competitive ~~service~~**  
6 **electricity providers to legislative committees and to the Public Utilities**  
7 **Commission**

8 **Sec. 6. 35-A MRSA §1316, sub-§1, ¶B**, as amended by PL 1999, c. 398, Pt. A,  
9 §21 and affected by §§104 and 105, is further amended to read:

10 B. "Employer" means a public utility or competitive ~~service~~ electricity provider  
11 licensed to do business in this State with one or more employees.

12 **Sec. 7. 35-A MRSA §1316, sub-§2**, as amended by PL 1999, c. 398, Pt. A, §21  
13 and affected by §§104 and 105, is further amended to read:

14 **2. Right to provide testimony.** Employees of a public utility or competitive ~~service~~  
15 electricity provider have the right to represent themselves and to testify before a legislative  
16 committee or the commission on their own time. An employee of a public utility or  
17 competitive ~~service~~ electricity provider who complies with this section may not be denied  
18 the right to testify before a legislative committee or the commission.

19 **Sec. 8. 35-A MRSA §1316, sub-§3**, as amended by PL 1999, c. 398, Pt. A, §21  
20 and affected by §§104 and 105, is further amended to read:

21 **3. Discharge of, threats to or discrimination against employees of ~~utility service~~**  
22 **public utilities or competitive electricity providers for testimony presented to**  
23 **legislative committees or the commission.** Unless otherwise provided for, a supervisor  
24 may not discharge, threaten or otherwise discriminate against an employee of a public  
25 utility or competitive ~~service~~ electricity provider regarding the employee's compensation,  
26 terms, conditions, location or privileges of employment because the employee, in  
27 compliance with this section, in good faith testifies before or provides information to a  
28 legislative committee or to the commission regarding the operation of the business of a  
29 public utility or competitive ~~service~~ electricity provider or because the employee brings the  
30 subject matter of the testimony or information to the attention of a person having  
31 supervisory authority.

32 This subsection does not apply to an employee who has testified before or provided  
33 information to a legislative committee or to the commission unless the employee has first  
34 brought the subject matter of the testimony or information in writing to the attention of a  
35 person having supervisory authority with the employer and has allowed the employer a  
36 reasonable time to address the subject matter of the testimony or information. If  
37 appropriate, the employer shall respond in writing.

38 **Sec. 9. 35-A MRSA §1316, sub-§5**, as amended by PL 1999, c. 398, Pt. A, §21  
39 and affected by §§104 and 105, is further amended to read:

40 **5. Civil actions for injunctive relief or other remedies.** An employee of a public  
41 utility or competitive ~~service~~ electricity provider who alleges a violation of rights under  
42 this section and who has made reasonable efforts to exhaust all grievance procedures, as  
43 provided for in the contract of employment or which otherwise may be available at the

1 employee's place of employment, may bring a civil action, including an action for  
2 injunctive relief, within 90 days after the occurrence of that alleged violation or after the  
3 grievance procedure or similar process terminates. The action may be brought in the  
4 Superior Court for the county where the alleged violation occurred, the county where the  
5 complainant resides or the county where the person against whom the civil complaint is  
6 filed resides. An employee must establish each and every element of the employee's case  
7 by a preponderance of the evidence.

8 **Sec. 10. 35-A MRSA §1321**, as amended by PL 1999, c. 398, Pt. A, §22 and  
9 affected by §§104 and 105, is further amended to read:

10 **§1321. Orders altered or amended**

11 The commission may at any time rescind, alter or amend any order it has made  
12 including an order fixing any rate or rates, tolls, charges or schedules of a public utility or  
13 an order relating to matters within the jurisdiction of the commission with respect to a  
14 competitive ~~service~~ electricity provider only if it gives the public utility or competitive  
15 ~~service~~ electricity provider and all parties to the original proceeding, to the extent practical,  
16 written notice and after opportunity for those parties to present evidence or argument, as  
17 determined appropriate by the commission. Certified copies of amended orders must be  
18 served and take effect as provided for original orders. Nothing in this section is intended  
19 to grant to the commission authority to establish or approve the rates charged by  
20 competitive ~~service~~ electricity providers.

21 **Sec. 11. 35-A MRSA §1322, sub-§1**, as amended by PL 1999, c. 398, Pt. A, §23  
22 and affected by §§104 and 105, is further amended to read:

23 **1. Orders temporarily amended.** When the commission finds it necessary to prevent  
24 injury to a public utility's business or to the interest of the people, or if the commission  
25 finds there is an emergency, it may temporarily alter, amend or, with the public utility's  
26 consent, suspend existing rates, schedules or orders affecting the public utility. When the  
27 commission finds it necessary to prevent injury to a competitive ~~service~~ electricity  
28 provider's business or to the interest of the people, or if the commission finds there is an  
29 emergency, it may temporarily alter, amend or, with the competitive ~~service~~ electricity  
30 provider's consent, suspend existing orders affecting the competitive ~~service~~ electricity  
31 provider.

32 **Sec. 12. 35-A MRSA §1322, sub-§3**, as enacted by PL 1999, c. 398, Pt. A, §23  
33 and affected by §§104 and 105, is amended to read:

34 **3. Limitation of authority.** Nothing in this section is intended to grant the  
35 commission authority to establish or approve the rates charged by competitive ~~service~~  
36 electricity providers.

37 **Sec. 13. 35-A MRSA §1702, sub-§1, ¶B**, as amended by PL 1999, c. 398, Pt. A,  
38 §24 and affected by §§104 and 105, is further amended to read:

39 B. The reasonableness and adequacy of the service furnished or proposed to be  
40 furnished by any public utility or competitive ~~service~~ electricity provider;

41 **Sec. 14. 35-A MRSA §1702, sub-§3**, as amended by PL 1999, c. 398, Pt. A, §25  
42 and affected by §§104 and 105, is further amended to read:

