

STATE OF MAINE  
CUMBERLAND, SS

SUPERIOR COURT  
DOCKET NO. AP-23-07

WAYNE R. JORTNER,  
et al.

Petitioners,

v.

SHENNA BELLOWS, in her official  
capacity as Secretary of State for the State of  
Maine

Respondent.

**INDEX TO AGENCY RECORD**

(M. R. Civ. P. 80C(f))

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Dated: February 15, 2023

Respectfully submitted,

AARON M. FREY  
ATTORNEY GENERAL



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*Attorneys for Respondent  
Secretary of State*

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Shenna Bellows  
Secretary of State

*Department of the Secretary of State*

*Bureau of Corporations, Elections and Commissions*

Julie L. Flynn  
Deputy Secretary of State

January 30, 2023

Wayne R. Jortner  
11 Fox Hill Road  
Freeport, ME 04032

Re: Ballot Question for "An Act To Create the Pine Tree Power  
Company, a Nonprofit, Customer-owned Utility"

Dear Mr. Jortner:

I am writing to notify you of my determination of the wording of the ballot question for your initiated legislation, "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility" (the "Act"). I am required to issue the final ballot question for a direct initiative within 10 days of the close of the public comment period on the proposed question. 21-A M.R.S. § 901(4).

On November 30, 2022, I certified that the initiators of the Act had obtained sufficient valid signatures on their petition to submit it to the Legislature. Thereafter, on December 21, 2022, I released a proposed ballot question for the initiative: "Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?" Members of the public had 30 days to submit comments on the proposed wording. During that period, this Office received 168 comments. The comment period closed on January 20, 2023.

I have reviewed and considered all public comments submitted during the comment period. Based on my consideration of those comments, I have determined that the final wording of the ballot question will be as follows:

**Do you want to create a new quasi-governmental  
power company governed by an elected board to  
acquire and operate existing for-profit electricity  
transmission and distribution facilities in Maine?**

*Analysis*

The Maine Constitution requires ballot questions to be presented "concisely and intelligibly." Me. Const. art. IV, pt. 3, § 20. Similarly, state law requires that a ballot

R. 0001

question be written "in a clear, concise and direct manner that describes the subject matter of the . . . direct initiative as simply as is possible." 21-A M.R.S. § 906(6). The Maine Supreme Judicial Court has explained that the question should allow voters "to understand the subject matter and choice presented." *Olson v. Sec'y of State*, 1997 ME 30, ¶ 11, 689 A.2d 605. However, the wording of the question may also "assum[e] that the voters have discharged their civic duty to educate themselves about the initiative." *Id.* I conclude that the wording announced above accurately characterizes the subject matter of the ballot initiative and the choice presented to voters and otherwise satisfies the legal standards set forth above.

Below I respond by category to the public comments received concerning the draft question:

*"Quasi-Governmental."* Commenters were split on whether the entity to be created by the initiated bill can or should be described as "quasi-governmental." Proponents of phrases such as "consumer owned" or "nonprofit" pointed out that those terms are used in the proposed legislation and current law. Proponents of "quasi-governmental" argued that it better reflected nature of the proposed entity. After considering these arguments, I conclude that "quasi-governmental" is the descriptor that will enable voters to best understand the choice presented by the initiative. The new entity is defined in the Act as a "body corporate and politic," a phrase used in the Maine Revised Statutes in establishing other quasi-governmental entities. It would be classified within Title 5, § 12004-G, which lists "general government" entities. The new entity would be permitted to borrow under provisions applicable to quasi-municipal entities. A majority of the board of directors are elected in statewide elections governed by Title 21-A of the Maine Revised Statutes, with candidates eligible to seek Maine Clean Election Act funds. The entity will be subject to the Freedom of Access Act and may adopt regulations having the force of law under the Maine Administrative Procedure Act. All of the above factors indicate that the entity is properly understood as "governmental" in nature. Moreover, because the entity will function as an enterprise, with its day-to-day operations conducted by a nongovernmental entity contracted by the board, it is appropriate to characterize it as "quasi" governmental.

I recognize that "consumer owned" is a phrase that is used in current statute and that the initiative would amend the definition of that phrase to include the new entity. See 35-A M.R.S. § 3501. Although I accept that the phrase would become an accurate descriptor of the entity as a legal matter should the initiative be enacted by definition, I am concerned that the phrase would nevertheless suggest to voters that consumers would be acquiring shares or some other formal ownership stake in the new entity. Because "quasi-governmental" is an accurate descriptor with no such potentially misleading connotations, I have concluded it is preferable to "consumer owned."

I have rejected the term "non-profit" for similar reasons. While the new entity would be "non-profit" in the sense that it will be pursuing objectives other than profits for investors, it will not be a non-profit corporation under Maine's

Nonprofit Corporation Act, which excludes any "body politic and corporate of the State." 13-B M.R.S. § 102(4)(C). Use of this term could therefore be misconstrued by voters. It would also add to the length of the question, contrary to my mandate to describe the subject matter as simply as possible.

Finally, several commenters also objected to the addition of "owned" after "quasi-governmental," suggesting that it was not grammatically sound. I agree with these comments and am therefore striking "owned" from the proposed question.

*"Reliable, Affordable Energy."* Several commenters felt that the question should specify that the new entity will be required to focus on "reliable, affordable electricity." I have concluded that it is not necessary to include this additional language to allow voters to understand the subject matter of the initiative. The initiative specifies that the company will operate as a consumer-owned transmission and distribution utility with all of the powers and duties of such a utility. The question as proposed adequately conveys this core mission. Moreover, the initiated bill specifies eight purposes of the new company, not all of which relate to reliable, affordable electricity. Adding a complete description of the entity's purposes would add undue length to the question. And, finally, including the proposed language could be misconstrued by voters as a prediction of results rather than as a required focus of the new entity. Arguments about the effects of the initiated bill are best left to the public square.

*"For Profit"; "Foreign Owned."* A number of commenters expressed concern that the question could be misunderstood to suggest that the new entity will acquire *all* transmission and distribution facilities in Maine. Most of these commenters suggested that the question therefore be amended to describe the facilities to be acquired as "for-profit" and "foreign owned." I agree that the proposed question could be misconstrued as providing for acquisition of all such facilities without limitation. Given the Act's limitation of the new entity's acquisition powers to facilities owned, operated, or held by "investor-owned" utilities, I have determined that it is appropriate to add the term "for-profit" to describe the facilities to be acquired. I have determined that "for profit" adequately describes in plain English the limitation on the entity's acquisition power and will thereby avoid voter confusion over the scope of the entity's powers. However, I have rejected the use of the further descriptor "foreign owned." Nothing the legislation limits the new entity's acquisition powers to foreign-owned entities. Inclusion of this term would not accurately describe the scope of the entity's powers.

*Composition of the Board.* Several commenters suggested that the question should make clear that some members of the entity's board will be "appointed" rather than elected. I have declined to make any changes to the question based on these comments. Use of the term "appointed" could be misconstrued by voters to suggest that the Governor or some other member of the Executive Branch appoints members to the board. In fact, the elected board members will

themselves "designate" (i.e., elect) the remaining 6 members. Moreover, board members directly elected by voters will comprise a majority of the board. It is therefore accurate and will not mislead voters to refer to the board as "elected."

*Requirement to Acquire; Eminent Domain Power.* Several commenters suggested that the question make clear that the new entity *must* acquire the specified transmission and distribution facilities and that it may use eminent domain to do so. I have concluded that the question as drafted adequately conveys to voters the nature of the new entity's mandate and that further specificity would unnecessarily complicate the language of the question.

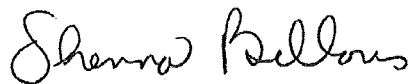
*Costs of the Proposal.* Several commenters suggested that the question should convey that ratepayers will bear the costs of the required acquisitions. Other commenters cited evidence suggesting that ratepayers will experience net savings as a result of the new entity. I have determined that the ballot question need not include any specific reference to costs in order to allow voters to understand the nature of the choice presented. The question indicates that the new entity will "acquire" the facilities at issue, which implies an associated cost.

*Readability of the Question.* One commentor expressed concern about the complexity of the question and the difficulty that some voters could experience in comprehending it. However, the subject matter of the Act is itself highly complex and its text lengthy. Given those complexities, I believe the final language complies with my dual obligations to present the question (a) accurately and (b) as simply as possible. I note that the alternative wordings proposed by commenters were, by and large, similarly complex.

*Other Comments.* In addition to the comments described above, I considered all other comments submitted during the comment period. I determined that none of these remaining comments warranted changes to the wording of the ballot question.

A voter named in the application for this direct initiative as well as any other aggrieved voter may appeal this final decision to Superior Court within 10 days of the date of this decision, pursuant to 21-A M.R.S. § 905(2).

Sincerely,



Shenna Bellows  
Secretary of State

STATE OF MAINE  
APPLICATION FOR CITIZEN INITIATIVE

RECEIVED

AUG 16 2021

OFFICE OF SECRETARY OF STATE  
AUGUSTA, MAINE

APPLICANT INFORMATION: (List the contact person for the initiative proponents.)

Name of Applicant: Wayne R. Jortner  
Mailing Address: 11 Fox Hill Rd, Freeport, ME 04032  
Municipality of Residence: \_\_\_\_\_  
Home Phone: 603-454-571 Work Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
scott@rcl21@gmail.com

I hereby invoke the citizen initiative procedure provided for by the Constitution of Maine, Article IV, Part Third and governed by Title 21-A M.R.S.A. Chapter 11. Attached is a draft of the legislation for consideration under these provisions.

Wayne R. Jortner  
Signature of Applicant

Subscribed and sworn before me on

August 13, 2021  
(Date)

[Signature]  
(Signature of Notary Public or Agent of the Secretary of State)

Alexander Dupras  
(Print Name of Notary Public or Agent of the Secretary of State)

Alexander C. Dupras  
Notary Public, State of Maine  
My Commission Expires 03/22/2028

DESIGNATED VOTER INFORMATION: (List five voters, other than the applicant, to receive notices of proceedings.) Please list voter's name, as it appears on the voting list, the mailing address, telephone number, (if published), the municipality of legal residence (where registered to vote), and voter's signature.

1. Ania Wright  
6 Jordan Pl  
Bar Harbor, ME 04609  
Phone: 207-274-9265  
Municipality of Residence: Bar Harbor  
Signature: [Signature]

2. John L. Clark  
2136 LINNEUS MAINE 0470  
Phone: 207-532-2505  
Municipality of Residence: Linneus  
Signature: [Signature]

3. Nicole Grohowski  
151 Banger Rd  
Ellsworth, ME 04605  
Phone: 207-358-8333  
Municipality of Residence: Ellsworth  
Signature: [Signature]

4. William H. Downes, Jr.  
10 Sunset Point Road  
Yarmouth, ME 04096  
Phone: 207/847-9342  
Municipality of Residence: Yarmouth  
Signature: [Signature]

5. Richard A. Bennett  
75 Bennett Ln.  
Oxford, ME 04270  
Phone: 207-582-3200  
Municipality of Residence: Oxford  
Signature: [Signature]

R. 0005

An Act To Create the Pine Tree Power Company, a Not-for-Profit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

An Act to Create the Pine Tree Power Company, a Not-for-Profit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

RECEIVED

AUG 16 2021

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-G, sub-§36 is enacted to read:

OFFICE OF SECRETARY OF STATE  
AUGUSTA, MAINE

36.

P u b l i c Pine Tree Power Company Board  
Utilities

\$110/Day and 35-A MRSA  
Expenses \$4002

Sec. 2. 21-A MRSA §354, sub-§5, ¶G, as enacted by PL 1985, c. 161, §6, is amended to read:

G. For a candidate for State Representative, at least 50 and not more than 80 voters; and

Sec. 3. 21-A MRSA §354, sub-§5, ¶H, as enacted by PL 1985, c. 161, §6, is amended to read:

H. For a candidate for county charter commission member, at least 50 and not more than 80 voters;  
and

Sec. 4. 21-A MRSA §354, sub-§5, ¶I is enacted to read:

I. For a candidate for member of the Pine Tree Power Company Board under Title 35A, section 4002, subsection 2, paragraph A, at least 300 and not more than 400 voters.

Sec. 5. 21-A MRSA §1011, first ¶, as amended by PL 2013, c. 334, §2, is further amended to read:

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. Candidates for municipal office as described in Title 30-A, section 2502, subsection 1 and candidates for the Pine Tree Power Company Board as described in Title 35-A, section 4002 are also governed by this subchapter. The commission does not have jurisdiction over financial activities to influence the nomination or election of candidates for federal office.

Sec. 6. 35-A MRSA §1511-A is enacted to read:

§1511-A. Fitness to serve

The commission shall find a transmission and distribution utility with 50,000 or more customers unfit to serve and shall require and ensure the sale of the utility to be completed within 24 months, if 4 or more of the following statements are true of the utility:

1. Customer satisfaction. Has been rated for two or more of the past five years among the lowest decile of utilities of a similar size for customer satisfaction on a nationally recognized survey of U.S. utility business or residential customers;

2. Reliability. Has been found by the commission or by the U.S. Energy Information Administration for two or more of the past five years to have overall reliability in terms of outage minutes per year, with or without major event days, in the lowest decile of utilities of a similar size in the country;

3. Affordability. Charged residential delivery rates for two or more of the past five years in the highest decile among utilities of a similar size in the country, based on data from the U.S. Energy Information Administration and based on the commission's analysis of average delivery rates as a proportion of the average total bill for integrated utilities;

4. Workers. Has within the previous year contracted with a business to perform work valued at more than \$100,000 that could reasonably have been performed by qualified, nonexempt employees of the utility;

An Act To Create the Pine Tree Power Company, a Not-for-Profit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

5. Security. Owns critical infrastructure vital to the security and welfare of the state and is presently owned, either wholly or in a part greater than 5 percent, by a government that does not represent or govern the captive customers of the utility;

6. Incentives. Due to its corporate structure, requires that customers pay for the cost of the utility's corporate taxes, and also pay for shareholder profits exceeding 10% on prudent capital investment in transmission infrastructure, with little to no risk for poor performance;

7. Disaster assistance. Due to its corporate structure, may require that customers pay directly or indirectly for 90 percent or more of damages to the company's assets caused by extreme weather events, and may also deny the utility access to federal emergency management assistance to reduce or eliminate these costs, which would otherwise be paid by customers; or

8. Priorities. Due to its corporate structure and fiduciary obligations, is unable to place the needs of customers, workers, or the state's climate and connectivity goals ahead of the desires of shareholders to earn a profit.

Sec. 7. 35-A MRSA §3501, sub-§1, ¶D, as amended by PL 2019, c. 311, §2, is further amended to read:

D. The portion of any municipal or quasi-municipal entity located in the State providing transmission and distribution services; and

Sec. 8. 35-A MRSA §3501, sub-§1, ¶E, as amended by PL 2019, c. 311, §2, is further amended to read:

E. Any transmission and distribution utility wholly owned by a municipality located in the State; and

Sec. 9. 35-A MRSA §3501, sub-§1, ¶F is enacted to read:

F. The Pine Tree Power Company established in chapter 40.

Sec. 10. 35-A MRSA §3502, first ¶, as amended by PL 1999, c. 398, Pt. A, §86 and affected by §§104 and 105, is further amended to read:

Notwithstanding section 310, any consumer-owned transmission and distribution utility, except for the Pine Tree Power Company established in chapter 40, that proposes to increase rates, tolls or charges by not more than 15% of the utility's annual operating revenues or proposes to decrease rates, tolls or charges in any amount may elect to set rates pursuant to this section and section 3503.

Sec. 11. 35-A MRSA c. 40 is enacted to read:

## CHAPTER 40

### PINE TREE POWER COMPANY

#### §4001. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Acquired utility. "Acquired utility" means an investor-owned transmission and distribution utility whose facilities or property are purchased or intended for purchase pursuant to this chapter.

2. Board. "Board" means the Pine Tree Power Company Board established in Title 5, section 12004G, subsection 36.



An Act To Create the Pine Tree Power Company, a Not-for-Profit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

**3. Company.** "Company" means the Pine Tree Power Company established in section 4002.

**4. Cost of service.** "Cost of service" means the total amount that must be collected by the company to recover its costs but does not include any return on capital investment unless a return is required as security for debt service.

**5. Customer-owner.** "Customerowner" means a person to whom the company provides electricity.

**6. Generating source.** "Generating source" means a machine or device that produces electric energy by any means.

**7. Utility facility.** "Utility facility" means any portion of a plant used or useful in providing transmission and distribution utility service and includes, but is not limited to, transmission lines, office buildings, equipment and transportation equipment.

**8. Utility property.** "Utility property" means any tangible or intangible asset, liability, obligation, plan, proposal, share, agreement or interest of a utility; any facility in development or planning by the utility as of January 1, 2020; and, without limitation, the entire utility and any part or portion of the utility.

**§4002. Pine Tree Power Company established; purpose**

The Pine Tree Power Company is established to provide for its customerowners in this State reliable, affordable electric transmission and distribution services in accordance with this chapter.

**1. Company purposes.** The company shall use its access to low-cost capital and its ability to manage the electric transmission and distribution system in a manner that is not focused on ensuring shareholder profits for the following purposes:

A. To deliver electricity to the company's customer-owners in a safe, affordable and reliable manner;

B. To ensure excellence, timeliness and accuracy in billing, metering and customer service;

C. To provide an open, supportive and competitive platform to develop and deploy renewable generation, storage, efficiency and beneficial electrification technologies;

D. To assist the State in rapidly meeting or exceeding the climate action plan goals established in Title 38, chapter 3-A;

E. To improve the State's Internet connectivity through more affordable access to utility poles and other infrastructure in unserved or underserved areas of the State, as defined in section 9202, subsection 5;

F. To advance economic, environmental and social justice and to benefit company workers and all communities in the State;

G. To provide for transparent and accountable governance; and

H. To support, secure and sustain economic growth and benefits for the State.

**2. Governance; board.** The company is created as a body corporate and politic and is governed by the Pine Tree Power Company Board in accordance with this section.

The board is composed of 13 voting members, 7 of whom are elected members and 6 of whom are designated members chosen by the elected members. All members must be residents of the State.

A. As of the last date for filing a nomination petition under Title 21-A, section 354, each of the 7 elected members must be a legal citizen of the United States for at least 5 years, must be at least 21 years of age, must be a legal Maine resident for at least one year, must be a resident of the area the member

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represents as provided in this paragraph for at least 3 months and may not hold a state elected office. Each elected member represents 5 of the State's 35 State Senate districts, as set out in Title 21-A, section 1203-B, as follows:

- (1) One member represents State Senate districts 1 to 5;
- (2) One member represents State Senate districts 6 to 10;
- (3) One member represents State Senate districts 11 to 15;
- (4) One member represents State Senate districts 16 to 20;
- (5) One member represents State Senate districts 21 to 25;
- (6) One member represents State Senate districts 26 to 30; and
- (7) One member represents State Senate districts 31 to 35.

If during an elected member's term the member's place of residence as a result of reapportionment is no longer included in the area the member was elected to represent, the member may continue to serve the remainder of the term.

B. The 6 designated members must be selected by the elected members. The designated members must collectively possess expertise and experience across the following 6 areas:

- (1) Utility law, management, planning, operations, regulation or finance;
- (2) The concerns of utility employees and other workers;
- (3) The concerns of commercial or industrial electricity consumers;
- (4) Electricity generation, storage, efficiency, delivery, cybersecurity, connectivity, or related technologies;
- (5) Planning, climate mitigation, adaptation, or the environment; and
- (6) Economic, environmental, and social justice, including the needs of low and moderate-income people.

C. Candidates for election to the board pursuant to paragraph A are eligible for funding through the Maine Clean Election Act, in amounts and under terms commensurate with those for candidates for the State Senate. The Commission on Governmental Ethics and Election Practices, established pursuant to Title 5, section 12004-G, subsection 33, shall adopt rules to implement this paragraph. Rules must include, at a minimum, the procedures for qualifying and certification and for allocation of distributions from the fund and other provisions necessary to ensure consistency with the provisions of the Maine Clean Election Act. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

D. Candidates for election to the board pursuant to paragraph A are subject to the requirements of Title 21-A, chapter 13.

E. The nomination of candidates for elected members of the board is governed by Title 21-A, chapter 5, subchapter 2, and the determination of the election is governed by Title 21-A, section 723-A. The Secretary of State may adopt rules governing the election of members of the board and shall consult with the commission in developing the rules. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Term of office. An elected member of the board serves for a term of 6 years and a designated member of the board serves for a term of 6 years. An elected member serves from January 1st to December 31st and a designated member serves from March 1st to the end of February. A majority of members shall declare a vacancy on the board upon the resignation, death or incapacitation of an elected

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member, in the event that a member is absent without leave of the chair for at least half of all board meetings held in a 180-day period or in the event of a member's gross and continual neglect of duty. If there is a vacancy on the board of a designated member, it must be filled within 180 days in the same manner as described in subsection 2, paragraph B, and the person selected to fill a vacancy serves for the unexpired term of the member whose vacancy the person is filling. If there is a vacancy on the board of an elected member, the board shall notify the Secretary of State, who shall establish a deadline of no sooner than 60 days after being notified of the vacancy to accept nomination petitions for a special election. A special election must be held within 180 days of notification of the vacancy and declared in the manner prescribed by Title 21-A, section 366. The person elected to fill a vacancy serves for the unexpired term of the member whose vacancy the person is filling. Designated members may be reelected and elected members may be reelected.

**4. Quorum and chair.** Seven members of the board constitute a quorum. The board shall elect from its members a chair and a vice-chair. The vice-chair shall serve as acting chair in the absence of the chair.

**5. Voting.** Except as otherwise provided in this Title, all decisions of the board must be made by a majority vote of the members present. Whenever possible, the board shall attempt to achieve consensus among members.

**6. Bylaws; due diligence.** Prior to making a purchase price offer for any utility facility or utility property, the board shall adopt bylaws, retain expert professional staff and consultants, secure initial financing, conduct due diligence as it considers necessary and develop a transition plan and a business plan for the company.

**7. Board review.** Four years after the first meeting of the board, the board shall review the effectiveness of the company governance structure and shall report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters the outcome of this review. The report may suggest necessary changes to the governance structure of the company. The committee may report out legislation pertaining to the recommendations in the report.

**§4003. Powers and duties: acquisition of utility facilities and utility property**

**1. Powers; generally.** The company is a consumer-owned transmission and distribution utility and has all the powers and duties of a transmission and distribution utility under this Title, as affected by the provisions of chapter 35, within the service territories of the investor-owned transmission and distribution utilities whose utility facilities it acquires under this chapter.

**2. Limits on company; generating property.** The company may not own or operate a generating source or purchase electric capacity or energy from a generating source, except as the commission may approve in order to allow the company to maintain or improve system reliability.

**3. Private sector, competitive, performance-based operations.** The company shall contract by means of a competitive public solicitation the services of at least one qualified nongovernmental entity, referred to in this chapter as "the operator," or "the operations team," to provide cost-effective, private-sector operations, maintenance, customer accounts management and customer service and information and to assist as necessary in regulatory affairs, capital planning and administrative services. The company may not contract with an operator that has managed a company found to be unfit within the previous ten years. The company may contract with separate operators for each of the service territories of the acquired utilities, or to meet discrete operations, maintenance or other requirements. In requesting and evaluating bids pursuant to this section, the board shall consider anticipated costs; professional, operational and managerial experience; familiarity with the systems to be administered; and ability to improve customer service and employee morale. The company may establish additional criteria for its solicitation and shall determine the period and the specific terms of each operations contract. The commission shall review and approve, reject or approve with conditions any contract between the company and an operator before it takes effect. A contract with an operations team must reward proven performance, not the provision of

An Act To Create the Pine Tree Power Company, a Not-for-Profit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

capital, and must provide for the efficient and effective fulfillment of the company's purposes under Title 35-A, §4002.

**4. Retention of employees.** The operator shall hire any person who was an employee of the acquired utility at the time the company acquired the utility facilities who is a qualified, nonexempt employee subject to collective bargaining agreements of the acquired utility, and may hire any other person who was an employee of the acquired utility with the exception of those employees on the executive board of the acquired utility. To ensure continuity and an experienced local workforce, the operations team shall offer to these employees a retention bonus of 8% of annual gross pay for the first year of work and 6% of annual gross pay for the 2nd year of work. This bonus must be payable on the earlier of the anniversary of the date of hire by the operator and the date of a termination of employment that occurs following the date of hire, as long as the termination is due to the employee's death or disability, by the employer without cause or by the employee for good reason. The operations team shall maximize opportunities for internal promotion, additional staffing and on-the-job training for all employees and may not contract with other businesses to perform work that could reasonably have been performed by qualified, nonexempt employees of the operations team.

**5. Rights of employees.** The employees of the operations team retained to operate the company's facilities are private employees. Notwithstanding any other provision of law, the company shall at a minimum accord all qualified, nonexempt employees and their representatives the same rights as would an investor-owned transmission and distribution utility. The operator may not limit or impair the ability and right of its workers to strike or to engage in any work stoppage or slowdown, and may not hire replacement workers permanently during a worker strike. The operator shall notify worker representatives of new hires, and shall allow representatives of workers reasonable access to work sites during work hours. The operator shall assume all retirement benefit obligations to the workers of and retirees of an acquired utility, unless these obligations have remained with the acquired utility, its corporate parent or a pension plan trust regulated by the federal Employee Retirement Income Security Act of 1974. The operator shall honor and maintain the terms of any collective bargaining agreements in effect at the time the company acquired the investor-owned transmission and distribution utility for the remaining term of any collective bargaining agreement, except that, when 2 or more contracts exist, the employees' wages, salaries and benefits must be made reasonably equal to the higher of those provided in the contracts or must exceed those previously paid by the acquired utility.

Upon the conclusion of a contract pursuant to subsection 3, the company, in soliciting for a new contract, shall give preference to service providers who agree to maintain or improve the terms of the collective bargaining agreement in existence on the conclusion of the prior contract.

**6. Acquisition of utility facilities and utility property.** Notwithstanding any other provision of this Title, rules adopted under this Title or any other applicable law to the contrary, the company shall purchase or acquire by the exercise of the right of eminent domain all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, in accordance with this subsection, and may also purchase or acquire by the exercise of the right of eminent domain in accordance with this subsection any other investor-owned transmission and distribution utility property should the board determine such an acquisition to be in the interest of its customer-owners. The company shall finance the purchase or acquisition of utility facilities or utility property under this subsection by issuing debt in accordance with chapter 9. The board may not purchase or acquire by the right of eminent domain any utility facilities or utility property under this subsection until 12 months after the effective date of this chapter or 6 months after the first meeting of the board, whichever is later.

A. Within 18 months after the effective date of this chapter or 12 months after the first meeting of the board, whichever is later, unless further delayed to a date certain by a vote of at least 9 members of the board, the company shall:

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(1) Identify the utility facilities and any other utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility to be purchased by the company;

(2) Determine a purchase price offer to be made for the utility facilities and other utility property. The purchase price offer must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission; and

(3) Deliver notice of the purchase price offer, including detailed description of the utility facilities and other utility property to be purchased, to the investor-owned transmission and distribution utility that owns, operates or holds for future use the subject utility facilities and utility property.

By a vote of at least 9 members of the board, the company may delay the purchase of the utility facilities and any other utility property of one of the 2 investor-owned transmission and distribution utilities in the State and proceed with the purchase of the utility facilities and any other utility property of the other investor-owned transmission and distribution utility in the State.

B. After the receipt of a notice of the purchase price offer under paragraph A, subparagraph (3), the investor-owned transmission and distribution utility may, within 30 days of the date of receipt, submit a counteroffer to the company. If the company rejects the counteroffer, within 30 days of the date of receipt of the rejection the investor-owned transmission and distribution utility may petition the Superior Court of Kennebec County to determine and order an alternative purchase price for the subject utility facilities or utility property in accordance with this paragraph. The purchase price determined by the court must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. After the filing of a petition by an investor-owned transmission and distribution utility under this paragraph, the Superior Court, as expeditiously as possible, shall:

(1) Select, in consultation with the company and the petitioner, a referee or referees with relevant expertise and capabilities to determine a recommended purchase price for the utility facilities and utility property;

(2) Complete a trial or hearing, as appropriate, for the presentation of evidence to referees, who shall submit a recommended purchase price to the court; and

(3) Render a decision and, based upon the recommended purchase price submitted under subparagraph (2) and any other information available to the court, order a purchase price to be paid by the company to the petitioner for possession and ownership of the subject utility facilities and utility property.

The decision of the Superior Court under this paragraph is appealable to the Law Court as in any civil action.

C. The taking of utility facilities and utility property by the company is governed by this paragraph.

(1) Notwithstanding any law to the contrary, if a petition is filed under paragraph B, the company may, after any appeals are resolved, take the subject utility facilities and utility property identified in paragraph A by eminent domain at the final price rendered by the court, in the same manner and under the same conditions as set forth in chapter 65.

(2) Notwithstanding any law to the contrary, if a petition is not filed under paragraph B, the company may take the subject utility facilities and utility property identified in paragraph A by eminent domain at the purchase price offer, in the same manner and under the same conditions as set forth in chapter 65.

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Within 45 days of the date upon which the purchase price is either mutually agreed upon by the company and the investor-owned transmission and distribution utility or is finally determined through the judicial process set forth under paragraph B, the investor-owned transmission and distribution utility shall prepare and submit any regulatory filings necessary to the transfer of subject utility facilities and utility property, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. If the investor-owned transmission and distribution utility does not prepare and submit such filings within 45 days, the company may request that the commission investigate the utility's failure to prepare and submit the filings. Upon such a request from the company, the commission shall, in a timely manner, investigate the utility's failure to prepare and submit the filings. If the commission finds the investor-owned transmission and distribution utility unreasonably delayed or failed to prepare and submit the filings, or failed to prosecute and pursue federal regulatory approvals of the transfer in good faith, the commission shall direct the utility to do so by a date certain and may order other remedies, including deducting the cost of preparing and submitting such regulatory filings from the purchase price or otherwise preventing the utility from recouping the cost.

If at any time during the process prescribed in this subsection the company and either of the investor-owned transmission and distribution utilities reach an agreement on the purchase price of all utility facilities and utility property in the State owned or operated or held for future use by that investor-owned transmission and distribution utility, the sale may be finalized in accordance with that agreement.

The commission shall impose such conditions on the acquisition of all utility facilities and utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility as it determines are necessary to protect the public interest during the period between the effective date of this chapter and the date on which ownership and control are fully assumed by the company and the operations team. The commission shall take all necessary actions to ensure that the investor-owned transmission and distribution utilities and their owners cooperate fully and cost-effectively with the company during the transition in ownership and control. At a minimum the utility must be required to plan, construct, operate, and maintain facilities and to cooperate with customers, generators and other stakeholders to the same extent that the commission would require of any transmission and distribution utility.

**7. Existing obligations.** All existing agreements, obligations and contracts, including but not limited to long-term contract obligations and net energy billing agreements of a investor-owned transmission and distribution utility, must be transferred to the company and any counterparty to an agreement, obligation or contract shall accept the assignment of the investor-owned transmission and distribution utility to the company.

**8. Regional transmission.** The service territories of the company initially remain in the transmission system to which they belonged on the effective date of this chapter until changed by majority vote of the board.

**9. Names.** The company may adopt one or more alternative or regional names to distinguish its service territories or for any other purpose.

**10. Rules.** The company may adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for establishing and administering the company and carrying out its duties. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**11. Bylaws.** The company shall adopt bylaws, through the board, consistent with this section for the governance of its affairs.

**12. Consumer-owned transmission and distribution utilities: application.** This subsection controls the treatment of consumer-owned transmission and distribution utilities and the application of law to the company.

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A. This chapter may not be construed to affect the powers, authorities or responsibilities of any consumer-owned transmission and distribution utility other than the company created under this chapter. The company may not oppose the extension of the service territory of a consumer-owned transmission and distribution utility existing prior to the effective date of this chapter to include the entirety of a municipality in which the consumer-owned transmission and distribution utility provides electric service as long as the company is reasonably compensated for the assets and appurtenances required.

B. Notwithstanding any other provision of this chapter or any other provision of law to the contrary, the company is subject to section 310; section 3104; section 3132, subsection 2-D; sections 3132-A, 3132-B, 3132-C and 3132-D; section 3144; section 3210-C, subsections 3, 7 and 11; sections 3212 and 3212-B; and section 3214, subsection 2A.

**13. Board staff; initial activities.** The board shall hire qualified and professional staff, including but not limited to a director or manager, chief financial officer, support staff and legal counsel. Assistance and counsel may be provided to the board by the Office of the Treasurer of State, the Office of the Attorney General, the Maine Municipal Bond Bank, the Finance Authority of Maine, the commission, the Office of the Public Advocate and any other state entity. All initial activities and expenditures of the board prior to the final acquisition of utility facilities and utility property must be funded by short-term debt of the company, to be retired in the initial financing and acquisition of the investor-owned transmission and distribution utility facilities and utility property. Notwithstanding any provision of the law to the contrary, debt incurred by the board for its initial activities and expenditures must be considered by the commission to be a just and reasonable expense incurred on behalf of the customers of the investor-owned transmission and distribution utilities and must be fully recoverable through the transmission and distribution rates charged to those customers.

**§4004. Cost-of-service rates**

The rates and all other charges of the company must be sufficient to pay in full the cost of service, including the cost of debt and property taxation.

**§4005. No use of state funds or tax dollars**

Debt or liability of the company is not a general obligation or moral obligation of the State or any agency or instrumentality of the State other than the company, and neither the State nor any agency or instrumentality of the State other than the company guarantees any debt or liability of the company.

**§4006. No debt or liability of the State**

The company serves a public purpose in the carrying out of the provisions of this chapter, but debt or liability of the company is not a general obligation or moral obligation of the State.

**§4007. Property and income tax status**

**1. Property tax.** Notwithstanding Title 36, chapter 105, subchapter 4, the company is subject to property taxation pursuant to the laws of the State of Maine and must pay property tax in the same manner as an investor-owned transmission and distribution utility. Rates charged by the company must include sufficient amounts to pay property taxes due under this subsection.

**2. Income tax.** Notwithstanding any provision of law to the contrary, income of the company is exempt from all taxation or assessment by the State or any political subdivision of the State. All bonds, notes and



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other evidences of indebtedness issued by the company in accordance with chapter 9 are legal obligations of the company, and the company is a quasi-municipal corporation within the meaning and for the purposes of Title 30-A, section 5701. All bonds, notes and other evidences of indebtedness issued by the company are legal investments for savings banks in this State and are exempt from state income tax.

**3. Tax increment financing agreements.** If an investor-owned transmission and distribution utility acquired by the company is subject to a tax increment financing agreement under Title 30-A, chapter 206, the company acquires the same rights and responsibilities as applied to the investor-owned transmission and distribution utility under the agreement.

**§4008. Termination of the company**

The company may not be dissolved or cease operations except by authorization of law and only if all debt and liabilities of the company have been paid or a sufficient amount for the payment of all debt and liabilities has been placed in an irrevocable trust for the benefit of the holders of the debt and only if any remaining equity of the company is returned in an equitable manner to the customers of the company.

**§4009. Freedom of access: confidentiality**

The proceedings and records of the company are subject to the freedom of access laws, Title 1, chapter 13, except as specifically provided in this section.

**1. Confidential records.** The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

A. A record obtained or developed by the company that a person, including the company, to whom the record belongs or pertains has requested be designated confidential and that the company has determined contains information that gives the owner or a user an opportunity to obtain a business or competitive advantage over another person who does not have access to the information, except through the company's records, or access to which by others would result in a business or competitive disadvantage, loss of business or other significant detriment to any person to whom the record belongs or pertains; and

B. A record that contains usage or other nonpublic information regarding a customer of a transmission and distribution utility in the State.

The company shall provide to a legislative committee, on written request signed by the chairs of that committee, any information or records, including information designated confidential under this subsection, specified in the written request. The information or records may be used only for the lawful purposes of the committee and in any action arising out of any investigation conducted by the committee, subject to protective order.

**2. Exceptions.** Notwithstanding subsection 1, the following are not confidential and are public records:

A. Any otherwise confidential information the confidentiality of which the company determines to have been satisfactorily and effectively waived;

B. Any otherwise confidential information that has already lawfully been made available to the public; and

C. Impersonal, statistical or general information.

**3. Disclosure prohibited: further exceptions.** A board member, employee, agent, other representative of the company or other person may not knowingly divulge or disclose records designated confidential by this section, except that the company, in its discretion and in conformity with legislative



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freedom of access criteria in Title 1, chapter 13, subchapter 1-A, may make or authorize any of the following disclosures of information:

- A. If necessary in connection with processing any application for obtaining or maintaining financial assistance for any person;
- B. To a financing institution or credit reporting service;
- C. Information necessary to comply with any federal or state law, regulation or rule or with any agreement pertaining to financial assistance;
- D. If necessary to ensure collection of any obligation in which the company has or may have an interest;
- E. In any litigation or proceeding in which the company has appeared, introduction for the record of any information obtained from records designated confidential by this section; and
- F. Pursuant to a subpoena, request for production of documents, warrant or other order, as long as the order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as long as the order appears on its face or otherwise to have been issued or made lawfully.

**§4010. Annual report**

By April 15th of each year, beginning no more than one year after the first meeting of the board, the company shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters summarizing the activities and performance of the company in meeting its obligations to its customer-owners and its responsibilities under sections 4002 and 4003 during the preceding calendar year and its plans for the current year and subsequent 5 years. Each annual report must describe in detail how the company's decisions, operations and use of low-cost financing have supported and will support the State's progress toward the climate action plan goals established under Title 38, chapter 3-A and how such financing has affected and will affect job creation and gross state product.

**§4011. Initial 5-year plan**

Within 18 months of the date in which the company and the operations team fully take ownership and control of all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, the company shall submit to the commission for approval a 5-year plan to meet initial affordability, reliability, decarbonization and connectivity goals.

1. Plan minimum requirements. At a minimum, the 5-year plan under this section must also include a program to:

- A. Establish lower rates for low-income residential customers;
- B. Build across the State accessible, rapid charging infrastructure for electric vehicles;
- C. Reduce make-ready and pole attachment costs for open-access fiber-optic cable in unserved and underserved areas of the State as defined in section 9202, subsection 5; and
- D. Make rapid investments in the distribution network to upgrade reliability and to improve capacity for interconnections of new renewable generation and storage facilities.

**Sec. 12. Review of laws and report.** The Public Utilities Commission shall examine all laws that may be affected by this Act or need to be changed as a result of this Act, including laws governing the Pine Tree Power Company as established under the Maine Revised Statutes, Title 35-A, section 4002, and laws relating to investorowned transmission and distribution utilities that may be eliminated as a result of this

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Act. The commission shall determine any modifications to laws that may be necessary or appropriate as a result of this Act or to effectuate the purposes of this Act and shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters no later than 6 months after the first meeting of the Pine Tree Power Company Board under Title 35-A, section 4002. The joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters may report out a bill relating to the subject matter of this Act and to the commission's report.

**Sec. 13. Staggered terms of initial members of Pine Tree Power Company Board.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 4002, subsection 3, the terms of the initial members of the Pine Tree Power Company Board must be staggered as provided in this section.

1. The initial designated members of the board serve as follows, determined by lot by those members after their selection: 2 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

2. The initial elected members of the board serve as follows, determined by lot by those members after their election: 3 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

**Sec. 14. Code of ethics; recommendations.** On or before February 15, 2024, the Office of the Attorney General shall submit to the Joint Standing Committee on State and Local Government recommendations regarding the establishment of a code of ethics applicable to the members of the Pine Tree Power Company Board, as established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 36. After receiving the recommendations, the joint standing committee may report out a bill related to those recommendations to the Second Regular Session of the 130th Legislature.

**Sec. 15. Effective date.** 35-A MRSA §1511-A is effective January 1, 2025.

Note: Fiscal note should assume the referendum is enacted EITHER in Nov. 2022 OR in Nov. 2023, with board elections a year later and initial PUC activities immediately after that election.

## **Packard, Melissa**

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**From:** Packard, Melissa  
**Sent:** Friday, September 24, 2021 9:58 AM  
**To:** 'Stephanie Clifford'  
**Cc:** Flynn, Julie  
**Subject:** Pine Tree Power Initiative New Draft  
**Attachments:** 9 24 21 2nd Draft to Applicant.pdf; Create Pine Tree Power Company 9 24 DRAFT.docx; Create Pine Tree Power Company 9 24 DRAFT.pdf

Please find attached a new draft of the legislation for your initiative regarding creating the Pine Tree Power Company. The changes you requested on September 16<sup>th</sup> have been made in this latest draft. The attached cover letter outlines several changes that could not be made exactly as you requested. I am providing the legislation in both Word and PDF formats.

If you accept the legislation as provided, we must receive the acceptance in writing – signed by the lead applicant of your initiative. You can file that acceptance as a scanned attachment to an email.

Once the acceptance is received, we will forward the legislation to the Office of Fiscal and Program Review to draft a fiscal statement. That office has up to 15 business days (3 business weeks) to provide the statement so we can draft a petition form. Due to a tight timeline before the November 2<sup>nd</sup> election, it is critical that you provide a response as soon as you can so proceed to the next step of this process.

Please contact me if you have any questions. I will be leaving the office at noon today so please also respond to Julie Flynn (copied on this email) if you provide approval or have other questions after that time.

Melissa K. Packard  
Director of Elections and APA  
(207) 624-7650



Shenna Bellows  
Secretary of State

*Department of the Secretary of State*  
*Bureau of Corporations, Elections and Commissions*

Julie L. Flynn  
Deputy Secretary of State

September 24, 2021

Wayne R. Jortner  
11 Fox Hill Road  
Freeport, ME 04032  
Via email [sc Clifford421@gmail.com](mailto:sc Clifford421@gmail.com)

Dear Mr. Jortner,

In accordance with Title 21-A, section 901, I am providing the revised legislation prepared with the assistance of the Office of the Revisor of Statutes for the citizen initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-Owned Utility". This draft incorporates the changes you submitted to this office on September 16, 2021. The Revisor's Office has edited the proposed legislation to bring it into conformity with the drafting conventions used in the Maine Revised Statutes while endeavoring to retain the full substance of your proposal.

The draft we are providing is a "clean copy" incorporating the changes that you requested in your Track Changes document. The portions of the document that were changed are highlighted in yellow so that you can determine that all requested changes were made. In the sections where you struck through language to be deleted and substituted new language, we have deleted the old language entirely and inserted the new. Changes that were not made exactly as you requested are identified below.

1. You requested that a new section 11 be inserted -- §3505. Voter approval conditioned on parity. The revisor has inserted this section into the legislation as requested but renumbered it as Title 35-A, §3506 because §3505 of Title 35-A has been repealed and the section number cannot be reused.
2. The changes you requested in 35-A, §4003(6) have been made, but the Revisor has suggested alternate wording. Instead of stating "A delay enacted under the section..." the legislation reads "A delay approved by the board under this paragraph..." because the word "enacted" is used only to refer to a new law that is passed. Also "section" has been changed to "paragraph".

101 State House Station, Augusta, Maine 04333-0101  
[www.Maine.gov/sos/cec](http://www.Maine.gov/sos/cec); tel. 207-624-7736

R. 0019

3. Later in this section of the legislation, the Revisor has substituted your alternate language, but also inserted the phrase "provision of law" rather than just "law" to conform with the drafting conventions.
4. The new legislation deletes several commas that are not appropriate per the drafting conventions.
5. In the last sentence of Title 35-A, 4003(13), the Revisor has changed the word "shall" to "must".
6. In section 4007, the word "chapter" should not be capitalized.
7. The new draft rennumbers sections of the legislation as requested.

Please note that in approving the form of this petition, the Secretary of State's Office is expressing no view as to the validity of the proposed initiative.

Please review the draft legislation and advise me in writing as to your acceptance, or of any changes you wish to make. Once this office receives written, signed consent to the final language of the proposed law, the Office of Fiscal and Program Review must prepare an estimate of the fiscal impact of the legislation within 15 business days (i.e. 3 business weeks). The fiscal statement will be printed as part of the petition form that will be provided for circulation. You may reach me by telephone at 624-7650, by fax at 287-5428 or by email at [melissa.packard@maine.gov](mailto:melissa.packard@maine.gov).

Sincerely,



Melissa K. Packard  
Director of Elections

Enclosure

Cc: Ania Wright, John L. Clark, Nicole Grohoski, William H. Dunn, Jr., Richard A. Bennett

Be it enacted by the People of the State of Maine as follows:

**Sec. 1.** 5 MRSA §12004-G, sub-§36 is enacted to read:

36.

<u>Public</u>	<u>Pine Tree Power Company Board</u>	<u>\$110/Day and</u>	<u>35-A MRSA</u>
<u>Utilities</u>		<u>Expenses</u>	<u>\$4002</u>

**Sec. 2.** 21-A MRSA §354, sub-§5, ¶G, as enacted by PL 1985, c. 161, §6, is amended to read:

G. For a candidate for State Representative, at least 50 and not more than 80 voters;  
~~and~~

**Sec. 3.** 21-A MRSA §354, sub-§5, ¶H, as enacted by PL 1985, c. 161, §6, is amended to read:

H. For a candidate for county charter commission member, at least 50 and not more than 80 voters; and

**Sec. 4.** 21-A MRSA §354, sub-§5, ¶I is enacted to read:

I. For a candidate for member of the Pine Tree Power Company Board under Title 35A, section 4002, subsection 2, paragraph A, at least 300 and not more than 400 voters.

**Sec. 5.** 21-A MRSA §1011, first ¶, as amended by PL 2013, c. 334, §2, is further amended to read:

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. Candidates for municipal office as described in Title 30-A, section 2502, subsection 1 and candidates for the Pine Tree Power Company Board as described in Title 35-A, section 4002 are also governed by this subchapter. The commission does not have jurisdiction over financial activities to influence the nomination or election of candidates for federal office.

**Sec. 6.** 35-A MRSA §1511-A is enacted to read:

**§1511-A. Fitness to serve**

The commission shall find a transmission and distribution utility with 50,000 or more customers unfit to serve and shall require and ensure the sale of the utility, to be completed within 24 months, if 4 or more of the following statements are true of the utility:

1. Customer satisfaction. The utility has been rated for 2 or more of the past 5 years among the lowest decile of utilities of a similar size for customer satisfaction on a nationally recognized survey of United States utility business or residential customers;

2. Reliability. The utility has been found by the commission or by the United States Energy Information Administration for 2 or more of the past 5 years to have overall reliability in terms of outage minutes per year, with or without major event days, in the lowest decile of utilities of a similar size in the country;

3. Affordability. In 2 or more of the past 5 years, the utility charged residential delivery rates reasonably estimated to be in the highest decile among utilities of a similar size in the country, based on data from the United States Energy Information Administration and based on the commission's analysis of average delivery rates as a proportion of the average total bill for integrated utilities;

4. Employees. The utility has within the previous year contracted with a business to perform work valued at more than \$100,000 that could reasonably have been performed by qualified, nonexempt employees of the utility;

5. Security. The utility owns critical infrastructure vital to the security and welfare of the State and is presently owned, either wholly or in a part greater than 5%, by a government that does not represent or govern the captive customers of the utility;

6. Customer obligations. The utility, due to its corporate structure, requires that customers pay for the cost of the utility's corporate taxes, and also pay for shareholder profits exceeding 10% on prudent capital investment in transmission infrastructure, with little to no risk for poor performance;

7. Disaster assistance. The utility, due to its corporate structure, may require that customers pay directly or indirectly for 90% or more of damages to the utility's assets caused by extreme weather events, and may also deny the utility access to federal emergency management assistance to reduce or eliminate these costs; or

8. Priorities. The utility, due to its corporate structure and fiduciary obligations, is unable to place the needs of customers, workers or the State's climate and connectivity goals ahead of the desires of shareholders to earn a profit.

**Sec. 7. 35-A MRSA §3501, sub-§1, ¶D,** as amended by PL 2019, c. 311, §2, is further amended to read:

D. The portion of any municipal or quasi-municipal entity located in the State providing transmission and distribution services; and

**Sec. 8. 35-A MRSA §3501, sub-§1, ¶E,** as amended by PL 2019, c. 311, §2, is further amended to read:

E. Any transmission and distribution utility wholly owned by a municipality located in the State; and

**Sec. 9. 35-A MRSA §3501, sub-§1, ¶F** is enacted to read:

F. The Pine Tree Power Company established in chapter 40.

**Sec. 10. 35-A MRSA §3502, first ¶,** as amended by PL 1999, c. 398, Pt. A, §86 and affected by §§104 and 105, is further amended to read:

Notwithstanding section 310, any consumer-owned transmission and distribution utility, except for the Pine Tree Power Company established in chapter 40, that proposes to increase rates, tolls or charges by not more than 15% of the utility's annual operating revenues or proposes to decrease rates, tolls or charges in any amount may elect to set rates pursuant to this section and section 3503.

Sec. 11. 35-A MRSA §3506 is enacted to read:

**§3506. Voter approval conditioned on parity**

Notwithstanding any other provision of law, neither utility debt nor the incurrence of utility debt is subject to statewide voter approval, unless and until voter approval of utility debt and of the incurrence of such debt is required equally for both investor-owned and consumer-owned utilities operating in the State.

Sec. 12. 35-A MRSA c. 40 is enacted to read:

**CHAPTER 40**

**PINE TREE POWER COMPANY**

**§4001. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Acquired utility.** "Acquired utility" means an investor-owned transmission and distribution utility whose facilities or property are purchased or intended for purchase pursuant to this chapter.

**2. Board.** "Board" means the Pine Tree Power Company Board established in Title 5, section 12004G, subsection 36.

**3. Company.** "Company" means the Pine Tree Power Company established in section 4002.

**4. Cost of service.** "Cost of service" means the total amount that must be collected by the company to recover its costs but does not include any return on capital investment unless a return is required as security for debt service.

**5. Customer-owner.** "Customer-owner" means a person to whom the company provides electricity.

**6. Generating source.** "Generating source" means a machine or device that produces electric energy by any means.

**7. Utility facility.** "Utility facility" means any portion of a plant used or useful in providing transmission and distribution utility service and includes, but is not limited to, transmission lines, office buildings, equipment and transportation equipment.

**8. Utility property.** "Utility property" means any tangible or intangible asset, liability, obligation, plan, proposal, share, agreement or interest of a utility; any facility in development or planning by the utility as of January 1, 2020; and, without limitation, the entire utility and any part or portion of the utility.

**§4002. Pine Tree Power Company established; purpose**

The Pine Tree Power Company is established to provide for its customer-owners in this State reliable, affordable electric transmission and distribution services in accordance with this chapter.



1. Company purposes. The company shall use its access to low-cost capital and its ability to manage the electric transmission and distribution system in a manner that is not focused on ensuring shareholder profits for the following purposes:

A. To deliver electricity to the company's customer-owners in a safe, affordable and reliable manner;

B. To ensure excellence, timeliness and accuracy in billing, metering and customer service;

C. To provide an open, supportive and competitive platform to develop and deploy renewable generation, storage, efficiency and beneficial electrification technologies;

D. To assist the State in rapidly meeting or exceeding the climate action plan goals established in Title 38, chapter 3-A;

E. To improve the State's Internet connectivity through more affordable access to utility poles and other infrastructure in unserved or underserved areas of the State, as defined in section 9202, subsection 5;

F. To advance economic, environmental and social justice and to benefit company workers and all communities in the State;

G. To provide for transparent and accountable governance; and

H. To support, secure and sustain economic growth and benefits for the State.

2. Governance; board. The company is created as a body corporate and politic and is governed by the Pine Tree Power Company Board in accordance with this section.

The board is composed of 13 voting members, 7 of whom are elected members and 6 of whom are designated members chosen by the elected members. All members must be residents of the State.

A. As of the last date for filing a nomination petition under Title 21-A, section 354, each of the 7 elected members must be a legal citizen of the United States for at least 5 years, must be at least 21 years of age, must be a legal Maine resident for at least one year, must be a resident of the area the member represents as provided in this paragraph for at least 3 months and may not hold a state elected office. Each elected member represents 5 of the State's 35 State Senate districts, as set out in Title 21-A, section 1203-B, as follows:

(1) One member represents State Senate districts 1 to 5;

(2) One member represents State Senate districts 6 to 10;

(3) One member represents State Senate districts 11 to 15;

(4) One member represents State Senate districts 16 to 20;

(5) One member represents State Senate districts 21 to 25;

(6) One member represents State Senate districts 26 to 30; and

(7) One member represents State Senate districts 31 to 35.

If during an elected member's term the member's place of residence as a result of reapportionment is no longer included in the area the member was elected to represent, the member may continue to serve the remainder of the term.

B. The 6 designated members must be selected by the elected members. The designated members must collectively possess expertise and experience across the following 6 areas:

- (1) Utility law, management, planning, operations, regulation or finance;
- (2) The concerns of utility employees and other workers;
- (3) The concerns of commercial or industrial electricity consumers;
- (4) Electricity generation, storage, efficiency, delivery, cybersecurity, connectivity or related technologies;
- (5) Planning, climate mitigation, adaptation or the environment; and
- (6) Economic, environmental and social justice, including the needs of low-income and moderate-income persons.

C. Candidates for election to the board pursuant to paragraph A are eligible for funding through the Maine Clean Election Act, in amounts and under terms commensurate with those for candidates for the State Senate. The Commission on Governmental Ethics and Election Practices, established pursuant to Title 5, section 12004-G, subsection 33, shall adopt rules to implement this paragraph. Rules must include, at a minimum, the procedures for qualifying and certification and for allocation of distributions from the fund and other provisions necessary to ensure consistency with the provisions of the Maine Clean Election Act. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

D. Candidates for election to the board pursuant to paragraph A are subject to the requirements of Title 21A, chapter 13.

E. The nomination of candidates for elected members of the board is governed by Title 21-A, chapter 5, subchapter 2, and the determination of the election is governed by Title 21-A, section 723-A. The Secretary of State may adopt rules governing the election of members of the board and shall consult with the commission in developing the rules. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Term of office.** An elected member of the board serves for a term of 6 years and a designated member of the board serves for a term of 6 years. An elected member serves from January 1st to December 31st and a designated member serves from March 1st to the end of February. A majority of members shall declare a vacancy on the board upon the resignation, death or incapacitation of an elected member, in the event that a member is absent without leave of the chair for at least half of all board meetings held in a 180-day period or in the event of a member's gross and continual neglect of duty. If there is a vacancy on the board of a designated member, it must be filled within 180 days in the same manner as described in subsection 2, paragraph B, and the person selected to fill a vacancy serves for the unexpired term of the member whose vacancy the person is filling. If there is a vacancy on the board of an elected member, the board shall notify the Secretary of State, who shall establish a deadline of no sooner than 60 days after being notified of the vacancy to accept nomination petitions for a special election. A special election must be held within 180 days of notification of the vacancy and declared in the manner prescribed by Title 21-A, section 366. The person elected to fill a vacancy serves for the unexpired

term of the member whose vacancy the person is filling. Designated members may be reselected and elected members may be reelected.

**4. Quorum and chair.** Seven members of the board constitute a quorum. The board shall elect from its members a chair and a vice-chair. The vice-chair shall serve as acting chair in the absence of the chair.

**5. Voting.** Except as otherwise provided in this Title, all decisions of the board must be made by a majority vote of the members present. Whenever possible, the board shall attempt to achieve consensus among members.

**6. Bylaws; due diligence.** Prior to making a purchase price offer for any utility facility or utility property, the board shall adopt bylaws, retain expert professional staff and consultants, secure initial financing, conduct due diligence as it considers necessary and develop a transition plan and a business plan for the company.

**7. Board review.** Four years after the first meeting of the board, the board shall review the effectiveness of the company governance structure and shall report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters the outcome of this review. The report may suggest necessary changes to the governance structure of the company. The committee may report out legislation pertaining to the recommendations in the report.

#### **§4003. Powers and duties; acquisition of utility facilities and utility property**

**1. Powers; generally.** The company is a consumer-owned transmission and distribution utility and has all the powers and duties of a transmission and distribution utility under this Title, as affected by the provisions of chapter 35, within the service territories of the investor-owned transmission and distribution utilities whose utility facilities it acquires under this chapter.

**2. Limits on company; generating property.** The company may not own or operate a generating source or purchase electric capacity or energy from a generating source, except as the commission may approve in order to allow the company to maintain or improve system reliability.

**3. Private sector, competitive, performance-based operations.** The company shall contract by means of a competitive public solicitation the services of at least one qualified nongovernmental entity, referred to in this chapter as "the operator" or "the operations team," to provide cost-effective, private sector operations, maintenance, customer accounts management and customer service and information and to assist as necessary in regulatory affairs, capital planning and administrative services. The company may not contract with an operator that has managed a company found to be unfit within the previous 10 years. The company may contract with separate operators for each of the service territories of the acquired utilities, or to meet discrete operations, maintenance or other requirements. In requesting and evaluating bids pursuant to this section, the board shall consider anticipated costs; professional, operational and managerial experience; familiarity with the systems to be administered; and ability to improve customer service and employee morale. The company may establish additional criteria for its solicitation and shall determine the period and the specific terms of each operations contract. The commission shall review and approve, reject or approve with conditions any contract between the company and an operator before it takes effect. A contract with an operations team must reward proven

performance, not the provision of capital, and must provide for the efficient and effective fulfillment of the company's purposes under section 4002.

**4. Retention of employees.** The operator shall hire any person who was an employee of the acquired utility at the time the company acquired the utility facilities who is a qualified, nonexempt employee subject to collective bargaining agreements of the acquired utility and may hire any other person who was an employee of the acquired utility with the exception of those employees on the executive board of the acquired utility. To ensure continuity and an experienced local workforce, the operations team shall offer to these employees a retention bonus of 8% of annual gross pay for the first year of work and 6% of annual gross pay for the 2nd year of work. This bonus must be payable on the earlier of the anniversary of the date of hire by the operator and the date of a termination of employment that occurs following the date of hire, as long as the termination is due to the employee's death or disability, by the employer without cause or by the employee for good reason. The operations team shall maximize opportunities for internal promotion, additional staffing and on-the-job training for all employees and may not contract with other businesses to perform work that could reasonably have been performed by qualified, nonexempt employees of the operations team.

**5. Rights of employees.** The employees of the operations team retained to operate the company's facilities are private employees. Notwithstanding any provision of law to the contrary, the company shall at a minimum accord all qualified, nonexempt employees and their representatives the same rights as would an investor-owned transmission and distribution utility. The operator may not limit or impair the ability and right of its employees to strike or to engage in any work stoppage or slowdown and may not hire replacement employees permanently during an employee strike. The operator shall notify employee representatives of new hires and shall allow representatives of employees reasonable access to work sites during work hours. The operator shall assume all retirement benefit obligations to the employees of and retirees of an acquired utility, unless these obligations have remained with the acquired utility, its corporate parent or a pension plan trust regulated by the federal Employee Retirement Income Security Act of 1974. The operator shall honor and maintain the terms of any collective bargaining agreements in effect at the time the company acquired the investor-owned transmission and distribution utility for the remaining term of any collective bargaining agreement, except that, when 2 or more contracts exist, the employees' wages, salaries and benefits must be made reasonably equal to the higher of those provided in the contracts or must exceed those previously paid by the acquired utility.

Upon the conclusion of a contract pursuant to subsection 3, the company, in soliciting for a new contract, shall give preference to service providers that agree to maintain or improve the terms of the collective bargaining agreement in existence on the conclusion of the prior contract.

**6. Acquisition of utility facilities and utility property.** Notwithstanding any other provision of this Title, rules adopted under this Title or any other applicable law to the contrary, the company shall purchase or acquire by the exercise of the right of eminent domain all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, in accordance with this subsection, and may also purchase or acquire by the exercise of the right of eminent domain in accordance with this subsection any other investor-owned transmission and distribution

utility property should the board determine such an acquisition to be in the interest of its customer-owners. The company shall finance the purchase or acquisition of utility facilities or utility property under this subsection by issuing debt in accordance with chapter 9. The board may not purchase or acquire by the right of eminent domain any utility facilities or utility property under this subsection until 12 months after the effective date of this chapter or 6 months after the first meeting of the board, whichever is later.

A. Within 18 months after the effective date of this chapter or 12 months after the first meeting of the board, whichever is later, unless further delayed to a date certain by a vote of at least 9 members of the board, the company shall:

(1) Identify the utility facilities and any other utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility to be purchased by the company;

(2) Determine a purchase price offer to be made for the utility facilities and other utility property. The purchase price offer must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission; and

(3) Deliver notice of the purchase price offer, including detailed description of the utility facilities and other utility property to be purchased, to the investor-owned transmission and distribution utility that owns, operates or holds for future use the subject utility facilities and utility property.

By a vote of at least 9 members of the board, the company may delay by up to one year the purchase of the utility facilities and any other utility property of one of the 2 investor-owned transmission and distribution utilities in the State and proceed with the purchase of the utility facilities and any other utility property of the other investor-owned transmission and distribution utility in the State. A delay approved by the board under this paragraph may be renewed once in the same manner for up to one additional year.

B. After the receipt of a notice of the purchase price offer under paragraph A, subparagraph (3), the investor-owned transmission and distribution utility may, within 30 days of the date of receipt, submit a counteroffer to the company. If the company rejects the counteroffer, within 30 days of the date of receipt of the rejection the investor-owned transmission and distribution utility may petition the Superior Court of Kennebec County to determine and order an alternative purchase price for the subject utility facilities or utility property in accordance with this paragraph. The purchase price determined by the court must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. After the filing of a petition by an investor-owned transmission and distribution utility under this paragraph, the Superior Court, as expeditiously as possible, shall:

(1) Select, in consultation with the company and the petitioner, a referee or referees with relevant expertise and capabilities to determine a recommended purchase price for the utility facilities and utility property;

(2) Complete a trial or hearing, as appropriate, for the presentation of evidence to referees, who shall submit a recommended purchase price to the court; and

(3) Render a decision and, based upon the recommended purchase price submitted under subparagraph (2) and any other information available to the court, order a purchase price to be paid by the company to the petitioner for possession and ownership of the subject utility facilities and utility property.

The decision of the Superior Court under this paragraph is appealable to the Law Court as in any civil action.

C. The taking of utility facilities and utility property by the company is governed by this paragraph.

(1) Notwithstanding chapter 65 or any other provision of law to the contrary, if a petition is filed under paragraph B and if the company and subject utilities do not reach an agreement, the company shall, after any appeals are resolved, immediately take the subject utility facilities and utility property identified in paragraph A at the final price rendered by the court.

(2) Notwithstanding chapter 65 or any other provision of law to the contrary, if a petition is not filed under paragraph B and if the company and subject utilities do not reach an agreement, the company shall immediately take the subject utility facilities and utility property identified in paragraph A at the purchase price offer.

Within 45 days of the date upon which the purchase price is either mutually agreed upon by the company and the investor-owned transmission and distribution utility or is finally determined through the judicial process set forth under paragraph B, the investor-owned transmission and distribution utility shall prepare and submit any regulatory filings necessary to the transfer of subject utility facilities and utility property, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. If the investor-owned transmission and distribution utility does not prepare and submit such filings within 45 days, the company may request that the commission investigate the utility's failure to prepare and submit the filings. Upon such a request from the company, the commission shall, in a timely manner, investigate the utility's failure to prepare and submit the filings. If the commission finds the investor-owned transmission and distribution utility unreasonably delayed or failed to prepare and submit the filings, or failed to prosecute and pursue federal regulatory approvals of the transfer in good faith, the commission shall direct the utility to do so by a date certain and may order other remedies, including deducting the cost of preparing and submitting such regulatory filings from the purchase price or otherwise preventing the utility from recouping the cost and requiring the utility to pay for costs to other parties caused by the delay.

If at any time during the process prescribed in this subsection the company and either of the investor-owned transmission and distribution utilities reach an agreement on the purchase price of all utility facilities and utility property in the State owned or operated or held for future use by that investor-owned transmission and distribution utility, the sale may be finalized in accordance with that agreement.

The commission shall impose such conditions on the acquisition of all utility facilities and utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility as it determines are necessary to protect the public

interest during the period between the effective date of this chapter and the date on which ownership and control are fully assumed by the company and the operations team. The commission shall take all necessary actions to ensure that the investor-owned transmission and distribution utilities and their owners cooperate fully, promptly and cost-effectively with the company during the transition in ownership and control. The commission may allow recovery by or reimbursement to the utility of necessary expenses associated with the transition. At a minimum, the utility must be required to plan, construct, operate and maintain facilities and to cooperate with customers, generators and other stakeholders to the same extent that the commission would require of any transmission and distribution utility and to provide the company such information as may be necessary to meet its responsibilities under this Title, including but not limited to a detailed inventory of assets.

**7. Existing obligations.** All existing agreements, obligations and contracts, including but not limited to long-term contract obligations and net energy billing agreements of an investor-owned transmission and distribution utility, must be transferred to the company and any counterparty to an agreement, obligation or contract shall accept the assignment of the investor-owned transmission and distribution utility to the company.

**8. Regional transmission.** The service territories of the company initially remain in the transmission system to which they belonged on the effective date of this chapter until changed by majority vote of the board.

**9. Names.** The company may adopt one or more alternative or regional names to distinguish its service territories or for any other purpose.

**10. Rules.** The company may adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for establishing and administering the company and carrying out its duties. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**11. Bylaws.** The company shall adopt bylaws, through the board, consistent with this section for the governance of its affairs.

**12. Consumer-owned transmission and distribution utilities; application.** This subsection controls the treatment of consumer-owned transmission and distribution utilities and the application of law to the company.

A. This chapter may not be construed to affect the powers, authorities or responsibilities of any consumer-owned transmission and distribution utility other than the company created under this chapter. The company may not oppose the extension of the service territory of a consumer-owned transmission and distribution utility existing prior to the effective date of this chapter to include the entirety of a municipality in which the consumer-owned transmission and distribution utility provides electric service as long as the company is reasonably compensated for the assets and appurtenances required.

B. Notwithstanding any other provision of this chapter or any other provision of law to the contrary, the company is subject to section 310; section 3104; section 3132, subsection 2-D; sections 3132A, 3132-B, 3132-C and 3132-D; section 3144; section 3210-C, subsections 3, 7 and 11; sections 3212 and 3212-B; and section 3214, subsection 2A.

**13. Board staff; initial activities.** The board shall hire qualified and professional staff, including but not limited to a director or manager, chief financial officer, support staff and legal counsel. Assistance and counsel may be provided to the board by the Office of the Treasurer of State, the Office of the Attorney General, the Maine Municipal Bond Bank, the Finance Authority of Maine, the commission, the Office of the Public Advocate and any other state entity. All initial activities and expenditures of the board prior to the final acquisition of utility facilities and utility property must be funded by short-term debt of the company, to be retired in the initial financing and acquisition of the investor-owned transmission and distribution utility facilities and utility property. Notwithstanding any provision of the law to the contrary, debt incurred by the board for its initial activities and expenditures is presumed to be prudently incurred on behalf of the customers of the investor-owned transmission and distribution utilities and is recoverable in rates, except where proven to be imprudent beyond a reasonable doubt. To the extent that the company's initial activities are specifically attributable to one but not both acquired utilities, those separately attributable costs must be recovered from ratepayers of the utility to which they are attributable.

**§4004. Cost-of-service rates**

The rates and all other charges of the company must be sufficient to pay in full the cost of service, including the cost of debt and property taxation.

**§4005. No use of state funds or tax dollars**

Debt or liability of the company is not a general obligation or moral obligation of the State or any agency or instrumentality of the State other than the company, and neither the State nor any agency or instrumentality of the State other than the company guarantees any debt or liability of the company.

**§4006. No debt or liability of the State**

The company serves a public purpose in the carrying out of the provisions of this chapter, but debt or liability of the company is not a general obligation or moral obligation of the State.

**§4007. Voter approval**

Notwithstanding any other provision of law enacted on or before the date upon which this chapter is enacted, if this chapter is approved by voters of the State at a statewide election, debt or liability of the company is not subject to additional voter approval.

**§4008. Property and income tax status**

**1. Property tax.** Notwithstanding Title 36, chapter 105, subchapter 4, the company is subject to property taxation pursuant to the laws of the State and must pay property tax in the same manner as an investor-owned transmission and distribution utility. Rates charged by the company must include sufficient amounts to pay property taxes due under this subsection.

**2. Income tax.** Notwithstanding any provision of law to the contrary, income of the company is exempt from all taxation or assessment by the State or any political subdivision of the State. All bonds, notes and other evidences of indebtedness issued by the company in accordance with chapter 9 are legal obligations of the company, and the company is a quasi-municipal corporation within the meaning and for the purposes of Title 30-A, section



5701. All bonds, notes and other evidences of indebtedness issued by the company are legal investments for savings banks in this State and are exempt from state income tax.

3. Tax increment financing agreements. If an investor-owned transmission and distribution utility acquired by the company is subject to a tax increment financing agreement under Title 30-A, chapter 206, the company acquires the same rights and responsibilities as applied to the investor-owned transmission and distribution utility under the agreement.

**§4009. Termination of the company**

The company may not be dissolved or cease operations except by authorization of law and only if all debt and liabilities of the company have been paid or a sufficient amount for the payment of all debt and liabilities has been placed in an irrevocable trust for the benefit of the holders of the debt and only if any remaining equity of the company is returned in an equitable manner to the customers of the company.

**§4010. Freedom of access; confidentiality**

The proceedings and records of the company are subject to the freedom of access laws, Title 1, chapter 13, except as specifically provided in this section.

1. Confidential records. The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

A. A record obtained or developed by the company that a person, including the company, to whom the record belongs or pertains has requested be designated confidential and that the company has determined contains information that gives the owner or a user an opportunity to obtain a business or competitive advantage over another person that does not have access to the information, except through the company's records, or access to which by others would result in a business or competitive disadvantage, loss of business or other significant detriment to any person to whom the record belongs or pertains; and

B. A record that contains usage or other nonpublic information regarding a customer of a transmission and distribution utility in the State.

The company shall provide to a legislative committee, on written request signed by the chairs of that committee, any information or records, including information designated confidential under this subsection, specified in the written request. The information or records may be used only for the lawful purposes of the committee and in any action arising out of any investigation conducted by the committee, subject to protective order.

2. Exceptions. Notwithstanding subsection 1, the following are not confidential and are public records:

A. Any otherwise confidential information the confidentiality of which the company determines to have been satisfactorily and effectively waived;

B. Any otherwise confidential information that has already lawfully been made available to the public; and

C. Impersonal, statistical or general information.

3. Disclosure prohibited; further exceptions. A board member, employee, agent, other representative of the company or other person may not knowingly divulge or disclose

records designated confidential by this section, except that the company, in its discretion and in conformity with legislative freedom of access criteria in Title 1, chapter 13, subchapter 1-A, may make or authorize any of the following disclosures of information:

- A. If necessary in connection with processing any application for, obtaining or maintaining financial assistance for any person;
- B. To a financing institution or credit reporting service;
- C. Information necessary to comply with any federal or state law, regulation or rule or with any agreement pertaining to financial assistance;
- D. If necessary to ensure collection of any obligation in which the company has or may have an interest;
- E. In any litigation or proceeding in which the company has appeared, introduction for the record of any information obtained from records designated confidential by this section; and
- F. Pursuant to a subpoena, request for production of documents, warrant or other order, as long as the order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as long as the order appears on its face or otherwise to have been issued or made lawfully.

#### **§4011. Annual report**

By April 15th of each year, beginning no more than one year after the first meeting of the board, the company shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters summarizing the activities and performance of the company in meeting its obligations to its customer-owners and its responsibilities under sections 4002 and 4003 during the preceding calendar year and its plans for the current year and subsequent 5 years. Each annual report must describe in detail how the company's decisions, operations and use of low-cost financing have supported and will support the State's progress toward the climate action plan goals established in Title 38, chapter 3-A and how such financing has affected and will affect job creation and gross state product.

#### **§4012. Initial 5-year plan**

Within 18 months of the date in which the company and the operations team fully take ownership and control of all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, the company shall submit to the commission for approval a 5-year plan to meet initial affordability, reliability, decarbonization and connectivity goals.

1. Plan minimum requirements. At a minimum, the 5-year plan under this section must also include a program to:

- A. Establish lower rates for low-income residential customers;
- B. Build across the State accessible, rapid charging infrastructure for electric vehicles;
- C. Reduce make-ready and pole attachment costs for open-access fiber-optic cable in unserved and underserved areas of the State as defined in section 9202, subsection 5;  
and

D. Make rapid investments in the distribution network to upgrade reliability and to improve capacity for interconnections of new renewable generation and storage facilities.

**Sec. 13. Review of laws and report.** The Public Utilities Commission shall examine all laws that may be affected by this Act or need to be changed as a result of this Act, including laws governing the Pine Tree Power Company as established under the Maine Revised Statutes, Title 35-A, section 4002, and laws relating to investor-owned transmission and distribution utilities that may be eliminated as a result of this Act. The commission shall determine any modifications to laws that may be necessary or appropriate as a result of this Act or to effectuate the purposes of this Act and shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters no later than 6 months after the first meeting of the Pine Tree Power Company Board under Title 35-A, section 4002. The joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters may report out a bill relating to the subject matter of this Act and to the commission's report.

**Sec. 14. Staggered terms of initial members of Pine Tree Power Company Board.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 4002, subsection 3, the terms of the initial members of the Pine Tree Power Company Board must be staggered as provided in this section.

1. The initial designated members of the board serve as follows, determined by lot by those members after their selection: 2 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

2. The initial elected members of the board serve as follows, determined by lot by those members after their election: 3 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

**Sec. 15. Code of ethics; recommendations.** On or before February 15, 2024, the Office of the Attorney General shall submit to the joint standing committee of the Legislature having jurisdiction over state and local government matters recommendations regarding the establishment of a code of ethics applicable to the members of the Pine Tree Power Company Board, as established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 36. After receiving the recommendations, the joint standing committee may report out a bill related to those recommendations to the Second Regular Session of the 131st Legislature.

**Sec. 16. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 35-A, section 1511-A takes effect January 1, 2025.

## SUMMARY

This initiated bill creates the Pine Tree Power Company, a privately-operated, nonprofit, consumer-owned utility controlled by a board the majority of the members of which are elected. The company's purposes are to provide for its customer-owners in this State reliable, affordable electric transmission and distribution services and to help the State meet its climate, energy and connectivity goals in the most rapid and affordable manner possible.

The Pine Tree Power Company is not permitted to use general obligation bonds or tax dollars of the State. The company finances itself by issuing debt against its future revenues to purchase the facilities of investor-owned electric transmission and distribution utilities in the State. The fair market value of the acquisition is either negotiated or determined by a refereed process. The Pine Tree Power Company Board contracts a nongovernmental team to operate the facilities, and the operations team is required to retain all workers of the purchased utilities.

The company is subject to property taxation and must pay property tax in the same manner as an investor-owned transmission and distribution utility. The company is subject to ratemaking and other oversight by the Public Utilities Commission and is required to administer programs for net energy billing, nonwires alternatives, supply procurement and low-income assistance programs.

The company is governed by a board of 13 members, 7 of whom are each elected to represent 5 State Senate districts, as well as 6 designated expert members. The board is subject to freedom of access laws and to laws preventing conflicts of interest.

The initiated bill also directs the Public Utilities Commission beginning January 1, 2025 to find a transmission and distribution utility unfit to serve and to direct the sale of the utility if the utility meets certain criteria.

**Packard, Melissa**

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**From:** Wayne J <waynejortner@gmail.com>  
**Sent:** Friday, September 24, 2021 12:04 PM  
**To:** Packard, Melissa; Flynn, Julie  
**Cc:** Stephanie Clifford; Seth Berry; John Brautigam; Bill Dunn; Nicole Grohoski  
**Subject:** An Act To Create the Pine Tree Power Company - Petition  
**Attachments:** SOS Letter 2.pdf

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms Packard and Ms. Flynn:

Attached please find my signed letter approving your language changes.

Wayne R. Jortner

September 24, 2021

Wayne R. Jortner  
11 Fox Hill Rd  
Freeport, ME 04032

603 454-5712

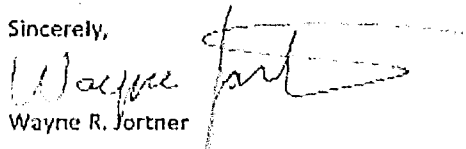
Melissa K. Packard, Director of Elections  
Julie L. Flynn, Deputy Secretary of State  
Department of the Secretary of State  
Bureau of Corporations, Elections and Commissions  
Augusta, ME 04333

Dear Ms. Packard and Ms. Flynn: RE: Pine Tree Power Company petition

Thank you for providing me with the language changes made by your office with respect to the above-named petition. As lead petitioner, I approve of those changes.

Please let me know if I can provide any further information.

Sincerely,

  
Wayne R. Jortner

CC: Stephanie Clifford  
John Brautigam  
Rep. Seth Berry  
William Dunn  
Rep. Nicole Grohowski

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R. 0037

**An Act To Create the Pine Tree Power Company,  
a Nonprofit, Customer-owned Utility**

**Date of Issuance: October 22, 2021**

**Filing Deadline for the November 2022 Ballot: January 31, 2022**

*18 month petition expiration date: April 22, 2023*

**Freedom of Citizen Information:** Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

**Summary of Proposed Initiative**

This initiated bill creates the Pine Tree Power Company, a privately-operated, nonprofit, consumer-owned utility controlled by a board the majority of the members of which are elected. The company's purposes are to provide for its customer-owners in this State reliable, affordable electric transmission and distribution services and to help the State meet its climate, energy and connectivity goals in the most rapid and affordable manner possible.

The Pine Tree Power Company is not permitted to use general obligation bonds or tax dollars of the State. The company finances itself by issuing debt against its future revenues to purchase the facilities of investor-owned electric transmission and distribution utilities in the State. The fair market value of the acquisition is either negotiated or determined by a refereed process. The Pine Tree Power Company Board contracts a nongovernmental team to operate the facilities, and the operations team is required to retain all workers of the purchased utilities.

The company is subject to property taxation and must pay property tax in the same manner as an investor-owned transmission and distribution utility. The company is subject to ratemaking and other oversight by the Public Utilities Commission and is required to administer programs for net energy billing, nonwires alternatives, supply procurement and low-income assistance programs.

The company is governed by a board of 13 members, 7 of whom are each elected to represent 5 State Senate districts, as well as 6 designated expert members. The board is subject to freedom of access laws and to laws preventing conflicts of interest.

The initiated bill also directs the Public Utilities Commission beginning January 1, 2025 to find a transmission and distribution utility unfit to serve and to direct the sale of the utility if the utility meets certain criteria.

**Estimate of Fiscal Impact**

This citizen initiative creates the Pine Tree Power Company (PTPC), a privately operated, nonprofit, consumer-owned transmission and distribution utility. It establishes a process for the PTPC to purchase the assets of an investor-owned electric transmission and distribution facility operating in the State. The PTPC will be subject to oversight by the Public Utilities Commission (PUC) as a consumer-owned utility. It is important to clarify that this fiscal impact statement does not attempt to quantify or include the cost to the PTPC to purchase and operate a decertified utility. The purchase is anticipated to be financed through the issuance of bonds and the debt service costs of those bonds and the costs of operation will be funded through utility rates charged to the consumers.

The PUC has indicated that its additional regulatory authority will require 3 Staff Attorney positions and 6 Utility Analyst positions at a projected cost of \$1,294,169 in the first year and \$2,275,349 in subsequent years. Since the PUC is funded by an assessment set to produce sufficient revenue for the expenditures allocated by the Legislature for operating the PUC, the increased expenditures will require a corresponding increase in revenue from assessments on transmission and distribution utilities. These costs may be passed on to electric utility customers through scheduled rate cases in the future.

The initiative also requires that no earlier than January 1, 2025, the PUC shall decertify investor-owned electric transmission and distribution utilities operating in the State that fail to meet criteria established in this initiative. This action, combined with provisions designed to force the utilities subject to decertification to sell assets to the PTPC, may result in litigation. Any litigation costs may be passed on to consumers.

The 7 elected members of a 13-person governing board may participate in the Maine Clean Elections program. The Commission on Governmental Ethics and Election Practices estimates that up to 11 candidates may choose to use the program in the first election cycle after the PTPC is established for a cost to the Commission of \$335,450 from April through June in the first fiscal year and \$273,750 from July through October in the second fiscal year. Qualifying contributions from candidates are anticipated to generate additional revenue of \$13,900 in the first year and \$9,900 in the second fiscal year. Subsequent election cycles are estimated to require payments to candidates of \$110,764 or \$166,145, depending on whether 2 or 3 board members are being elected.

Additional costs to any state agencies and departments that provide assistance and counsel to the board, and to the Office of the Attorney General to make recommendations regarding a code of ethics for members of the board, can be absorbed within existing budgeted resources and will not require additional funding.

Since the PTPC will be exempt from income taxes, the State will see a decrease in General Fund revenue from the corporate income taxes that are currently paid by the investor-owned utilities currently operating in the State. However, the PTPC will still be subject to property taxes, so local units of government will still receive revenue from property taxes.

**To the Legislature of the State of Maine:**

In accordance with Section 18 of Article IV, Part Third of the Constitution of the State of Maine, the electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified on this petition, hereby respectfully propose to the Legislature for its consideration the following entitled legislation: "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility".

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-G, sub-§36 is enacted to read:

36.

<u>Public</u>	<u>Pine Tree Power Company</u>	<u>\$110/Day</u>	<u>35-A MRSA</u>
<u>Utilities</u>	<u>Board</u>	<u>and Expenses</u>	<u>\$4002</u>

Sec. 2. 21-A MRSA §354, sub-§5, ¶G, as enacted by PL 1985, c. 161, §6, is amended to read:

G. For a candidate for State Representative, at least 50 and not more than 80 voters; and

Sec. 3. 21-A MRSA §354, sub-§5, ¶H, as enacted by PL 1985, c. 161, §6, is amended to read:

H. For a candidate for county charter commission member, at least 50 and not more than 80 voters; and

Sec. 4. 21-A MRSA §354, sub-§5, ¶I is enacted to read:

I. For a candidate for member of the Pine Tree Power Company Board under Title 35A, section 4002, subsection 2, paragraph A, at least 300 and not more than 400 voters.

Sec. 5. 21-A MRSA §1011, first ¶, as amended by PL 2013, c. 334, §2, is further amended to read:

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. Candidates for municipal office as described in Title 30-A, section 2502, subsection 1 and candidates for the Pine Tree Power Company Board as described in Title 35-A, section 4002 are also governed by this subchapter. The commission does not have jurisdiction over financial activities to influence the nomination or election of candidates for federal office.

Sec. 6. 35-A MRSA §1511-A is enacted to read:

**§1511-A. Fitness to serve**

The commission shall find a transmission and distribution utility with 50,000 or more customers unfit to serve and shall require and ensure the sale of the utility, to be completed within 24 months, if 4 or more of the following statements are true of the utility:

1. Customer satisfaction. The utility has been rated for 2 or more of the past 5 years among the lowest decile of utilities of a similar size for customer satisfaction on a nationally recognized survey of United States utility business or residential customers;

2. Reliability. The utility has been found by the commission or by the United States Energy Information Administration for 2 or more of the past 5 years to have overall reliability in terms of outage minutes per year, with or without major event days, in the lowest decile of utilities of a similar size in the country;

3. Affordability. In 2 or more of the past 5 years, the utility charged residential delivery rates reasonably estimated to be in the highest decile among utilities of a similar size in the country, based on data from the United States Energy Information Administration and based on the commission's analysis of average delivery rates as a proportion of the average total bill for integrated utilities;

4. Employees. The utility has within the previous year contracted with a business to perform work valued at more than \$100,000 that could reasonably have been performed by qualified, nonexempt employees of the utility;

5. Security. The utility owns critical infrastructure vital to the security and welfare of the State and is presently owned, either wholly or in a part greater than 5%, by a government that does not represent or govern the captive customers of the utility;

6. Customer obligations. The utility, due to its corporate structure, requires that customers pay for the cost of the utility's corporate taxes, and also pay for shareholder profits exceeding 10% on prudent capital investment in transmission infrastructure, with little to no risk for poor performance;

7. Disaster assistance. The utility, due to its corporate structure, may require that customers pay directly or indirectly for 90% or more of damages to the utility's assets caused by extreme weather events, and may also deny the utility access to federal emergency management assistance to reduce or eliminate these costs; or

8. Priorities. The utility, due to its corporate structure and fiduciary obligations, is unable to place the needs of customers, workers or the State's climate and connectivity goals ahead of the desires of shareholders to earn a profit.

Sec. 7. 35-A MRSA §3501, sub-§1, ¶D, as amended by PL 2019, c. 311, §2, is further amended to read:

D. The portion of any municipal or quasi-municipal entity located in the State providing transmission and distribution services; and

Sec. 8. 35-A MRSA §3501, sub-§1, ¶E, as amended by PL 2019, c. 311, §2, is further amended to read:

E. Any transmission and distribution utility wholly owned by a municipality located in the State; and

Sec. 9. 35-A MRSA §3501, sub-§1, ¶F is enacted to read:

F. The Pine Tree Power Company established in chapter 40.

Sec. 10. 35-A MRSA §3502, first ¶, as amended by PL 1999, c. 398, Pt. A, §86 and affected by §§104 and 105, is further amended to read:

Notwithstanding section 310, any consumer-owned transmission and distribution utility, except for the Pine Tree Power Company established in chapter 40, that proposes to increase rates, tolls or charges by not more than 15% of the utility's annual operating revenues or proposes to decrease rates, tolls or charges in any amount may elect to set rates pursuant to this section and section 3503.

Sec. 11. 35-A MRSA §3506 is enacted to read:

**§3506. Voter approval conditioned on parity**

Notwithstanding any other provision of law, neither utility debt nor the incurrence of utility debt is subject to statewide voter approval, unless and until voter approval of utility debt and of the incurrence of such debt is required equally for both investor-owned and consumer-owned utilities operating in the State.

Sec. 12. 35-A MRSA c. 40 is enacted to read:

**CHAPTER 40**

**PINE TREE POWER COMPANY**

**§4001. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Acquired utility. "Acquired utility" means an investor-owned transmission and distribution utility whose facilities or property are purchased or intended for purchase pursuant to this chapter.



**2. Board.** "Board" means the Pine Tree Power Company Board established in Title 5, section 12004-G, subsection 36.

**3. Company.** "Company" means the Pine Tree Power Company established in section 4002.

**4. Cost of service.** "Cost of service" means the total amount that must be collected by the company to recover its costs but does not include any return on capital investment unless a return is required as security for debt service.

**5. Customer-owner.** "Customer-owner" means a person to whom the company provides electricity.

**6. Generating source.** "Generating source" means a machine or device that produces electric energy by any means.

**7. Utility facility.** "Utility facility" means any portion of a plant used or useful in providing transmission and distribution utility service and includes, but is not limited to, transmission lines, office buildings, equipment and transportation equipment.

**8. Utility property.** "Utility property" means any tangible or intangible asset, liability, obligation, plan, proposal, share, agreement or interest of a utility; any facility in development or planning by the utility as of January 1, 2020; and, without limitation, the entire utility and any part or portion of the utility.

**§4002. Pine Tree Power Company established; purpose**

The Pine Tree Power Company is established to provide for its customer-owners in this State reliable, affordable electric transmission and distribution services in accordance with this chapter.

**1. Company purposes.** The company shall use its access to low-cost capital and its ability to manage the electric transmission and distribution system in a manner that is not focused on ensuring shareholder profits for the following purposes:

A. To deliver electricity to the company's customer-owners in a safe, affordable and reliable manner;

B. To ensure excellence, timeliness and accuracy in billing, metering and customer service;

C. To provide an open, supportive and competitive platform to develop and deploy renewable generation, storage, efficiency and beneficial electrification technologies;

D. To assist the State in rapidly meeting or exceeding the climate action plan goals established in Title 38, chapter 3-A;

E. To improve the State's Internet connectivity through more affordable access to utility poles and other infrastructure in unserved or underserved areas of the State, as defined in section 9202, subsection 5;

F. To advance economic, environmental and social justice and to benefit company workers and all communities in the State;

G. To provide for transparent and accountable governance; and

H. To support, secure and sustain economic growth and benefits for the State.

**2. Governance; board.** The company is created as a body corporate and politic and is governed by the Pine Tree Power Company Board in accordance with this section.

The board is composed of 13 voting members, 7 of whom are elected members and 6 of whom are designated members chosen by the elected members. All members must be residents of the State.

A. As of the last date for filing a nomination petition under Title 21-A, section 354, each of the 7 elected members must be a legal citizen of the United States for at least 5 years, must be at least 21 years of age, must be a legal Maine resident for at least one year, must be a resident of the area the member represents as provided in this paragraph for at least 3 months and may not hold a state elected office. Each elected member represents 5 of the State's 35 State Senate districts, as set out in Title 21-A, section 1203-B, as follows:

(1) One member represents State Senate districts 1 to 5;

(2) One member represents State Senate districts 6 to 10;

(3) One member represents State Senate districts 11 to 15;

(4) One member represents State Senate districts 16 to 20;

(5) One member represents State Senate districts 21 to 25;

(6) One member represents State Senate districts 26 to 30; and

(7) One member represents State Senate districts 31 to 35.

If during an elected member's term the member's place of residence as a result of reapportionment is no longer included in the area the member was elected to represent, the member may continue to serve the remainder of the term.

B. The 6 designated members must be selected by the elected members. The designated members must collectively possess expertise and experience across the following 6 areas:

(1) Utility law, management, planning, operations, regulation or finance;

(2) The concerns of utility employees and other workers;

(3) The concerns of commercial or industrial electricity consumers;

(4) Electricity generation, storage, efficiency, delivery, cybersecurity, connectivity or related technologies;

(5) Planning, climate mitigation, adaptation or the environment; and

(6) Economic, environmental and social justice, including the needs of low-income and moderate-income persons.

C. Candidates for election to the board pursuant to paragraph A are eligible for funding through the Maine Clean Election Act, in amounts and under terms commensurate with those for candidates for the State Senate. The Commission on Governmental Ethics and Election Practices, established pursuant to Title 5, section 12004-G, subsection 33, shall adopt rules to implement this paragraph. Rules must include, at a minimum, the procedures for qualifying and certification and for allocation of distributions from the fund and other provisions necessary to ensure consistency with the provisions of the Maine Clean Election Act. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

D. Candidates for election to the board pursuant to paragraph A are subject to the requirements of Title 21-A, chapter 13.

E. The nomination of candidates for elected members of the board is governed by Title 21-A, chapter 5, subchapter 2, and the determination of the election is governed by Title 21-A, section 723-A. The Secretary of State may adopt rules governing the election of members of the board and shall consult with the commission in developing the rules. Rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Term of office.** An elected member of the board serves for a term of 6 years and a designated member of the board serves for a term of 6 years. An elected member serves from January 1st to December 31st and a designated member serves from March 1st to the end of February. A majority of members shall declare a vacancy on the board upon the resignation, death or incapacitation of an elected member, in the event that a member is absent without leave of the chair for at least half of all board meetings held in a 180-day period or in the event of a member's gross and continual neglect of duty. If there is a vacancy on the board of a designated member, it must be filled within 180 days in the same manner as described in subsection 2, paragraph B, and the person selected to fill a vacancy serves for the unexpired term of the member whose vacancy the person is filling. If there is a vacancy on the board of an elected member, the board shall notify the Secretary of State, who shall establish a deadline of no sooner than 60 days after being notified of the vacancy to accept nomination petitions for a special election. A special election must be held within 180 days of notification of the vacancy and declared in the manner prescribed by Title 21-A, section 366. The person elected to fill a vacancy serves for the unexpired term

of the member whose vacancy the person is filling. Designated members may be reselected and elected members may be reelected.

**4. Quorum and chair.** Seven members of the board constitute a quorum. The board shall elect from its members a chair and a vice-chair. The vice-chair shall serve as acting chair in the absence of the chair.

**5. Voting.** Except as otherwise provided in this Title, all decisions of the board must be made by a majority vote of the members present. Whenever possible, the board shall attempt to achieve consensus among members.

**6. Bylaws; due diligence.** Prior to making a purchase price offer for any utility facility or utility property, the board shall adopt bylaws, retain expert professional staff and consultants, secure initial financing, conduct due diligence as it considers necessary and develop a transition plan and a business plan for the company.

**7. Board review.** Four years after the first meeting of the board, the board shall review the effectiveness of the company governance structure and shall report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters the outcome of this review. The report may suggest necessary changes to the governance structure of the company. The committee may report out legislation pertaining to the recommendations in the report.

#### **§4003. Powers and duties; acquisition of utility facilities and utility property**

**1. Powers; generally.** The company is a consumer-owned transmission and distribution utility and has all the powers and duties of a transmission and distribution utility under this Title, as affected by the provisions of chapter 35, within the service territories of the investor-owned transmission and distribution utilities whose utility facilities it acquires under this chapter.

**2. Limits on company; generating property.** The company may not own or operate a generating source or purchase electric capacity or energy from a generating source, except as the commission may approve in order to allow the company to maintain or improve system reliability.

**3. Private sector, competitive, performance-based operations.** The company shall contract by means of a competitive public solicitation the services of at least one qualified nongovernmental entity, referred to in this chapter as "the operator" or "the operations team," to provide cost-effective, private sector operations, maintenance, customer accounts management and customer service and information and to assist as necessary in regulatory affairs, capital planning and administrative services. The company may not contract with an operator that has managed a company found to be unfit within the previous 10 years. The company may contract with separate operators for each of the service territories of the acquired utilities, or to meet discrete operations, maintenance or other requirements. In requesting and evaluating bids pursuant to this section, the board shall consider anticipated costs; professional, operational and managerial experience; familiarity with the systems to be administered; and ability to improve customer service and employee morale. The company may establish additional criteria for its solicitation and shall determine the period and the specific terms of each operations contract. The commission shall review and approve, reject or approve with conditions any contract between the company and an operator before it takes effect. A contract with an operations team must reward proven performance, not the provision of capital, and must provide for the efficient and effective fulfillment of the company's purposes under section 4002.

**4. Retention of employees.** The operator shall hire any person who was an employee of the acquired utility at the time the company acquired the utility facilities who is a qualified, nonexempt employee subject to collective bargaining agreements of the acquired utility and may hire any other person who was an employee of the acquired utility with the exception of those employees on the executive board of the acquired utility. To ensure continuity and an experienced local workforce, the operations team shall offer to these employees a retention bonus of 8% of annual gross pay for the first year of work and 6% of

annual gross pay for the 2nd year of work. This bonus must be payable on the earlier of the anniversary of the date of hire by the operator and the date of a termination of employment that occurs following the date of hire, as long as the termination is due to the employee's death or disability, by the employer without cause or by the employee for good reason. The operations team shall maximize opportunities for internal promotion, additional staffing and on-the-job training for all employees and may not contract with other businesses to perform work that could reasonably have been performed by qualified, nonexempt employees of the operations team.

**5. Rights of employees.** The employees of the operations team retained to operate the company's facilities are private employees. Notwithstanding any provision of law to the contrary, the company shall at a minimum accord all qualified, nonexempt employees and their representatives the same rights as would an investor-owned transmission and distribution utility. The operator may not limit or impair the ability and right of its employees to strike or to engage in any work stoppage or slowdown and may not hire replacement employees permanently during an employee strike. The operator shall notify employee representatives of new hires and shall allow representatives of employees reasonable access to work sites during work hours. The operator shall assume all retirement benefit obligations to the employees of and retirees of an acquired utility, unless these obligations have remained with the acquired utility, its corporate parent or a pension plan trust regulated by the federal Employee Retirement Income Security Act of 1974. The operator shall honor and maintain the terms of any collective bargaining agreements in effect at the time the company acquired the investor-owned transmission and distribution utility for the remaining term of any collective bargaining agreement, except that, when 2 or more contracts exist, the employees' wages, salaries and benefits must be made reasonably equal to the higher of those provided in the contracts or must exceed those previously paid by the acquired utility.

Upon the conclusion of a contract pursuant to subsection 3, the company, in soliciting for a new contract, shall give preference to service providers that agree to maintain or improve the terms of the collective bargaining agreement in existence on the conclusion of the prior contract.

**6. Acquisition of utility facilities and utility property.** Notwithstanding any other provision of this Title, rules adopted under this Title or any other applicable law to the contrary, the company shall purchase or acquire by the exercise of the right of eminent domain all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, in accordance with this subsection, and may also purchase or acquire by the exercise of the right of eminent domain in accordance with this subsection any other investor-owned transmission and distribution utility property should the board determine such an acquisition to be in the interest of its customer-owners. The company shall finance the purchase or acquisition of utility facilities or utility property under this subsection by issuing debt in accordance with chapter 9. The board may not purchase or acquire by the right of eminent domain any utility facilities or utility property under this subsection until 12 months after the effective date of this chapter or 6 months after the first meeting of the board, whichever is later.

A. Within 18 months after the effective date of this chapter or 12 months after the first meeting of the board, whichever is later, unless further delayed to a date certain by a vote of at least 9 members of the board, the company shall:

(1) Identify the utility facilities and any other utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility to be purchased by the company;

(2) Determine a purchase price offer to be made for the utility facilities and other utility property. The purchase price offer must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission; and

(3) Deliver notice of the purchase price offer, including detailed description of the utility facilities and other utility property to be purchased, to the investor-owned transmission and distribution utility that owns, operates or holds for future use the subject utility facilities and utility property.

By a vote of at least 9 members of the board, the company may delay by up to one year the purchase of the utility facilities and any other utility property of one of the 2 investor-owned transmission and distribution utilities in the State and proceed with the purchase of the utility facilities and any other utility property of the other investor-owned transmission and distribution utility in the State. A delay approved by the board under this paragraph may be renewed once in the same manner for up to one additional year.

B. After the receipt of a notice of the purchase price offer under paragraph A, subparagraph (3), the investor-owned transmission and distribution utility may, within 30 days of the date of receipt, submit a counteroffer to the company. If the company rejects the counteroffer, within 30 days of the date of receipt of the rejection the investor-owned transmission and distribution utility may petition the Superior Court of Kennebec County to determine and order an alternative purchase price for the subject utility facilities or utility property in accordance with this paragraph. The purchase price determined by the court must include compensation for the cost of preparing and submitting necessary regulatory filings, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. After the filing of a petition by an investor-owned transmission and distribution utility under this paragraph, the Superior Court, as expeditiously as possible, shall:

(1) Select, in consultation with the company and the petitioner, a referee or referees with relevant expertise and capabilities to determine a recommended purchase price for the utility facilities and utility property;

(2) Complete a trial or hearing, as appropriate, for the presentation of evidence to referees, who shall submit a recommended purchase price to the court; and

(3) Render a decision and, based upon the recommended purchase price submitted under subparagraph (2) and any other information available to the court, order a purchase price to be paid by the company to the petitioner for possession and ownership of the subject utility facilities and utility property.

The decision of the Superior Court under this paragraph is appealable to the Law Court as in any civil action.

C. The taking of utility facilities and utility property by the company is governed by this paragraph.

(1) Notwithstanding chapter 65 or any other provision of law to the contrary, if a petition is filed under paragraph B and if the company and subject utilities do not reach an agreement, the company shall, after any appeals are resolved, immediately take the subject utility facilities and utility property identified in paragraph A at the final price rendered by the court.

(2) Notwithstanding chapter 65 or any other provision of law to the contrary, if a petition is not filed under paragraph B and if the company and subject utilities do not reach an agreement, the company shall immediately take the subject utility facilities and utility property identified in paragraph A at the purchase price offer.

Within 45 days of the date upon which the purchase price is either mutually agreed upon by the company and the investor-owned transmission and distribution utility or is finally determined through the judicial process set forth under paragraph B, the investor-owned transmission and distribution utility shall prepare and submit any regulatory filings necessary to the transfer of subject utility facilities and utility property, including but not limited to those required by the federal Department of Energy, Federal Energy Regulatory Commission. If the investor-owned transmission and distribution utility does not prepare and submit such filings within 45 days, the company may request that the

commission investigate the utility's failure to prepare and submit the filings. Upon such a request from the company, the commission shall, in a timely manner, investigate the utility's failure to prepare and submit the filings. If the commission finds the investor-owned transmission and distribution utility unreasonably delayed or failed to prepare and submit the filings, or failed to prosecute and pursue federal regulatory approvals of the transfer in good faith, the commission shall direct the utility to do so by a date certain and may order other remedies, including deducting the cost of preparing and submitting such regulatory filings from the purchase price or otherwise preventing the utility from recouping the cost and requiring the utility to pay for costs to other parties caused by the delay.

If at any time during the process prescribed in this subsection the company and either of the investor-owned transmission and distribution utilities reach an agreement on the purchase price of all utility facilities and utility property in the State owned or operated or held for future use by that investor-owned transmission and distribution utility, the sale may be finalized in accordance with that agreement.

The commission shall impose such conditions on the acquisition of all utility facilities and utility property in the State owned or operated or held for future use by any investor-owned transmission and distribution utility as it determines are necessary to protect the public interest during the period between the effective date of this chapter and the date on which ownership and control are fully assumed by the company and the operations team. The commission shall take all necessary actions to ensure that the investor-owned transmission and distribution utilities and their owners cooperate fully, promptly and cost-effectively with the company during the transition in ownership and control. The commission may allow recovery by or reimbursement to the utility of necessary expenses associated with the transition. At a minimum, the utility must be required to plan, construct, operate and maintain facilities and to cooperate with customers, generators and other stakeholders to the same extent that the commission would require of any transmission and distribution utility and to provide the company such information as may be necessary to meet its responsibilities under this Title, including but not limited to a detailed inventory of assets.

7. Existing obligations. All existing agreements, obligations and contracts, including but not limited to long-term contract obligations and net energy billing agreements of an investor-owned transmission and distribution utility, must be transferred to the company and any counterparty to an agreement, obligation or contract shall accept the assignment of the investor-owned transmission and distribution utility to the company.

8. Regional transmission. The service territories of the company initially remain in the transmission system to which they belonged on the effective date of this chapter until changed by majority vote of the board.

9. Names. The company may adopt one or more alternative or regional names to distinguish its service territories or for any other purpose.

10. Rules. The company may adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for establishing and administering the company and carrying out its duties. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

11. Bylaws. The company shall adopt bylaws, through the board, consistent with this section for the governance of its affairs.

12. Consumer-owned transmission and distribution utilities; application. This subsection controls the treatment of consumer-owned transmission and distribution utilities and the application of law to the company.

A. This chapter may not be construed to affect the powers, authorities or responsibilities of any consumer-owned transmission and distribution utility other than the company created under this chapter. The company may not oppose the extension of the service territory of a consumer-owned transmission and distribution utility existing prior to the effective date of this chapter to include the entirety of a municipality in which the consumer-owned transmission and

distribution utility provides electric service as long as the company is reasonably compensated for the assets and appurtenances required.

B. Notwithstanding any other provision of this chapter or any other provision of law to the contrary, the company is subject to section 310; section 3104; section 3132, subsection 2-D; sections 3132-A, 3132-B, 3132-C and 3132-D; section 3144; section 3210-C, subsections 3, 7 and 11; sections 3212 and 3212-B; and section 3214, subsection 2-A.

**13. Board staff; initial activities.** The board shall hire qualified and professional staff, including but not limited to a director or manager, chief financial officer, support staff and legal counsel. Assistance and counsel may be provided to the board by the Office of the Treasurer of State, the Office of the Attorney General, the Maine Municipal Bond Bank, the Finance Authority of Maine, the commission, the Office of the Public Advocate and any other state entity. All initial activities and expenditures of the board prior to the final acquisition of utility facilities and utility property must be funded by short-term debt of the company, to be retired in the initial financing and acquisition of the investor-owned transmission and distribution utility facilities and utility property. Notwithstanding any provision of the law to the contrary, debt incurred by the board for its initial activities and expenditures is presumed to be prudently incurred on behalf of the customers of the investor-owned transmission and distribution utilities and is recoverable in rates, except where proven to be imprudent beyond a reasonable doubt. To the extent that the company's initial activities are specifically attributable to one but not both acquired utilities, those separately attributable costs must be recovered from ratepayers of the utility to which they are attributable.

#### **§4004. Cost-of-service rates**

The rates and all other charges of the company must be sufficient to pay in full the cost of service, including the cost of debt and property taxation.

#### **§4005. No use of state funds or tax dollars**

Debt or liability of the company is not a general obligation or moral obligation of the State or any agency or instrumentality of the State other than the company, and neither the State nor any agency or instrumentality of the State other than the company guarantees any debt or liability of the company.

#### **§4006. No debt or liability of the State**

The company serves a public purpose in the carrying out of the provisions of this chapter, but debt or liability of the company is not a general obligation or moral obligation of the State.

#### **§4007. Voter approval**

Notwithstanding any other provision of law enacted on or before the date upon which this chapter is enacted, if this chapter is approved by voters of the State at a statewide election, debt or liability of the company is not subject to additional voter approval.

#### **§4008. Property and income tax status**

**1. Property tax.** Notwithstanding Title 36, chapter 105, subchapter 4, the company is subject to property taxation pursuant to the laws of the State and must pay property tax in the same manner as an investor-owned transmission and distribution utility. Rates charged by the company must include sufficient amounts to pay property taxes due under this subsection.

**2. Income tax.** Notwithstanding any provision of law to the contrary, income of the company is exempt from all taxation or assessment by the State or any political subdivision of the State. All bonds, notes and other evidences of indebtedness issued by the company in accordance with chapter 9 are legal obligations of the company, and the company is a quasi-municipal corporation within the meaning and for the purposes of Title 30-A, section 5701. All bonds, notes and other evidences of indebtedness issued by the company are legal investments for savings banks in this State and are exempt from state income tax.

**3. Tax increment financing agreements.** If an investor-owned transmission and distribution utility acquired by the company is subject to a tax increment financing agreement under Title 30-A, chapter 206, the company acquires the same rights

and responsibilities as applied to the investor-owned transmission and distribution utility under the agreement.

#### **§4009. Termination of the company**

The company may not be dissolved or cease operations except by authorization of law and only if all debt and liabilities of the company have been paid or a sufficient amount for the payment of all debt and liabilities has been placed in an irrevocable trust for the benefit of the holders of the debt and only if any remaining equity of the company is returned in an equitable manner to the customers of the company.

#### **§4010. Freedom of access; confidentiality**

The proceedings and records of the company are subject to the freedom of access laws, Title 1, chapter 13, except as specifically provided in this section.

**1. Confidential records.** The following records are designated as confidential for purposes of Title 1, section 402, subsection 3, paragraph A:

**A.** A record obtained or developed by the company that a person, including the company, to whom the record belongs or pertains has requested be designated confidential and that the company has determined contains information that gives the owner or a user an opportunity to obtain a business or competitive advantage over another person that does not have access to the information, except through the company's records, or access to which by others would result in a business or competitive disadvantage, loss of business or other significant detriment to any person to whom the record belongs or pertains; and

**B.** A record that contains usage or other nonpublic information regarding a customer of a transmission and distribution utility in the State.

The company shall provide to a legislative committee, on written request signed by the chairs of that committee, any information or records, including information designated confidential under this subsection, specified in the written request. The information or records may be used only for the lawful purposes of the committee and in any action arising out of any investigation conducted by the committee, subject to protective order.

**2. Exceptions.** Notwithstanding subsection 1, the following are not confidential and are public records:

**A.** Any otherwise confidential information the confidentiality of which the company determines to have been satisfactorily and effectively waived;

**B.** Any otherwise confidential information that has already lawfully been made available to the public; and

**C.** Impersonal, statistical or general information.

**3. Disclosure prohibited; further exceptions.** A board member, employee, agent, other representative of the company or other person may not knowingly divulge or disclose records designated confidential by this section, except that the company, in its discretion and in conformity with legislative freedom of access criteria in Title 1, chapter 13, subchapter 1-A, may make or authorize any of the following disclosures of information:

**A.** If necessary in connection with processing any application for, obtaining or maintaining financial assistance for any person;

**B.** To a financing institution or credit reporting service;

**C.** Information necessary to comply with any federal or state law, regulation or rule or with any agreement pertaining to financial assistance;

**D.** If necessary to ensure collection of any obligation in which the company has or may have an interest;

**E.** In any litigation or proceeding in which the company has appeared, introduction for the record of any information obtained from records designated confidential by this section; and

**F.** Pursuant to a subpoena, request for production of documents, warrant or other order, as long as the order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as

long as the order appears on its face or otherwise to have been issued or made lawfully.

#### **§4011. Annual report**

By April 15th of each year, beginning no more than one year after the first meeting of the board, the company shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters summarizing the activities and performance of the company in meeting its obligations to its customer-owners and its responsibilities under sections 4002 and 4003 during the preceding calendar year and its plans for the current year and subsequent 5 years. Each annual report must describe in detail how the company's decisions, operations and use of low-cost financing have supported and will support the State's progress toward the climate action plan goals established in Title 38, chapter 3-A and how such financing has affected and will affect job creation and gross state product.

#### **§4012. Initial 5-year plan**

Within 18 months of the date in which the company and the operations team fully take ownership and control of all utility facilities in the State owned or operated or held for future use by any investor-owned transmission and distribution utility, the company shall submit to the commission for approval a 5-year plan to meet initial affordability, reliability, decarbonization and connectivity goals.

**1. Plan minimum requirements.** At a minimum, the 5-year plan under this section must also include a program to:

- A. Establish lower rates for low-income residential customers;
- B. Build across the State accessible, rapid charging infrastructure for electric vehicles;
- C. Reduce make-ready and pole attachment costs for open-access fiber-optic cable in unserved and underserved areas of the State as defined in section 9202, subsection 5; and
- D. Make rapid investments in the distribution network to upgrade reliability and to improve capacity for interconnections of new renewable generation and storage facilities.

**Sec. 13. Review of laws and report.** The Public Utilities Commission shall examine all laws that may be affected by this Act or need to be changed as a result of this Act, including laws

governing the Pine Tree Power Company as established under the Maine Revised Statutes, Title 35-A, section 4002, and laws relating to investor-owned transmission and distribution utilities that may be eliminated as a result of this Act. The commission shall determine any modifications to laws that may be necessary or appropriate as a result of this Act or to effectuate the purposes of this Act and shall submit proposed legislation to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters no later than 6 months after the first meeting of the Pine Tree Power Company Board under Title 35-A, section 4002. The joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters may report out a bill relating to the subject matter of this Act and to the commission's report.

**Sec. 14. Staggered terms of initial members of Pine Tree Power Company Board.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 4002, subsection 3, the terms of the initial members of the Pine Tree Power Company Board must be staggered as provided in this section.

1. The initial designated members of the board serve as follows, determined by lot by those members after their selection: 2 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

2. The initial elected members of the board serve as follows, determined by lot by those members after their election: 3 members serve 6-year terms, 2 members serve 4-year terms and 2 members serve 2-year terms.

**Sec. 15. Code of ethics; recommendations.** On or before February 15, 2024, the Office of the Attorney General shall submit to the joint standing committee of the Legislature having jurisdiction over state and local government matters recommendations regarding the establishment of a code of ethics applicable to the members of the Pine Tree Power Company Board, as established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 36. After receiving the recommendations, the joint standing committee may report out a bill related to those recommendations to the Second Regular Session of the 131st Legislature.

**Sec. 16. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 35-A, section 1511-A takes effect January 1, 2025.

Instructions for Circulation		Certification Code for Valid Signatures
<b>Petitioner – must:</b>	<b>Petition Circulator – must:</b>	✓ Individual signing petition is a registered voter
• Be a Maine registered voter	• Complete the Circulator's verification	The most common reasons for rejection of signatures or petitions (with applicable codes) are as follows:
• Sign name as it appears on the voting list	• Take the oath before a Notary Public <u>prior to</u> submission of petitions to Registrar	
• Sign only once	• <b>NOT</b> collect signatures after taking Oath	<b>Of Individual Signatures</b> DUP Individual previously signed the petition (duplicate name) NR Individual is not a registered voter DATE Individual signed after the date of Circulator's verification ANO Individual's signature made by another person SIG Individual did not sign the Petition (printed name only) Note: use only when voter's printed name cannot be matched to printing on the voter registration application
• NOT sign another's name		
• Print name; date of signing; street address and municipality of residence (unless printed by Circulator)	<b>Notice regarding Maine residency and registration requirements:</b> A court order issued in <i>We the People v. Bellows</i> , 1:20-cv-00489-JAW, currently prevents the Secretary of State from enforcing state laws requiring circulators to be Maine residents and registered voters. Should the court order be terminated, circulators may be required to be Maine residents and registered voters to continue circulating petitions.	<b>Of Entire Petitions</b> CERT Registrar's certification is not completed or is not signed ALT Information written on the petition has been altered in a material way OATH Circulator's verification is not completed or is not signed OATH Public Circulator did not take the oath before a valid Notary Public OATH Notary did not complete or sign the notarization OWN Notary is an immediate family member of the circulator FORM Petition is not in the form approved by the Secretary of State (e.g. pages missing, damaged or out of order, etc.)
<b>Registrar – must:</b>		
• Date and time stamp petition indicating when it is received		
• Complete the "Registrar Use Only" space using the codes described in the box to the right		
• Complete and sign the certification by indicating which names on the petition appear on that municipality's voting list		
<b>WARNING:</b> Making a false statement by the circulator, signing a petition with the name of another, or signing a name more than once on these petitions is a Class E crime.		

Printed Name of Circulator
Unique Identifying Number

**An Act To Create the Pine Tree Power Company,  
a Nonprofit, Customer-owned Utility**

**Freedom of Citizen Information:** Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State.

Registrar use only	Signature	Date Signed	Actual Street Address (Not P.O. Box)	Municipality (Where Registered)	Name Printed
1.					
2.					
3.					
4.					
5.					
6.					
7.					
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<p align="center"><b>Circulator's Oath</b></p> <p>I hereby make oath that I am the Circulator of this petition; that I personally witnessed all of the signatures to this petition; and, to the best of my knowledge and belief, each signature is that of the person whose name it purports to be.</p> <p>Signature of Circulator _____ Printed Name _____</p> <p>Signature of Notary _____ Printed Name _____</p> <p>Subscribed to and sworn before me on this date: _____ (Date must be completed by Notary)</p> <p>Date my Notary Commission expires: _____</p>		<p align="center"><b>Petition Log For Secretary of State Use Only</b></p> <p>Petition #: _____ Valid: _____ Invalid: _____</p> <table border="1"> <thead> <tr> <th># Invalid</th> <th>Reason</th> <th>Signature Lines</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> <p>SOS Staff: _____ Comments: _____</p>		# Invalid	Reason	Signature Lines												
# Invalid	Reason	Signature Lines																
<p align="center"><b>Registrar's Certification</b></p> <p>Municipality _____ Total Valid _____ Total Invalid _____</p> <p>I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote for Governor.</p> <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p>Date &amp; Time Petition Received:</p> </div> <p>Signature of Registrar: _____</p> <p>Date petition certified: _____</p>																		

*Please See Page 1 for Summary and Fiscal Statement, Pages 2-7 for Legislation, and Page 7 for Instructions*

**STATE OF MAINE**  
**OFFICE OF THE SECRETARY OF STATE**

**Determination of the Validity of a Petition for Initiated Legislation Entitled:**

**“An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility”**

1. On October 31, 2022, 10,279 petitions containing 80,154 signatures were submitted to the Secretary of State pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 on behalf of the above-entitled initiated legislation.<sup>1</sup>
2. Following a review of these 10,279 petitions I find the following signatures to be invalid for the following reasons:
  - A. 4,820 signatures are invalid because they are duplicates of signatures already counted. (DUP)
  - B. 4,158 signatures are invalid because they were not certified by the registrar as belonging to a registered voter in that municipality. (REG)
  - C. 355 signatures are invalid because the voter's signature was crossed out on the petition form. (WD)
  - D. 276 signatures are invalid because the circulator's oath was not completed prior to submitting the petition to the registrar for certification. (PRIOR)
  - E. 230 signatures are invalid because the voter failed to provide a signature. (SIG)
  - F. 216 signatures are invalid because the circulator did not file a circulator's affidavit at the time the petitions were filed with the Secretary of State. (AFF)
  - G. 69 signatures are invalid because the voter's signature was dated more than year prior to the date that the petition was filed in the office of the Secretary of State. (FILED)
  - H. 68 signatures are invalid because of material alterations to the petition. (ALT)
  - I. 66 signatures are invalid because the registered voter's signature was made by another. (ANO)
  - J. 65 signatures are invalid because they were dated after the date that the circulator's oath was completed in the presence of the notary or the voter's signature was not dated and it could not be determined that the voter signed the petition before the circulator took the oath. (DATE)

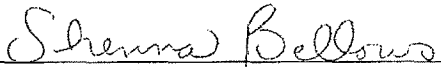
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<sup>1</sup> An additional 1,077 petitions that were submitted contained only signatures that were certified as invalid by municipal registrars. The Secretary of State did not complete a full review of signatures included on these 1,077 petition forms and these signatures were not included in the final tally of signatures that culminated in this Determination of Validity.

- K. 52 signatures are invalid because the notary was related to the circulator. (OWN)
- L. 42 signatures are invalid because the circulator's oath was not complete or not administered properly. (OATH)
- M. 2 signatures are invalid because the certification of the registrar was not completed. (CERT)

3. For the reasons set forth above, on the 10,279 petition forms filed with the Secretary of State, I find that 10,419 signatures are invalid and 69,735 signatures are valid. The number of signatures required to determine the petition to be valid is 63,067. Because the number of valid signatures exceeds the required number by 6,668 signatures, I find the petition to be valid.

Dated: November 30, 2022

  
Shenna Bellows  
Secretary of State



## Department of the Secretary of State

Home → News → Public Comment Periods Now Open on Wording of Ballot Questions

FOR IMMEDIATE RELEASE

December 21, 2022

# Public Comment Periods Now Open on Wording of Ballot Questions

AUGUSTA — Secretary of State Shenna Bellows is now accepting public comment on the wording of two citizen initiative questions that will appear on the Nov. 7, 2023 Referendum Election ballot, unless enacted by the Legislature as written.

The department's Bureau of Corporations, Elections and Commissions has certified two citizen initiatives, as follows:

**An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility**

The ballot question for the consumer owned utility legislation, as drafted, reads:

*"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"*

**An Act To Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution**

The ballot question for the campaign spending restrictions legislation, as drafted, reads:

*"Do you want to ban foreign governments and entities that they own, control, or influence from making campaign contributions or financing communications for or against candidates or ballot questions?"*

State law requires Secretary Bellows to present each proposed legislation "concisely and intelligibly" as a ballot question. She will be accepting public comments regarding the question's form and content for a 30-day period, beginning today, Wednesday, December 21 until 5 p.m. on Friday, January 20, 2023. All comments will be reviewed and considered before the ballot question is finalized.

Comments will be accepted via the online submission form, email, mail or in person:

- Use the comment submission form at:
  - <https://www.maine.gov/sos/form/pine-tree-power-company> for the consumer owned utility legislation, or
  - <https://www.maine.gov/sos/form/campaign-spending-foreign-gov> for the campaign spending restrictions legislation
- Email [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov) using subject line "Public Comment – Consumer Owned Utility" or "Public Comment – Campaign Spending Restrictions"
- Mail comments to the Secretary of State, Attn: Public Comment, 148 State House Station, Augusta, ME 04333-0148

- Drop off written comments to the Office of the Secretary of State at the Nash School Building, 103 Sewall St., 2nd floor, Augusta, Maine.

The full text of the proposed pieces of legislation are available on the Citizen Initiatives webpage, along with proponent information.

### **Credits**

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Name: Barbara Alexander

Email: barbaalexand@gmail.com

Town: Hallowell

Comment: There are several problems with this wording:

1. This is not a "power company". The new entity is better described as a "distribution and transmission public utility." The new entity will not own or manage "power."
2. The board is not composed of only elected members, but is a combination of elected and appointed members.
3. The words "to acquire and operate" does not fully represent the mandate in the proposed Act. Rather, the board is obligated to acquire so the proper words would be "a board composed of both elected and appointed members that is obligated to acquire and operate...."

Name: Ethan Bien

Email: bien\_upda@fastmail.com

Town: Lubec

Comment: Thank you for this opportunity to comment. The wording suggested is misleading and inaccurate. I would suggest the following wording:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

There are three issues I see:

1. "quasi-governmental owned" is confusing and misleading. "Local, consumer-owned" is what we are pursuing. "Consumer-owned" is much clearer, and I believe it is already commonly found in Maine law.
2. There is an important element of the mission statement missing. Please add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.
3. Most importantly, add "Foreign-owned" and "For-profit." The wording in the draft question implies we would buy the ten COUs already operating in Maine, and that is NOT the case.

Thank you. Ethan, Lubec

Name: Liz Trice  
Email: liztrice@gmail.com  
Town: Portland  
Comment: Hi!

It makes sense to replace "quasi-governmental owned" with "local, consumer-owned," add "required to focus on reliable, affordable electricity," and that the utility acquired would be one that the is currently "Foreign-owned" and "For-profit."

Thank you!

Name: Scott Tucker

Email: tucker608@yahoo.com

Town: Old Orchard Beach

Comment: Replace "quasi governmental" with LOCAL, CONSUMER OWNED URILITY  
REQUIRED TO PROVIDE RELIABLE, AFFORDABLE ELECTRICITY FOR MAINE CONSUMERS, AND  
TO ACQUIRE E LIP ECTRICAL INFRASTRUCTURE FROM THE FOREIGN BASED UTILITIES IN THE  
STATE OF MAINE.

Name: Cody Sims

Email: caustinsims@gmail.com

Town: Portland

Comment: As a Maine taxpayer and Our Power volunteer for the past 2 years, I have several issues with the proposed ballot question as written. It employs language that is inaccurate, incomplete, and likely confusing to voters, especially the term "quasi-governmental owned" when the term "consumer owned utility" is present in both the language of "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility" and settled Maine law.

The proposed question fails to highlight a key provision in the Act, namely that the Pine Tree Power Company has a legally stated mission to "[require they] focus on reliable, affordable electricity." I believe this needs to be added along with the terms "Foreign-owned" and "For-profit" with regard to existing utilities. Both of these descriptors are demonstrably true of both CMP and Versant and presenting them as such to voters is significant in allowing for an informed vote.

In conclusion, I propose the following ballot question be ratified instead: "'Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" Thank you for your time and consideration.

Name: Perrin Milliken

Email: perrin.milliken@gmail.com

Town: Brunswick

Comment: The proposed wording above is misleading and unclear to voters who are Mainers from all walks of life. To make the ballot question more clear and accessible to all voters, the question should say:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This wording more accurately reflects the actual policy. The Secretary of State should make these changes so Mainers know that they are voting on a consumer owned power company, and one that has goals of reliability and affordability in its mission statement. In addition, adding foreign owned and for profit in the question makes it clear that the new power company would not buy Maine's existing 10 COUs which is misleading and inaccurate.

Making these changes will uphold the democratic process of ballot questions. Thank you for listening and valuing my input.



Name: Dara Crawford

Email: daraelysecrawford@gmail.com

Town: 4049

Comment: As worded, I find the proposed ballot question to be confusing and potentially misleading to voters. As someone who volunteered to collect signatures for this initiative, I might be a bit more familiar with the issue than the average voter in Maine.

I believe if "quasi-governmental owned" was replaced with "local, consumer-owned" the proposal would much clearer.

Adding "required to focus on reliable, affordable electricity" is beneficial as this wording is from the mission statement of the new company, taken directly from our bill.

Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired, and I believe voters need to be made aware or reminded of the nature of the current power entity.

Name: Vernon Lickfeld

Email: vernon.lickfeld@gmail.com

Town: Lisbon

Comment: I disagree with the language of "quasi-governmental." It should be replaced with "local, consumer-owned," as this is the language that is used over 55 times in Maine laws. Referring to it as "quasi-governmental" is inaccurate and seems designed deliberately to dissuade voters with disinformation about the proposal. Additionally, it is important to me that the language of the question refers to the fact that the proposed power company will be "required to focus on reliable, affordable electricity." Lastly, the language of the question should refer to the fact that the current ownership of the facilities in question are both foreign-owned and for-profit. Failing to include this language does not portray the intentions of the initiative accurately nor comprehensively and should be rectified before it hits the ballot. Thank you!

Name: David VonSeggern

Email: vonsegl@sbcglobal.net

Town: Portland

Comment: I would eliminate the word "owned" in the statement.

Also, "elected" Board is not sufficient. Only part of the board is truly elected. From the proposed Act: "The board is composed of 13 voting members, 7 of whom are elected members and 6 of whom are designated members chosen by the elected members."

Name: Corey James Butler

Email: corey.butler@gmail.com

Town: TROY

Comment: If you're going to position "consumer-owned" as something that is confusingly stated as "quasi-government-owned" it's not unobjective to not state that our current power option is "for profit" and "foreign-owned".

Name: Ezra Sassaman

Email: ezra@mycj.org

Town: Bar Harbor

Comment: Dear Secretary of State,

Please make the following changes to the wording of the ballot question.

1. Please replace "quasi-governmental owned" with "local, consumer-owned." I believe ballot questions should be as concise and clear as possible. I do not believe the average voter understands what "quasi-governmental owned" means. I certainly do not! Instead, "consumer-owned" is clearer and already used frequently in Maine law.

2. Please add the descriptors "foreign-owned" and "for-profit." This makes clear which utility facilities will be acquired. This language clarifies that the Pine Tree Power Company will NOT buy Maine's existing ten consumer-owned utilities.

The final wording might look something like this:

Do you want to create a new local, consumer-owned power company to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you,

Ezra Sassaman

Bar Harbor

Name: Steve Eagles

Email: seagles4@gmail.com

Town: Dresden

Comment: Having collected signatures at a variety of places, I know how important it is to the signers that this would be a "local, consumer-owned power company" which accurately describes the proposal. What does quasi-government owned mean? The most significant change will be that the board of directors would be elected by the users of the utility rather than stockholders with no connection to Maine. It seems that the proposed wording came from CMP or perhaps the Governor's office, not the signature collectors. Please listen.

Name: Joseph DeGraff

Email: josephdegraff@gmail.com

Town: Saco

Comment: The proposed ballot question language is incorrect and confusing.

- Use "consumer-owned" instead of "quasi-governmental". The latter is confusing, not what the act proposes, and language not used in Maine law.

- "operate existing electricity transmission and distribution facilities" is incorrect. If passed the act would only take over the for-profit distribution lines of CMP and Versant. Leaving this as-is would be a lie.

- Please add the mission statement of the act, and how this new consumer-owned utility is "required to focus on reliable, affordable electricity".

Name: Lucian Laurie Jr

Email: lclaurie@gmail.com

Town: Boothbay

Comment: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"



Name: Christopher Cushing

Email: peachyghost07@gmail.com

Town: Brunswick

Comment: Dear Secretary of State,

The wording of this question is confusing and will mislead voters into making a decision against their own best interest. I have been passionate about public power since moving to Maine a few years ago. I would like to offer the following suggestions.

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law. Consumer owned also gives voters a chance to look at existing models here in Maine, like Kennebec Light and Power.

2. Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill. This has been the biggest issue with CMP and ignoring it is blatant corporate favoritism. CMP is the worst electricity company in the nation when using outages and length of outages as a metric.

3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading! There's specific language in the bill that states that existing COUs won't be effected.

Please strongly consider rewording the question.

Name: Mark W. Read

Email: akawildman@gmail.com

Town: Portland

Comment: The language of this ballot question, as written here, is INCREDIBLY misleading. Quasi-governmental? What the hell is that? This would be a consumer-owned utility, plain and simple. Call it what it is. It's as though you've taken suggestions on language from CMP, intentionally wording this question so as to confuse and frighten voters. It's bad faith, and reeks of corruption. Cut it out.

Name: Meredith Bruskin

Email: dscampc321@gmail.com

Town: Swanville

Comment: I would like to comment on the wording of the proposed ballot question on the idea of a consumer owned utility for the people of Maine. I have researched current consumer owned utilities, including some here in Maine and I think that the way you are putting this question is confusing.

As the description " local, consumer-owned" is a phrase already found in Maine law, and your descriptor " quasi-governmental" is so confusing, I recommend the replacement of that very odd phrase with "local, consumer-owned" and I believe you should also add " required to focus on reliable, affordable electricity" which is part of the mission statement of the new company, and the reason for this proposed ballot question. Thank you for your attention.

The initial part of the question would then read: "Do you want to create a new, local consumer-owned company that is required to focus on reliable affordable electricity governed by an elected board to acquire the facilities of existing for-profit electric utility companies in Maine?"

Name: Lucy Hull

Email: lhull350@gmail.com

Town: ARROWSIC

Comment: To the Secretary of State,

The current draft language for the ballot question concerning creating a consumer-owned power company is misleading. I would like it to read:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable,

affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

In my conversations with people around this proposed ballot question, I heard repeatedly that signers of the petition want a consumer-owned power company, not one owned by a for-profit corporation whose interests are not the same as those of the taxpayers and residents of Maine. CMP/Avangrid have not done a good job for the people of Maine. Power outages are common, power is expensive, and their customer service has not been good. The wording above much better represents the wishes of those signing the petition to get this question on the ballot.

Thank you,

Lucy Hull

Arrowsic, Maine

Name: Francis Moulton

Email: fmoulton@twc.com

Town: Ashland

Comment: As one signature-gatherer for the Pine Tree Power referendum campaign in northern Maine, where most people seem hesitant to consider ANY proposed reform of the status quo regardless of potential benefits or costs, I object to your proposed wording of the ballot question. Specifically, the phrase "quasi-governmental owned" is not only grammatically suspect, but is imprecise and does not reflect the intention of the campaign to mirror more descriptive language already enshrined in Maine law, i.e. "consumer owned." Minimal further elaboration would also benefit the specific intention of the campaign, by adding the phrase "required to focus on reliable, affordable electricity" which emphasizes for the public the demonstrated problems with existing utility operations, in that historically both CMP and Versant are rated very poorly by consumers in terms of providing timely and organized responses to weather events and maintaining infrastructure and resources to support the same. For example, in the last storm which caused over 300,000 power outages, some ratepayers endured up to four days without power, and I personally spent two days without heat, running water or non-battery powered lights, eventually spending over \$500 of my low, fixed income on new plumbing and electrical work plus precautionary arrangements for alternate housing. When I woke up on Christmas morning it was 33 degrees in my bedroom, and I was preparing meals and heating small amounts of stored water with a two-burner propane camp stove!

With corporate management there is no strong incentive to focus on the public good - currently federal law requires corporate entities to maximize profits for shareholders, but there are inadequate checks on inflated executive compensation at the expense of functionality. Locally and publicly owned utilities have been demonstrated in case studies to function more cost-effectively than profit-driven enterprises, which the Secretary of State should acknowledge as reality by at least including the phrase "for profit" in their description of existing utilities, while adding the phrase "foreign-owned" will likewise acknowledge the reality that the profits of both of Maine's major utilities do not contribute significantly to the American economy, even as a side effect. Finally, I think it would be beneficial to add some concise reference to alternative, renewable energy source investment, as even recently investor-owned utilities tend to focus their renewable procurement efforts on large commercial projects, neglecting individual consumers because the larger projects are more profitable. In central Aroostook County I was unable to locate a single community power project offering residential service, while Versant's institutionalized option for "Maine green power" stipulates significant extra monthly costs added onto my bill for the same amount of electricity that I use now, despite the lower costs of generating renewable electricity by wind or sun than by fossil fuels, including "natural" gas. This evident corporate priority is not an indication of concern for the interests of the average ratepayer, nor in my case is their recent history of consistently overbilling me (by small amounts) for the amount of electricity that I use, despite repeated efforts to correct this over a period of six months.

Please amend the language of this hard-won ballot initiative proposal to reflect the actual goals of the numerous citizens who participated as volunteers to improve the power distribution system of the state of Maine.

Name: Caitlin Marshall

Email: caitlinpmarshall@gmail.com

Town: Portland

Comment: Thank you for the opportunity to comment! As a volunteer who took the time to knock on my neighbors' doors, and staff a table at the polls, all about this question - I'd like to offer my input on the best, clearest wording of this ballot question. The current wording needs improvement.

Specifically, I'd point out that a few terms in here are confusing (and very possibly misleading!): "quasi-governmental", "acquire and operate existing". "Quasi-governmental" is confusing. Even as someone who's read up on consumer-owned utilities (COUs) extensively, I'm not clear on what it means. "acquire and operate existing" is misleading - it could include acquiring Maine's existing COUs, which is not the intention of the ballot measure. The intention is to replace only the foreign-owned and for-profit utilities, CMP and Versant. It is important to state this in the question, in order to accurately summarize the proposal.

Instead, I propose:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Utilities are big and complex - it makes sense to keep this ballot question as clear and simple as possible for voters.

Thank you.

Name: Melissa Berky

Email: berkymrb@aol.com

Town: Bangor Maine

Comment: Please at a minimum strike the words "quasi-governmental owned"

My reason is because the word quasi has meanings other than partly. I automatically think it means fake, pseudo, bogus. It is a very poor choice of words.

Thank you,

Melissa Berky

Name: Christine B. Anderson

Email: chris2@themorehouses.com

Town: Northport

Comment: REPLACE: "quasi-governmental" with "consumer owned power company".

RATIONALE: New language would be less confusing and more in line with descriptions of existing electric cooperatives (Eastern Maine, Fox Islands, etc.).

REPLACE: "existing electricity transmission and distribution facilities in Maine" with "Maine's for-profit electric utility companies".

RATIONALE: Language of the current draft makes it sound like the new, consumer-owned power company would be buying out all of the electric cooperatives in addition to CMP and Versant Power. It would not be doing that.



Name: William Dunn

Email: wdunn@sunsetpoint.biz

Town: YARMOUTH

Comment: As someone who has worked for 3 years to replace Central Maine Power (CMP) and Versant Power with a utility that would operate in the interests of Maine ratepayers and not the utilities' foreign owners, and who pulled together much of the data documenting Maine's worst in the nation reliability and customer satisfaction over many, many years, I object to the misleading wording you have proposed for the ballot initiative. It's almost like CMP wrote it. When you say Pine Tree Power (PTP) will be "quasi-governmental" you play into the hands of CMP who is trying to tell the public that PTP will be just another bureaucratic branch of the State government. As you know, the only role State government will have in the operation of PTP is regulation through the Public Utilities Commission (PUC). The proposed wording also suggests that PTP would takeover the transmission and distribution (T&D) of ALL Maine utilities, including the consumer-owned municipal and cooperative utilities. The PTP proposal only proposes taking over the T&D of the for-profit utilities, CMP and Versant. That needs to be made clear in the ballot wording. My understanding is that the Our Power group has proposed alternative wording that more accurately reflects what passing the ballot initiative would do. I much prefer that wording: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" Please adopt this or similar, more accurate, wording for the ballot initiative.

Name: William Garcelon

Email: wgarcelon@gmail.com

Town: Portland

Comment: Please amend the ballot question to the following: Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?

Name: Corliss Davis

Email: cdavis5468@roadrunner.com

Town: Belfast

Comment: I collected signatures on petitions to put this matter on the ballot at a polling place here in Belfast in November 2021. A strong majority of voters quickly signed the petition and they clearly wanted a "non-profit consumer-owned" utility (as stated on the petition) to replace the current, profit-based system. To describe the new system on the ballot as a "quasi-governmental owned power company" is inaccurate and completely misleading. Many Maine voters would not want a "governmental owned power company" and I urge the Secretary of State to remove that language.

Name: Dwight Hobbs

Email: dhobbs2151@gmail.com

Town: Freeport

Comment: I would like to take issue with the proposed wording of the ballot question regarding the potential creation of the Pine Tree Power Company. As currently written, "quasi-governmental" is not a commonly recognized description of said entity, compared to the widely cited "consumer-owned" which appears frequently in existing Maine law. The wording of the question should reflect this or risk needlessly confusing voters.

The question should also reflect the process by which the Pine Tree Power Company would acquire the infrastructure of foreign-owned companies like Central Maine Power (by way of Avangrid) and Versant. The creation of a new entity would not supersede the infrastructure or operation of the existing 10 local, consumer-owned utilities in the state.

In my experience speaking with Mainers while campaigning for the Pine Tree Power Company initiative, it is clear that Mainers understand the distinction of existing local consumer-owned utilities and how they function compared to private, foreign-owned entities like Central Maine Power and Versant. I believe the wording of this question as currently written undermines this understanding and portrays non-profit consumer-ownership for something it is not.

Instead, I would kindly ask the following language be used to accurately represent the entity voters will be considering:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you.

Name: Seth Halll

Email: Mundificant@gmail.com

Town: Waldoboro

Comment: Dear sirs,

As a resident of the poorest town in Lincoln County, Waldoboro, I feel especially strongly that Mainers should do everything within the control to control their utility costs. One of the best ways to do this is through membership in co-ops, and in a real sense, the Pine Tree Power Company would be the state's largest consumer owned co-op!

I am completely in support of creating this consumer owned utility, and the sooner we do, the more money all Maine ratepayers will start saving, basically forever!

I also don't believe that critical infrastructure should be owned by foreign entities; this is simply imprudent, to say the least.

Name: Linda Woods

Email: linda350centralmaine@gmail.com

Town: Waterville

Comment: Dear Ms. Secretary of State,

I have just been informed that you have created this draft of the ballot question for the consumer-owned utility referendum.

Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?

As someone who collected over one thousand signatures, I am concerned about the misrepresentation based on word choice in several places.

Do you want to create a new quasi-governmental owned power company

The terminology we used throughout the campaign is with "local, consumer-owned." It is important that the same language as used in the petition is replicated on the ballot. "Consumer-owned" is much clearer and is already used over 55 times in Maine law.

governed by an elected board to acquire

Add the phrase "foreign-owned" and "for-profit utility companies" to clarify which companies are being acquired.

Add "required to focus on reliable, affordable electricity." This language comes directly from our bill.

Thank you for your serious consideration of this request.

Name: Becka Gagne

Email: Schoodichollow@gmail.com

Town: Franklin

Comment: We, the tireless collectors of signatures, would really like to see less confusing wording on this initiative! This would cover it:

Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This will be much easier for people to understand!

Name: Gail Shields

Email: flyingfoxnursery@gmail.com

Town: Burnham

Comment: Do you want to create a new consumer owned energy utility in Maine, a power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?



Name: Benjamin S. Rigglesman  
Email: benjaminsrigglesman@smccme.edu  
Town: Yarmouth  
Comment: Dear Ms. Secretary,

I urge both grammatical and substantive revision of the language of this ballot question.

First, "quasi-governmental owned" is grammatically incorrect. Second, it is misleading. The proposal would create a consumer-owned utility like the several that already exist at the municipal level in Maine. Please consider adopting the following language: "Do you want to create a new consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you very much for your time and consideration.

Yours truly,

Ben

Name: William Thieme

Email: wil.thieme@protonmail.com

Town: Cumberland Center

Comment: The language in this description is very strange.

The term "quasi-governmental owned" doesn't seem to be used anywhere I can find and misrepresents the ownership structure of the proposed entity. While it's true that quasi-governmental entities are a real thing and Pine Tree Power Co might be one, the ownership structure is "consumer owned." This is the term used by Maine PUC to describe all other entities of this type and should be used here and not just in the title. This seems to be something your office is aware of, as the request for emailed comment uses this very term in the requested subject!

Furthermore, this language is potentially confusing to the many Mainers who are already served by a COU. Existing COUs would not be bought out. Only for-profit investor-owned utilities would be purchased to form this new "consumer-owned, nonprofit" utility.

Thank you.

Name: Randall A Parr

Email: rrrrprrr@gmail.com

Town: Appleton

Comment: The proposed wording of the draft referendum question is a misrepresentation, based on a fictional advertisement message, which saturated media during our signature campaign, that proponents wanted "government-owned" electric utility. The truth is we seek a "consumer-owned" utility. Despite this false media message we collected over 80,000 signatures to qualify for the referendum. Now this erroneous message has infected the referendum process by claiming the goal is a: "quasi government-owned" utility. What we want is a "consumer-owned" utility like those in over 80 communities, including Madison, Calais, Vinal Haven, North Haven, Monhegan, & Matinicus. Electric rates in those ("consumer-owned" utility) communities are lower & electric service is more reliable than those in "investor-owned" areas.

Therefore, please replace proposed referendum wording that reads: "Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"

with:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

The Maine Public Utilities Commission controls all Maine electric utilities, and it is an arm of government. All electric power in Maine, whether investor-owned or consumer-owned, is controlled by government. The fallacious media campaign, paid for with our electric bills, said we were seeking "government-controlled power," implying investor-owned power is not government controlled. I suspect misunderstanding is being perpetrated by existing companies who don't want to give up their political power.

Thank you for your support.

Name: Betsy Bentrup Armstrong

Email: luxorites@gmail.com

Town: Surry

Comment: As a petitioner who was tasked with explaining/promoting the rationale or motive behind the consumer-owned utility initiative, the language in the draft referendum does not match what we relayed to signatories.

The petition was clearly billed as a 'local, consumer-owned' replacement for the 'foreign-owned, for-profit' companies that manage the utilities for the bulk of Maine. There are already successful, consumer-owned utilities within the state.

Why not more?

For any progress on insuring that the utility grid in Maine is managed by those who are intimate with the needs of the consumer, the mandate to provide service must explicitly say they are required to focus on reliable, affordable electricity as the changing environmental climate may allow.

We demand a forward-thinking, climate-planning, prepared, utility service owner.

Please do not alter the personality and verbiage of a petition that many residents signed in good faith.

Thank you, I look forward to being a proud investor in our consumer-owned utility!

Betsy Armstrong

Name: Peter K Homer

Email: pkhomer@roadrunner.com

Town: Southwest Harbor

Comment: Public Comment – Consumer Owned Utility

I was a signature collector for this ballot initiative and support the creation of a consumer owned public utility in Maine.

The Secretary of State has released the wording below as a draft of the question as it will appear on the ballot in November:

“Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?”

This wording is inaccurate and indeed, misleading. Moreover, it will be confusing to voters who may just be learning about this important question. Consequently, voters will not be able to have their opinions about this question accurately reflected in the vote in November.

Our Power is advocating for the following wording instead:

“Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?”

I agree with the request to

replace “quasi-governmental owned” with “local, consumer-owned.” As a signature collector, I feel that “quasi-government owned” is misleading and inaccurate. What does “quasi-governmental” even mean? The proposed initiative is whether to create a “consumer-owned” utility, and that’s what the question should ask. “Consumer-owned” is much clearer, and is already used over 55 times in Maine laws.

The phrase “operate existing electricity transmission and distribution facilities in Maine” is also misleading to voters as it implies that the purpose is solely to replace one governing board with another. The real purpose is to realign the priorities of the utility with its customers, as opposed to shareholders. I agree with the request to add “required to focus on reliable, affordable electricity.” This is accurate and appropriate as it is the mission statement of the proposed new company, taken directly from the bill.

I also agree with the request to add “Foreign-owned” and “For-profit” in order to clarify which utilities will be acquired. The draft question makes it sound like the proposed consumer-owned utility would buy Maine’s existing ten COUs. This is confusing and very misleading!

These changes much more accurately portray the question and its effects if adopted, as the average voter understands it. In order to best determine the true will of the people, I respectfully request that the ballot question be changed as described above.

Sincerely

Peter Homer

Southwest Harbor

Name: Susan Rae-Reeves  
Email: susan.baydur@gmail.com  
Town: Topsham  
Comment: Dear Secretary Bellows,

Thank you for the opportunity to comment on the referendum question language regarding Our Power.

I am a 68 year old retiree, licensed social worker and fund raiser, who is as busy now in retirement as I was during my working years. So putting in a dozen hours to collect signatures for this ballot measure over the 18 month period of this project was a lot. I was motivated by a commitment to let Maine residents served by CMP to consider an alternative to the ever increasing cost of electricity, a history of billing problems, and an approach to service that prioritizes profits over people. Maine people deserve a utility that is more affordable and responsive to the community. That's why, after all of those hours by me and hundreds of others, it's important to get the language right on the ballot measure.

In my reading, the proposed language is confusing, inaccurate and, frankly, misleading. The phrase "quasi-governmental owned power company" is confusing and misleading. I collected signatures to get a consumer-owned utility established. And that is much easier to understand. We are consumers, and we will have a direct stake in the company. Further, the point of establishing a consumer-owned utility, to take the place of the foreign owned for profit CMP, is to provide affordable electricity. So that needs to be made clear. And finally, Our Power is not intended to take over all power companies in Maine, just those that are "foreign-owned and for profit." So that needs to be included to help voters understand the purpose.

Instead of the wording proposed, I strongly urge the Secretary of State to use the following language:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: Michael Prisco

Email: mpprisco1@gmail.com

Town: Franklin

Comment: I am very concerned about the wording of the proposed ballot measure as it is inaccurate, confusing and lacks specificity.

The term "quasi-governmental" should be replaced with "consumer owned" to make it more specific.

"existing electricity transmission and distribution facilities" should be replaced with "existing foreign-owned and for-profit electric utility companies" the intention of the ballot measure is not to acquire existing Maine consumer owned utilities.

Lastly the ballot question should state the directive/mission of the new organization. Specifically the consumer owned power company will be "required to focus on reliable, affordable electricity."

This is an issue I have cared about deeply for many years and I would hate to see it get derailed because of poor wording in the ballot question. Thank you for addressing these concerns.



Name: Barry Woods

Email: barrytwoods@gmail.com

Town: Harpswell

Comment: I think the language of this ballot question is clear and able to unambiguously convey the intent and structure of the changes being requested to our electric utility system.

Name: Susan Sassaman

Email: cloudnine@gwi.net

Town: Bar Harbor

Comment: Please change the wording of the above ballot question. Please replace it with the wording below.

Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: STEPHEN BENSON

Email: sbenson58@gmail.com

Town: Surry

Comment: I've helped gather petition signatures for Our Power. I care about the people of Maine's right to safe, clean, affordable energy. The wording of this ballot question is not as clear as it needs to be for voters to make a clear confident choice in view of their own values.

Specifically, "quasi-governmental" will be a head-scratcher. "Consumer-owned" will make a lot more sense to folks.

The phrasing on the intention, as "required to focus on reliable, affordable electricity," should be included for clarity.

Before the words "electricity transmission and distribution facilities in Maine" but after "existing" the question must insert "foreign-owned" and "for-profit" to clarify which facilities would be included.

Name: Naomi Albert

Email: albertnaomi@gmail.com

Town: Bar Harbor

Comment: The current wording of the ballot question is confusing for voters. I believe the ballot question should be reworded to say "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?". This wording better captures the intention of the consumer owned utility.

Name: Lynda L Sudlow

Email: lynda.sudlow@gmail.com

Town: Parsonsfield

Comment: I think a bit of the wording of the proposed ballot question is a little misleading. I especially don't like the term "quasi-governmental." I suggest you revise it slightly to the following:

Do you want to create a non-governmental Maine-based consumer-owned non-profit, governed by a diversified elected board of Maine citizens who will acquire and oversee operation of the existing electricity transmission and distribution facilities in Maine?

Name: Ella Maddi

Email: elmaddi20@gmail.com

Town: Portland

Comment: I support the ballot questions to be reworded to more accurately reflect the purpose and mission of the Pine Tree Power bill such as below:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

The term quasi- governmental is misleading to voters and Pine Tree power would be better described as a consumer owned company. Additionally, it is important to include that Pine Tree Power only seeks to replace foreign owned and for profit companies such as CMP and Versant, and the bill wishes to leave currently existing consumer owned utility companies in place. During my time volunteering for the campaign I have found that the Pine Tree Power Company is not government affiliated and instead would operate more similarly to a non profit. It is important to emphasize that the board would be democratically elected by the people but differentiate publicly elected officials from officials elected and paid for by the state. There would be no tax payer money going into the company, and all expenses/ debt would be paid off through electrical expenses. Through petitioning people seems to want to be reassured that the utilities are not going to become a governmental entity. I believe even having the term quasi governmental will be misleading to people.

I appreciate your time and consideration in the matter!

Name: Michael Burrows

Email: michael.a.burrows@gmail.com

Town: Windham

Comment: The wording is confusing and should be modified to reflect the true nature of the ballot question. I support the following wording:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

-The term "consumer-owned" is much clearer than "quasi-governmental" and is already used extensively in Maine law.

-The mission statement of the new company includes that it is "required to focus on reliable, affordable electricity".

-Specifying the electric utility companies to be acquired - "foreign-owned, for-profit" - avoids confusing voters into thinking that the ballot question might lead to other consumer-owned utilities to be acquired.

Thank you,

Michael

Name: Harlan Baker

Email: hbaker2@maine.rr.com

Town: Portland

Comment: Your characterization of Pine tree power as a quasi-governmental organization is misleading. It clearly states in the referendum petitions that it is for a private nonprofit utility that is governed by a board, elected by the citizens of the state the employees would not be government or state employees by Miss characterizing the utility as quasi government, she leave the door open for the

IOUs to characterize it as government monopoly and use the same tactics that they used in the 1973 public power referendum. I've been around Maine a long time and I see how corporate entities manipulate language to achieve their goals. Please refer to Pinetree power as a private nonprofit utility.

Harlan Baker

Former member of the Public Utilities Committee

In the Maine legislature 1983-1988



Name: Avital Fischer

Email: avital.malka@gmail.com

Town: Windham

Comment: The wording is confusing and should be modified to reflect the true nature of the ballot question. I support the following wording:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

-The term "consumer-owned" is much clearer than "quasi-governmental" and is already used extensively in Maine law.

-The mission statement of the new company includes that it is "required to focus on reliable, affordable electricity".

-Specifying the electric utility companies to be acquired - "foreign-owned, for-profit" - avoids confusing voters into thinking that the ballot question might lead to other consumer-owned utilities to be acquired.

Thank you,

Avital Fischer

Name: Josh Chadbourne

Email: Joshachadbourne@gmail.com

Town: Saco

Comment: Quasi-Governmental is inaccurate to the actual goal, which is to create a consumer owned power company that is focused on delivering affordable and reliable power. The Summary also excludes the fact that the Pine Tree Power would only replace CMP/Versant Power, not other customer owned utilities that already exist in Maine. This Language is inaccurate enough to potentially change a persons vote.

Name: Kyara Dawbin

Email: [kyaradawbin@gmail.com](mailto:kyaradawbin@gmail.com)

Town: Augusta

Comment: I don't agree with the usage of quasigovernmental in the question. concise language that aligns with the proposed initiative is needed

Name: David Mahoney

Email: dmahoney@bates.edu

Town: HEBRON

Comment: The proposed ballot question as presented by the Secretary of State is not entirely accurate and is misleading. The public power initiative does not seek to acquire all existing electricity transmission and distribution facilities in Maine. Maine already has a number of consumer owned utilities and these would not be affected by the public power initiative. The proposed consumer owned non profit would not seek to acquire the assets of these already existing consumer owned utilities. The public power initiative seeks to acquire only the assets of foreign owned and for profit utilities operating in Maine. The proposed utility would be a non-profit consumer owned entity and should be described as such. People can understand what this means as opposed to an entity described as "quasi-governmental owned." Please consider substituting the following language: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: Benjamin Jensen

Email: bjensen@jensenfinancialservices.org

Town: Freeport

Comment: The wording of the proposed ballot question is inaccurate, misleading, and confusing. Please replace the phrase "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.

Please add the phrase "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from the bill.

Please add the phrase "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs which is untrue and very misleading!

Consumer owned utilities provide the most affordable and reliable power in the US and it is important the ballot question wording not be used as proposed.

Thank you for your consideration.



Name: Michael J Beneszewski

Email: michael.beneszewski@hotmail.com

Town: Lyman

Comment: I believe that the original language of the initiative did not include the term "quasi-governmental." What is a more accurate term to describe the ownership model? Also, this measure does not apply to those who already are part of a consumer-owned utility. This should be made clear as well.

Name: Colin Vettier

Email: colin.vettier@gmail.com

Town: Portland

Comment: Dear Secretary of State,

The proposed ballot question is a gross misrepresentation of the language and intention behind the Pine Tree Power Company, and a particularly unfavorable one too.

The term quasi-government does not appear in the Pine Tree Power Company bill or the Maine PUC's categorizations of power companies and it does not represent the proposed Pine Tree Power Company's ownership model.

The Pine Tree Power Company, as is clearly stated in the summary of the petition approved by the Secretary of State in 2021, would be a privately-operated, nonprofit, consumer-owned utility. In the entire petition language, the term quasi-governmental doesn't appear once.

Along with this misrepresentation of the ownership model, the proposed description does not clarify that this proposal only affects customers of for-profit utilities.

Please ensure that the language is corrected to accurately represent the citizen initiative, rather than give weight to CMP's disinformation and anti-democratic campaign.

Thank you for rectifying this error.



Name: Thomas MacMillan

Email: thomas.macmillan@gmail.com

Town: Portland

Comment: Dear Secretary of State,

I am concerned by the phrase "quasi-governmental" in this question. As someone who collected many signatures for this initiative, I never once used this terminology or anything like it while gathering signatures. It also does not reflect the terminology of the proposed law itself. I ask that you rephrase it to more closely mirror the language of the initiative and the recommendations of the Public Utilities Commission.

Name: Erik Siu

Email: fumansiu@gmail.com

Town: Owls Head

Comment: Hello and good day, I hope this message finds you well.

I'm a bit confused by the wording chosen on this ballot initiative and it led me to do some further reading about the proposal. I've come up with some more information by reading a bit further and it seems that this kind of language is misleading in it's effort to summarize the contents. I've made the time to educate myself on the topic and have found better wording for you from the folks organizing MPP.

Please use this instead:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

The current ownership model of CMP and Versant puts millions of dollars into the pockets of very wealthy people in Spain. This doesn't make any sense for the citizens of Maine. The utilities we depend on should be owned and operated by the communities they serve. Private ownership of public utilities is actually nonsense.

Again, please consider appropriately representing the ballot question with the following:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you for your time.

Name: Carl Cramer

Email: carl1cramer@gmail.com

Town: South Portland

Comment: Please correct the language of this ballot question.

It is NOT "quasi-governmental." Please use the original language.

Thanks, Carl

Name: Billy Kemp

Email: bkemp@healthpointchc.org

Town: Tacoma

Comment: The Secretary of State of Maine has released the wording below as a draft of our question as it will appear on the ballot in November:

"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"

This wording is inaccurate in various places, confusing to voters, and could have a huge impact on the ballot initiative's success in November.

Please change the wording to the wording that has been used throughout this initiative to help gain support.

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

We want the Secretary of State to:

Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.

Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.

Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

These changes much more accurately portray our question as the average voter understands it and would set our question up for success this November.

Thank you.

Name: Claire Prontnicki

Email: prontnic@colby.edu

Town: Waterville

Comment: Please use this more accurate wording instead:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I spent many hours getting signatures on petitions for this, and one of the most common first reactions was that people didn't want the government to be in charge of their electricity. It's important to know that this would be CONSUMER-OWNED. Also, people need to know that the electricity they're getting NOW comes from a foreign-owned company that's in it for the profits, as opposed to a Maine-owned utility that would put any profit back into improving the utility and keeping costs down.

Thank you.

Name: Holland Corson

Email: holland.corson@gmail.com

Town: Biddeford

Comment: Over the past year, I've spent over 100 hours volunteering to get this question on the ballot for 2023. It is unfortunate to see language which does not accurately represent the contents of the bill. Language that would accurately represent the bill would:

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.
2. Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.

And 3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

The wording could read as follows:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Maine citizens deserve a fair democratic process, and that means fairly representing what they're voting on. Thank you for taking public comment on this important issue.

Name: susan graham

Email: s\_graham@live.com

Town: Beaver Cove

Comment: Hello,

I would like to see changes in the language of the proposed ballot question. Quasi-governmental can be a very triggering term for many people. I would like to see, Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?

It should clarify that the proposal only affects customers of for-profit utilities.

The proposal leaves existing consumer owned utilities in place and only purchases the assets of CMP and Versant Power.

Replace quasi-government owned with consumer owned.

Add required to focus on reliable, affordable electricity.

Add Foreign-owned and for-profit. This clarifies which utility facilities will be acquired.

The draft question seems misleading.

Name: Trip Gander

Email: tripgander@outlook.com

Town: Winslow

Comment: The inclusion of the phrase "quasi-governmental" seems like an oddly malicious and purposely intimidating and obfuscating decision. Please consider adopting a more neutral and less loaded phrasing of the question as Mainers make themselves heard on this important issue. Consider simply replacing the peculiar, unnecessary, and potentially polemical adjective with the accurate and less polarizing wording "publicly owned". Thank you.



Name: Genevieve Lysen

Email: genevievelysen@gmail.com

Town: Lewiston

Comment: The question leaves out the best part of the ballot initiative: the public owned non profit. The phrase quasi-government is confusing.

Name: Barbara L. Russell

Email: laughingwaters@tds.net

Town: Rome

Comment: I don't agree with the "quasi-governmental owned power company" phrase. It is totally misleading and will create confusion for many people who have talked about it being a CONSUMER OWNED UTILITY. Also we intend to only acquire foreign owned electricity and distribution facilities in Maine. This proposed Ballot question doesn't reflect the intention of the original initiative. Please correct the wording to reflect what is actually being intended by this initiative. "Do you want to create a consumer owned power company governed by an elected board, focused on reliable, affordable electricity, and to acquire existing foreign owned, for profit electrical companies' transmission and distribution facilities in Maine?" is a much better wording than what you have proposed.

Name: Kathryn Sykes

Email: kate\_sykes\_writer@yahoo.com

Town: Portland

Comment: I have several concerns about this proposed language. First, it is factually inaccurate and a sweeping generalization to state that the referendum seeks to acquire "existing electricity and transmission and distribution facilities." This referendum only applies to those facilities that are foreign-owned and for-profit, and does not apply to the several Consumer Owned Utilities presently existing in Maine. The limited and targeted scope of the referendum should be made clear in the ballot language. As a signature collector for this ballot initiative, one of the questions I was asked over and over again was, "will this affect Kennebunk Light and Power?" It does not, and it will not. This proposed language will only compound confusion around this issue.

My second concern is with the terminology "quasi-governmental owned power company." This is not plain language, and it is frankly not even grammatically intelligible. "Quasi-governmental" is an adjective. Something cannot be owned by "quasi-governmental." It would be more more understandable to voters and would give your sentence the object it requires, to replace the wording "a new quasi-governmental owned power company" with "a consumer-owned power company."

Thank you for your careful consideration of these issues.

Name: Margaret Fernald  
Email: mfernald@panax.com  
Town: Orland

Comment: Come on: "quasi-governmental"? This is inaccurate as a false attribution to the language of the petition and bill, and reeks of misinformation that reflects neither the petition that voters signed, nor the bill itself.

Please use accurate language that reflects the actual wording of the proposal, and replace your language with:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Replace "quasi-governmental" with "consumer-owned" -- that is what is accurate, is easily-understood, and is already used over 55 times in Maine law. "Quasi-governmental" is used nowhere in the language of the bill.

Adding "required to focus on reliable, affordable electricity" is directly from the bill, and accurately reflects the mission statement of the proposed new company and board.

Adding "foreign-owned, for-profit" clarifies that only the two utility facilities that match that description will be acquired.

Referendum questions should accurately represent the language and purpose in the question, and not obscure it with puzzling terms and over-generalization.

Name: Nicholas Pellenz

Email: pelleni3@gmail.com

Town: Portland

Comment: Im opposed to using the words "quasi-governmental" when describing the entity attempting to be created in this referendum. I'm confused to the meaning of this term. The implication when using the words "quasi-governmental" is that the government of Maine would own the company. This referendum changes who runs electricity distribution in Maine from a privately owned multinational conglomerate to a consumer owned utility. It neither increases nor decrease the state's control over the distribution of electricity in Maine. The term is misleading to voters. I have been volunteering with the Our Power campaign so I'm familiar with the rhetoric that Avangrid has been using to counter this referendum. They have spent over ten million dollars already researching and promoting how to confuse Maine voters enough to vote no and save their own interest in profit. The "quasi-government owned" rhetoric has been pushed hard in their mailers and advertisements. It is clear that they want this misleading language to be in the summary and it makes me wonder if they have exerted their ten million dollar influence to get it there. Please don't use this term in the summary. Let the Maine voters decide for themselves by not using this rhetorical term. Thank you.

Name: Ed Geis

Email: edgeis@roadrunner.com

Town: Camden

Comment: Dear Secretary Bellows:

As a longtime advocate for a Maine consumer-owned utility, I'm concerned that the proposed Pine Tree Power ballot question language is somewhat misleading and may confuse voters. I'd like to suggest a few changes:

First: please replace the phrase "quasi-governmental owned" with "local, consumer-owned." Pine Tree Power would be owned by the ratepayers, not the State as your language suggests.

Second: Add "required to focus on reliable, affordable electricity." That's a key element of the Pine Tree Power proposal.

Third: it's important to make sure voters understand that only Maine's 2 for-profit investor-owned corporate utilities would be replaced--not any the existing consumer-owned utilities. So the final part of the question should read "...existing for-profit investor-owned electricity transmission and distribution corporations in Maine".

These changes will give voters a clearer and more accurate understanding of what the Pine Tree Power citizen initiative is proposing to do.

Thank you.

Name: Abi Morrison

Email: acmorrison108@gmail.com

Town: Rockland

Comment: I'm writing to request the following changes to clarify the ballot initiative wording. As a circulator of the petition to place it on the ballot, it's important that it represents the true intention of what I worked so hard for.

Firstly, it should read that it will be a consumer owned utility, not a quasi governmental organization. We the voters will elect the people who serve on the board. Secondly, it should be required that reliable and affordable power be a priority. This includes a shift to renewable sources. And to ensure there's no confusion, it should read that only foreign owned and for profit utilities would be bought, not all the small locally owned systems.

A simple wording could be: Do you want to create a new, local, consumer owned power company that would be required to focus on affordable electricity, to acquire the facilities of existing foreign owned, for profit electric utility companies in Maine?

Thank you for your attention to eliminating confusion.

Name: Adrea C. Howard

Email: ACamillehoward@Gmail.com

Town: Portland, ME

Comment: Hello,

I believe that the current ballot question would be more accurate for voters to understand if it was written with the following language:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This language would:

- Replace "quasi-governmental" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law;
- Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill; and
- Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired, considering Maine already has 10 existing consumer owned utilities that would remain in tact.

thank you.



Name: Winston Antoine

Email: woaj44@gmail.com

Town: Lewiston

Comment: The ballot question should be simplified and made easier to understand. I might suggest:

“Should a new local consumer-owned power company, that's governed by an elected board, replace Maine’s foreign-owned, for-profit electric utility companies?”

Name: Judith Tierney

Email: judy.tierney@gmail.com

Town: Portland

Comment: Please correct the language used to reflect the original: "a privately-operated, nonprofit, consumer-owned utility" NOT "new quasi-governmental owned power company" which is inaccurate. And please add a clarification that this proposal only affects "customers of for profit utilities".

Name: Michael Herz

Email: mjherz@gmail.com

Town: Damariscotta

Comment: The current Proposed Ballot Question regard the creation of a Nonprofit, Customer-Owned Utility misrepresents the proposal. Rather than characterizing it as a "quasi-governmental owned power company" it should be called a "privately-operated, nonprofit, consumer-owned utility."

Name: Andrew Michaelson

Email: andrew.morris.michaelson@gmail.com

Town: PORTLAND

Comment: Please support a public-owned power company.

We are overdue for a change from CMP.

Name: Dianne Wilkins

Email: dnwilkins@aol.com

Town: Falmouth

Comment: The Proposed Ballot Question language is confusing and inaccurate as it says the Pine Tree Power Company will be a "quasi-governmental" entity when in fact the actual proposed entity is a privately-operated, nonprofit, consumer-owned utility which positively will not be operated or owned by the state government or its quasi-governmental agencies. The words quasi-governmental should be removed and replaced with "privately-operated, nonprofit, consumer-owned utility" or "local, consumer owned." Other language in the Proposed Ballot Question that is ambiguous, misleading and needs to be clarified for better understanding are the words "to acquire and operate existing facilities" which leads voters to believe that all existing facilities in the state of Maine will be acquired and the entire population of Maine will be effected by the outcome of this ballot question, which is absolutely not the case. None of the existing 13 or more nonprofit, consumer-owned utilities would be acquired and their customers would not be affected by the outcome of this ballot question. Removing the words "and operate existing electricity transmission and distribution facilities" and replacing them with "the facilities of existing foreign-owned, for profit electric utility companies" clearly explains to voters exactly which entities in Maine would be acquired. Also, there should be some language added to clarify the reason thousand of people signed petitions for this ballot, i.e. to have a local electric utility company that is required to focus on reliable, affordable electricity and not primarily on profits that go to foreign investors! Please consider modifying the Proposed Ballot Question by eliminating this inaccurate language and replacing it with the language above in order not to mislead or confuse the voters. Thank you.

Name: Katie Collins

Email: collins.katherine.m@gmail.com

Town: Lewiston

Comment: The words "Nonprofit" and "Customer-owned" should be clearly stated in the question as opposed to simply "quasi-governmental owned"

The biggest issue with the utility companies is that they are for profit agencies that are not incentivized to provide high levels of service to the public. Excluding those key words does not serve to clarify the intention.

Name: Priscilla Gilman

Email: gilman.94@alum.dartmouth.org

Town: Southwest Harbor

Comment: I spent hundreds of hours organizing volunteers to collect signatures for the Our Power ballot initiative, so it is disappointing to see inaccurate and confusing wording of the question for the ballot. I support the Our-Power-proposed wording, "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" This wording 1) clarifies which parts of the existing electricity transmission and distribution facilities in Maine would be acquired, 2) specifies the required mission of the new entity, and 3) accurately reflects the nature of the new entity. Altogether these changes would more accurately reflect the actual bill proposed by the initiative and therefore better serve the voters.

Name: Michelle Fournier

Email: michelle.a.fournier@gmail.com

Town: Bristol

Comment: I do not believe the proposed wording accurately captures the essence of the matter and urge you to revise it. The language I propose is: "Do you want to create a privately operated, not-for-profit power company owned by Maine consumers, to acquire and operate the electricity transmission facilities of existing for-profit electric utility companies (CMP and Versant Power) in Maine?"



Name: Regina Snyder

Email: bogina03@earthlink.net

Town: Harpswell

Comment: I request the wording be changed to

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I've gone to meetings on this issue, read the legislation and collected signatures for this effort and there's a lot of misunderstanding. This proposal is not for a government owned company which your language implies (quasi), and the focus of the petition is reliability. Having lived in a town served by a public power entity, I know the power and reliability of public power and I think the ballot question should reflect the focus of the effort. Additionally, it should be clear that the bill's focus is on unreliable for-profit companies, not existing consumer-owned utilities.

Thank you.

Name: Larry Gilman

Email: lgilman909@gmail.com

Town: Southwest Harbor

Comment: I appreciate this opportunity to comment on the proposed ballot question. As a Maine voter and electrical engineer, I have been following this issue closely and have been directly involved in the effort to establish a consumer-owned utility in Maine.

I note the following opportunities to improve the proposed wording:

- The phrase "quasi-governmental owned" will be confusing to many voters; how many people can offer an accurate definition of "quasi-governmental"? It should be replaced with the plain-English phrase "consumer owned," which appears throughout the proposed Act.
- The present wording omits the mandatory purpose of the proposed utility. A brief phrase from the Act (e.g., "reduced rates and improved reliability") should be adapted to convey this.
- The phrase "existing electricity transmission and distribution facilities in Maine" might easily convey the incorrect impression that the Act proposes acquisition of all such facilities. Modifying "existing" with "for-profit" would convey an accurate understanding.

I therefore support the following adjusted wording:

"Do you want to create a new consumer-owned power company, required to promote reliable, affordable electricity, to acquire the facilities of existing for-profit electric utility companies in Maine?"

My sincere thanks for taking my comment into consideration.

Name: Phil Bailey

Email: pbsustain@aol.com

Town: HANCOCK

Comment: First, The title of the initiative is well titled, captures it well. However the ballot question is, well, strange and even mis leading. I doubt most voters, even those with a college education know what a 'quasi governmental owned power company' is. Why not repeat the title which is more understandable or provide more detail. It would seem the distinction between the current situation which is that most electricity distributed in Maine is from private, foreign based companies and the referendum would create a consumer owned utility. I recall the legislature worded it more along those lines and recommend that be used as the template and better reflects the intention of the referendum. Thank you.

Name: William Clarke

Email: len@cimpal.com

Town: Brunswick

Comment: I would like to recommend wording for the Proposed Initiative Ballot that more clearly states the ownership and purpose of the proposed power company than the wording proposed by your office. What is proposed is a local, consumer-owned entity. The petition signed by the voters clearly stated this intent. The use of the words "quasi-governmental owned" would be confusing to voters. The below stated wording would much more clearly state the structure and purpose and more clearly indicates what is being replaced.

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: Evan Bollschweiler

Email: evanbollsch@gmail.com

Town: Yarmouth

Comment: It is inaccurate to name the Pine Tree Power Company a "quasi-governmental owned power company" It is separate from the government and in the writing of the bill makes it clear it won't be an arm of the government. It is private not publicly owned like for one example being the Portland Water District. I believe that a more accurate description would be "Consumer Owned Non Profit Power company". The wording as currently written will give Maine voters the wrong idea of what this bill will do or how the proposed utility will operate implying that it will be run by the state. There is plenty of examples of Consumer owned utilities across the country and and in Maine to help Maine voters become educated on the issue. That comparison to already established COU's should be obvious if it's reflected in the actual language of the ballot question. As a member of the Our Power Coalition, the ideal ballot wording should be "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" I believe this wording is a fair, direct, easily definable and fairly reflects the bill as written.

Name: Maeve Shea

Email: maeveshea15@gmail.com

Town: Brunswick

Comment: Please adjust the language of this question to reflect the facts of the proposal. The term "quasi-governmental" is incredibly loaded and it isn't even accurate to what is being proposed. It sounds straight out of an ad that was running and mostly likely paid for by CMP or Versant.

This question deserves to be presented fairly. It shows a lot of bias to use such charged and incorrect language on a ballot question that was brought by the people. Keep it fair. Change the phrase "quasi-governmental" to "consumer-owned", and make it clear that current consumer-owned utilities will not be affected. Thank you.

Name: Belle Hilmer

Email: belle@maineleatherco.com

Town: Portland

Comment: Hello, I live in Libbytown and I am requesting that regarding the bill regarding power companies that you have set for November you replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law. Also would you please add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.

Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

Thank you,.

Belle Hilmer

Name: Mark Follansbee  
Email: follansb@maine.rr.com  
Town: Scarborough  
Comment: Honorable Secretary,

Thank you for the opportunity to comment on this important ballot question.

I have several concerns with the proposed wording of the ballot question:

1. The words "quasi-governmental" sounds scary (to me and my wife), and it should be expressed as "local, consumer owned". This language more clearly portrays the vision for the citizen initiative and there is precedent for such language (it appears dozens of times existing Maine laws).
2. Language concerning the mission of the Pine Tree Consumer-owned utility should be included in the question, specifically "required to focus on reliable, affordable electricity".
3. The scope of the acquired utility facilities should be specified in the question. I suggest adding the words "for-profit", since that is the intent of the initiative.

My suggested rewording of the ballot question follows:

"Do you want to create a new local, consumer-owned power company (required to focus on reliable, affordable electricity) to acquire the facilities of existing for-profit electric utility companies in Maine?"

Thank you again for your efforts to have clear direct questions on the ballot.

Mark



Name: Catherine Gibbons

Email: cmgccg@gmail.com

Town: Worcester

Comment: Utilities should be owned and operated by the public. Utilities that are for profit can not be trusted to safely and responsibly deliver electricity and natural gas.

Name: Steve Craine

Email: stevecraine@yahoo.com

Town: Raymond

Comment: I wish to register my strong objection to the draft summary of the Maine Public Power referendum recently released by our office. As currently worded, this summary is inaccurate, confusing, and prejudicial to the referendum, which I have supported. Specifically:

1. the summary refers to the new power company as "quasi-governmental," even though this term does not appear anywhere in the proposal and is not a category used in existing Maine regulations concerning power companies. The accurate term would be "consumer-owned."
2. the draft summary states that the new entity will "acquire and operate existing electricity transmission and distribution facilities in Maine." This is incorrect, as the proposal specifically excludes existing local consumer-owned utilities.
3. the draft summary omits any mention of the important mission statement included in the proposal, namely, that the new power company is "required to focus on reliable, affordable electricity."

Since many, if not most voters, decide how to vote on referenda based on reading the summary, each of these errors will significantly undermine the chances that this vote will reflect the true intentions of Maine voters.

I strongly urge you to revise the summary in consultation with the sponsors of the resolution, Maine Public Power.

Sincerely,

Steve Craine, Raymond

Name: Richard Thomas

Email: richardmacomberthomas@gmail.com

Town: Waterville

Comment: Thank you for your work on this referendum. There are some needed changes to wording that are important to me.

PLEASE change the wording "quasi-governmental owned". When I collected signatures I made clear to people that this power company would not be part of the State government. The biggest fear I heard from people was that they did not want the state government to run this company. Where did this wording come from? It seems like an effort to inject a red flag to alarm anyone with conservative leanings. This is misleading and confusing. I have no idea what "quasi-governmental" means and I have a Ph.D.

Please replace "quasi-governmental" with "local, consumer-owned". This is more accurate and far more clear.

The Bill includes the statement that the proposed energy company will be "required to focus on reliable, affordable electricity." My signers told me they wanted this priority, not profit for foreign shareholders. Please include it.

Please add that the new power company would replace "Foreign-owned" and "For-profit" companies. I explained to signers that this is why we would save money for consumers in the long run, and it clarifies which utility facilities will be acquired.

Thanks again for your work on this. Your wording will make a huge difference in the end.

Name: Katelynn Davis

Email: katelynn.sarah@gmail.com

Town: Gorham

Comment: Please update verbiage to "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This is very important and should be able to be understood by any level of education and comprehension

Name: Bruce Berger

Email: bberger@mwua.org

Town: Augusta

Comment: As Executive Director of Maine Water Utilities Association I would like to offer the following in behalf of our 109 public water suppliers serving over 600,000 residents here in Maine.

We support the use of the term "quasi-governmental" in the proposed ballot question. As an association whose members are largely comprised of quasi-municipal entities, we very much understand this term and what it means. We believe that the initiated bill creates a legal entity that is a unit of government, like most water and sewer districts in Maine, and as such the term "quasi-governmental" is accurate. Using any other term would likely be misleading to voters.

We believe that the ballot question must make clear that the cost of acquiring the existing T&D assets of CMP and Versant Power would fall to electric ratepayers. As significant consumers of electricity in this state, this is an issue of paramount importance to us, and we believe it is equally important to our customers and to other voters in the state. Given that the bill itself requires utility ratepayers to pay for the cost of acquiring the assets of CMP and Versant, the ballot question should directly inform voters of this critical fact.

Name: Jill I Linzee

Email: jlinzee@comcast.net

Town: New Harbor

Comment: I am writing as a representative of MUUSAN (Maine Unitarian Universalist State Advocacy Network). Our organization has been actively involved in supporting Our Power and the creation of a Consumer-Owned utility for Maine for several years now. Most recently many of our members have volunteered to collect petition signatures for the citizen initiative, "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

We have some real concerns with the current wording of the proposed ballot question, based on our 3 to 4 years of interactions with a great many legislators and members of the Maine public about the consumer-owned utility. First, calling it "quasi-governmental" is problematic, as CMP has invested already millions of dollars trying to convince voters that this will be a "government takeover" - which it is not. Pine Tree Power Company will be a non-profit. The current question wording would seem to support CMP's misleading propaganda.

It helps voters to understand clearly what they are voting to replace ("existing foreign-owned, for-profit electric utility companies"), and what their vote in favor of this initiative would replace it with ("a new local, consumer-owned power company, required to focus on reliable, affordable electricity")

Therefore we support the ballot question wording that has been developed by the Our Power Executive board and staff, which more accurately reflects what Maine citizens will be voting for. It is as follows: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you, Jill Linzee - Chair, Climate Change Issue Group, MUUSAN

Name: Michelle Henkin

Email: waterfire@fairpoint.net

Town: Bristol

Comment: I find the wording of the proposed ballot question to be misleading and unclear.

What is being proposed is a consumer owned utility, not a 'quasi-governmental' owned utility. 'Quasi-governmental' is not a commonly used term and the use of the word 'quasi' gives the average reader the sense that what is being proposed isn't very defined. It's 'sort of this' and 'sort of that.' 'Consumer owned' has frequently been used in Maine law and will be readily understood by the average voter.

There is no mention in the wording as to what the mission of the proposed nonprofit, consumer-owned utility is. The wording should include a statement that the Pine Tree Power Company will be "required to focus on reliable, affordable electricity."

Lastly, the initiative to create the Pine Tree Power Company does not propose purchasing any of the existing consumer owned utilities already operating in Maine, but the language does not make this clear and could lead to voters thinking that passage of the ballot question would open the door to those 'existing electricity transmission and distribution facilities in Maine' being purchased. The wording of the question should explicitly state that only 'for-profit' and 'foreign owned' existing electricity transmission and distribution facilities in Maine would be acquired and operated.

It is important that Maine voters be given the opportunity to cast their votes on a clear representation of the proposal at hand.

Name: Wayne R Jortner

Email: waynejortner@gmail.com

Town: Freeport

Comment: As an experienced former public utility attorney, I was very disappointed to see the proposed language for this ballot question. Based on the ballot question's underlying legislation, which was enacted by the full Legislature (voted by the governor), the phrase "quasi-governmental" is incorrect, misleading and inconsistent with legislative intent.

The consumer-owned utility proposed by Our Power and embodied in the underlying legislation is not, in any sense, "governmental" because there is not a single government employee that will be employed by the utility, and there is no government involvement in the management of the utility. The proposal does utilize the State's election apparatus solely as a means to democratically elect a board of directors that would govern the consumer-owned utility.

A true quasi-governmental organization is exemplified by ConnectME which is run and staffed by State employees, though operated somewhat independent of usual State government processes. Pine Tree Power, the utility proposed as by the ballot question, would not be a quasi-governmental entity. In fact, any suggestion that the new utility would be "quasi-governmental" plays into the highly misleading and aggressive campaign of the investor-owned utilities, in their attempt to persuade the voters that the ballot question proposes a "government takeover".

The appropriate ballot question would read as follows:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I urge that the language be changed to be consistent with the above, in order to be consistent with the underlying legislation, consistent with the petitions that were signed by many thousands of voters, consistent with the actual facts of the proposal, and consistent with the interests of the people of Maine who deserve accurate language in order to decide how to vote.

Wayne R. Jortner

Freeport, Maine



Name: Carolyn Anderson

Email: cfanderson531@gmail.com

Town: Dresden

Comment: Please replace the term "quasi-governmental owned" with the words "consumer owned".

Pine Tree Power will be consumer owned. The term quasi-governmental means "supported by the government but privately managed". Voters will be misled by the current quasi-governmental owned language.

Carolyn Anderson

Dresden, ME

Name: Elizabeth Dauster

Email: lizdauster@gmail.com

Town: Owls Head

Comment: Hello,

I believe the below wording better reflects the ballot question.

Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?

Name: David S. Bilski

Email: bilski@comcast.net

Town: New Harbor

Comment: I am a private citizen who has been following the Our Power movement in Maine. Firstly, I object to the "quasi-governmental" locution in the proposed ballot question. "Quasi-governmental ownership" implies state government ownership, which would be improper and misleading. Our Power represents a "consumer-owned" utility, and voters would more clearly understand what they're voting for if the term "consumer-owned" is utilized. "Consumer-owned" is more specific, accurate, and to the point.

Secondly, the phrase "acquire and operate existing electricity transmission and distribution facilities in Maine" is misleading. There are a number of local consumer-owned utilities in Maine, and Our Power would neither acquire nor operate them. Our Power would acquire and operate the foreign-owned, for-profit utilities. Added to "existing", the ballot question should utilize the locution "foreign-owned, for-profit".

Finally, as it is the foreign-owned utilities that Our Power would replace, it would make the ballot question clearer to use the term "local" in describing the consumer-owned utility. This has the value of distinguishing it from foreign-ownership and emphasizing that the benefits of ownership would accrue to the people of Maine.

Our Power has suggested the following language for the ballot question, which I completely support: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: Michael Larrivee

Email: mike54zt@hotmail.com

Town: Portland

Comment: We want the Secretary of State to:

Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.

Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.

Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

These changes much more accurately portray our question as the average voter understands it, and would set our question up for success this November.

Name: Harold T. Hodes  
Email: hth3@cornell.edu  
Town: Raymond

Comment: Please reformulate the ballot question to accurately express the proposal made by Maine Public Power for the establishment of a consumer-owned privately-operated non-profit utility. The phrase 'quasi-governmental owned' does not describe what was proposed. (And it is semi-illiterate: its author used 'quasi-governmental' to modify the occurrence of 'owned', which is here an adjective; so English grammar requires that that modifier be an adverb; the misleading phrase should have been 'quasi-governmentally owned'. But the main point is that neither this phrase nor its grammatically incorrect original should appear.) Furthermore, the ballot question should make it clear that the proposal affects only customers of for-profit utilities, not customers of consumer-owned utilities that already exist.

Name: Steve Lauder

Email: slauder25@gmail.com

Town: Waterville

Comment: Why "quasi-governmental owner power company ... " ? In the current political climate, saying "quasi-governmental owned" is likely to annoy people. And it does not capture what would be the actual governance properly of the power company. The Our Power group is suggesting the following wording: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" This seems a much more accurate portrayal of what will happen if this passes, and I support this wording.

Thank you.

Name: Wayne R Jortner

Email: waynejortner@gmail.com

Town: Freeport

Comment: CORRECTED COMMENT (FIXING TYPOS IN EARLIER SUBMITTAL) PLEASE  
REPLACE:

As an experienced former public utility attorney, I was very disappointed to see the proposed language for this ballot question. Based on the ballot question's underlying legislation, which was enacted by the full Legislature (vetoed by the governor), the phrase "quasi-governmental" is incorrect, misleading and inconsistent with legislative intent at the time of the passage of the bill by the House and Senate..

The consumer-owned utility proposed by Our Power and embodied in the underlying legislation is not, in any sense, "governmental" because there is not a single government employee who will be employed by the utility, and there is no government involvement in the management of the utility. The proposal does utilize the State's election apparatus solely as a means to democratically elect a board of directors that would govern the consumer-owned utility.

A true quasi-governmental organization is exemplified by ConnectME which is run and staffed by State employees, though operated somewhat independently of usual State government processes. Pine Tree Power, the utility proposed by the ballot question, would not be a quasi-governmental entity. In fact, any suggestion that the new utility would be "quasi-governmental" plays into the highly misleading and aggressive campaign of the investor-owned utilities, in their attempt to persuade voters that the ballot question proposes a "government takeover".

The appropriate ballot question would read as follows:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I urge that the language be changed to be consistent with the above, in order to be consistent with the underlying legislation, consistent with the petitions that were signed by many thousands of voters, consistent with the actual facts of the proposal, and consistent with the interests of the people of Maine who deserve accurate language in order to decide how to vote.

Wayne R. Jortner

Freeport, Maine

Name: Tim Wade

Email: wadelotcare@gmail.com

Town: Oakland

Comment: As President of Maine Water Environment Association I would like to offer the following comments on behalf of our 650 members representing a diverse group of water quality professionals throughout Maine including wastewater treatment plant operators, sewer collection system operators, utility managers and administrators, consulting engineers, suppliers, contractors, public works officials, storm water system operators, and regulatory officials.

We support the use of the term "quasi-governmental" as we believe that it appropriately describes the nature of the legal entity that the measure would create. As an association whose members are largely comprised of quasi-municipal entities, we very much understand this term and what it means. We believe that the initiated bill creates a legal entity that is a unit of government, like most water and sewer districts in Maine. Using any other term would likely be misleading to voters.

We believe that the ballot question must make clear that the cost of acquiring the existing Transmission & Distribution assets of CMP and Versant Power would fall to electric ratepayers. As significant consumers of electricity in this state, this is an issue of paramount importance to us, and we believe it is equally important to our customers and to other voters in the state. Given that the bill itself requires utility ratepayers to pay for the cost of acquiring the assets of CMP and Versant, the ballot question should directly inform voters of this critical fact.



Name: Antonio Blasi

Email: antonioblasii234@gmail.com

Town: Hancock

Comment: I want to create a consumer-owned electricity owned and governed by Maine citizens. I want reliable electricity that is not profit-driven but community-driven. It should exist to provide this vital service to enhance the quality of life, and not for international corporations to own and profiteer from it. This referendum if reworded will accomplish the intent of the over 70K citizens who signed its enabling petition in good faith and with clear objectives to reverse the corporate grip they have been enduring since these international corporations assumed control.

Name: Steven Buchsbaum

Email: buxie54@gmail.com

Town: Belgrade

Comment: I do not understand the term "quasi-governmental owned power company". As I understand it the new entity will be a consumer-owned electric utility. Why not use that description? The proposed description is a combination of words that is meaningless to most people.

Name: Debra McDonough

Email: deb@themcdonoughs.org

Town: Scarborough

Comment: I grew up in a jurisdiction with consumer-owned power and support this effort to bring the approach to Maine. I am concerned that the draft language is misleading. The term "quasi-governmental" will turn off people who would otherwise be inclined to support the proposal. I was a volunteer signature collector for this initiative and talked to several people who initially thought that we were trying to have the State run the power company. And that was when we were using the title of the initiative, which describes "a Nonprofit, Customer-owned Utility". This conversation will be much more difficult with the term "quasi-governmental," a term I had to look up. Merriam-Webster defines it as "Supported by the government, but managed privately." That sounds like there would be a government subsidy, which isn't in the initiative language. When I google "quasi-governmental power company", I get a string of technical articles about the concept (but not much that relates to power companies). When I google "consumer-owned power company" (from Maine. . .) I get a lot of analysis about this particular proposal first, but quickly see examples from other states. If I try "quasi-governmental owned", I see a bunch about land and schools - and financial institutions in Botswana. I urge you to replace this term with "local, consumer-owned power company".

Please also clarify that the proposal will not buy out existing consumer owned utilities. I'm concerned voters in communities that already own their power company - and inclined to support the proposal - will read this description, worry that their own power company might be disrupted and then vote no.

Name: Helena Lane

Email: lane.helena@gmail.com

Town: Portland

Comment: The proposed ballot question as written is misleading, inaccurate, incomplete, confusing, and does not match the language used on the ballot initiative.

It is unacceptable that the chosen language for this ballot question contains "quasi-governmental owned power company" when the term "consumer owned utility" is present in both the language of "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility" and settled Maine law.

The proposed question fails to highlight a key provision in the Act, namely that the Pine Tree Power Company has a legally stated mission to "[require they] focus on reliable, affordable electricity." I believe this needs to be added along with the terms "Foreign-owned" and "For-profit" with regard to existing utilities. Both of these descriptors are demonstrably true of both CMP and Versant and presenting them as such to voters is significant in allowing for an informed vote.

In conclusion, I propose the following ballot question be ratified instead: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" Thank you for your time and consideration.

Name: Elizabeth Hill

Email: elizahill8@gmail.com

Town: Brooksville

Comment: As a well-informed volunteer on the campaign to create a new local, consumer-owned power company, the surprising proposed wording for "a new quasi-governmental owned power company" is unfamiliar to me, and I believe will be unfamiliar and confusing to voters. Therefore I think that "quasi-governmental owned" should be replaced with "local, consumer-owned" which is more familiar, having been previously used many times in Maine law, and is also more clear and accurate.

I believe the phrase "governed by an elected board to acquire and operate existing existing electricity transmission and distribution facilities" misses the purpose of the initiative. So I suggest that "required to focus on reliable, affordable electricity" be added, as the mission statement of the new company states.

Since the new local, consumer-owned power company will not be acquiring or operating any of the existing consumer-owned facilities that currently serve 97 communities in the state, unless they request to join Pine Tree Power, adding the words "foreign-owned" and "for-profit" clarifies which of the existing utility facilities will be acquired.

Therefore, I advocate the following wording be used -

"Do you want to create a new local, consumer-owned power company, required to focus on reliable affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" -

for the proposed ballot question for the citizen initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit Customer-owned Utility.":

Thank you for your attention to this important change,

Elizabeth Hill, Brooksville Maine.

Name: Steve Weizenecker

Email: dubweize@gmail.com

Town: Bangor

Comment: Please remove the term quasi-governmental. This is not an accident. This is a word war. Lobbyists spend millions against the interests of working people daily. They wage constant war on my life. They send liars to my porch, who use this exact word. I know from whose vocabulary of dog whistle words this came. It is a glaring example of corporate disinformation inserted into our public life by RATS. Please release a public statement clearly defining this word. AND TELL ME HOW IT GOT THERE.

For me, this is a wake up call that 5hings in my state government are worse than I thought. Who put that word there?? Some body is a little too clever by half.

Name: Val Philbrick

Email: [freetobeyoume@yahoo.com](mailto:freetobeyoume@yahoo.com)

Town: Old Orchard Beach

Comment: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: Leo Anthony Kucewicz

Email: j14lion@gmail.com

Town: Phoenixville

Comment: I agree with the cause specified above, and want it to be passed.



Name: Marianne Hill

Email: hillmarros@aol.com

Town: South Portland

Comment: I find the proposed new wording confusing, unclear and inaccurate in one place. In particular "quasi-governmental owned power company" What does that mean: how can a quasi-governmental body be consumer owned? Also unclear: "elected" - by whom? could be by an electorate determined by the PUC or the legislature..."existing electricity transmission and distribution facilities" - what about those that are locally owned?

Our Power is advocating for the following wording instead which I find more accurately conveys the substance of the proposed bill:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I accordingly support Our Power's proposal.



Name: Jack O'Brien

Email: obrien.john.david@gmail.com

Town: Brunswick

Comment: Hello,

In considering the proposed language, I'm struck by the confusing introduction of the phrase "quasi-governmental." As the proposed plan is a consumer-owned utility, not a governmental system it is unclear if the drafters of this summary simply did not understand the distinction or were unclear on the details of the proposal. In either case, this wording obscures the proposed plan in a way that is neither informative nor neutral.

The people of Maine would be better served to have that language removed from the statement.

Sincerely,

Jack O'Brien

Name: Richard Wolfe

Email: Richard.robert.wolfe@gmail.com

Town: Cumberland

Comment: I support the following rewording:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

We want the Secretary of State to:

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.
2. Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.
3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

Last June, I was at the polls collecting signatures for this referendum. Time after time, voters approached me to ask what I was doing. Boiling it down to a single sentence, I said it was a petition to replace CMP and Versant. And time after time, voters would immediately pick up a pen and sign the petition.

Thank you!

Name: Elizabeth Chen

Email: elizabeth@chenconsulting.com

Town: Bar Harbor

Comment: I am requesting that the wording of the ballot question be changed to be more clear; "quasi-governmental owned" is a confusing phrase and does not convey what the intent is. Changing that phrase to "local, consumer-owned" would more accurately portray the the power company to be formed from this initiative. In addition, language should be added to indicate the mission of the initiative, i.e., "required to focus on reliable, affordable electricity." Words should also be added to clarify that the utilities to be acquired are "Foreign-owned" and "For-profit," not Maine's existing consumer-owned utilities.

The ballot should read:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Name: AMY S TINKLE

Email: amyseltzman.tinkle@gmail.com

Town: PORTLAND

Comment: SUBJECT: Public Comment – Consumer Owned Utility

Thank you for the opportunity to comment on the proposed language. I suggest changing the wording to:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Here are my 3 reasons:

- Replace: "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer.
- Add: "required to focus on reliable, affordable electricity." This is from the mission statement of the new company.
- Add: "Foreign-owned" and "For-profit." to clarify which utility facilities will be acquired. The draft question - as currently worded - is misleading.

Name: Amy Eshoo

Email: amy@maineclimateaction.org

Town: North Yarmouth

Comment: Secretary,

The wording on this proposed ballot question is misleading and will confuse voters. I stood for four hours outside of my polling station in North Yarmouth and collected signatures to get this referendum question on the ballot. I spoke with (and got signatures from 300 people). The language they used in talking to me was a 'consumer-owned' utility and their understanding was centered around the lack of, and desire for, reliability and affordability of their electricity.

The voters I talked with were appalled to realize that a foreign-owned entity controlled our lines and puts profits for their shareholders over our, the ratepayers' needs. These words should be in the ballot question. I request you to replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law. Please add "required to focus on reliable, affordable electricity" and add "Foreign-owned" and "For-profit."

Please change the wording to read in total:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you for your attention.

Name: Wesley Pelletier

Email: wes.pelletier@gmail.com

Town: Portland

Comment: Hello, thank you so much for your time and work. I'm writing to urge you to change several parts of the wording of this ballot question. First, "quasi-governmental owned" sounds unnecessarily negative, and should be replaced with words already used in Maine law. I would suggest "local, consumer-owned." Second, it should be made very clear that this will NOT target existing consumer-owned utilities, only foreign-owned and for-profit utilities, and the language should reflect this. Third, the mission statement of the bill requires Pine Tree Power to focus on producing reliable and affordable electricity, and this should be reflected in the language.

Best,

Wesley Pelletier



Name: Faith Woodman

Email: fewoodman@gmail.com

Town: Bath

Comment: I would like to suggest word changes that clarify some misleading interpretation of the November ballot question on whether or not CMP and Versant should be replaced by a consumer-owned utility.

1). "Quasi-government owned" is confusing as to who will govern the utility. "Consumer-owned utility" is clearer, a term that is easier for the public to understand and already appears in Maine law numerous times.

2). One of the principal aims of this new entity and part of the bill's mission statement is that it would be "required to focus on reliable, affordable electricity." This wording should be added. It explains the aim and purpose of the proposed COU.

3). The proposed wording does not accurately portray which utilities would be acquired and makes it sound like Maine's independent consumer-owned utilities are included in this question, which they are not. Instead, "foreign-owned" and "for profit" should be included in the language, which is an accurate description.

I have a lot of faith in the Secretary of State's office, and hope these suggestions will be seriously considered and implemented.

Thank you.

Name: Amanda Daly

Email: amandabdaly@gmail.com

Town: Portland

Comment: The ballot question should be rephrased to "'Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" This corrects false and misleading statements in the proposed wording. Firstly, "quasi-governmental" implies that Pine Tree Power would partially government-run, which it will not, so that is very inaccurate and misleading. A much clearer and more correct designation is "consumer-owned". Secondly, it is inaccurate to say Pine Tree Power would acquire existing electricity transmission and distribution facilities, because this implies it would/could acquire any and all such facilities, when in fact it would only acquire for-profit facilities. This is an important distinction that voters need to see in order to make an informed decision, and therefore it should be specified that Pine Tree power would acquire "for-profit" facilities. The question wording should add "local" and "foreign-owned" in the places I suggest because this is important information that Maine voters will want to know about. Finally, voters should know that Pine Tree Power would be "required to focus on reliable, affordable electricity" because voters should have access to a summary of the proposed company's mission statement as written in the bill.

Name: Amy Tinkle

Email: amyseltzman.tinkle@gmail.com

Town: Portland

Comment: Thank you for the opportunity to comment on the proposed language. I suggest changing the wording to:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Here are my 3 reasons:

- Replace: "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer.
- Add: "required to focus on reliable, affordable electricity." This is from the mission statement of the new company.
- Add: "Foreign-owned" and "For-profit." to clarify which utility facilities will be acquired. The draft question - as currently worded - is misleading.

Name: Derek Howard

Email: jennickhope@msn.com

Town: Princeton

Comment: I personally believe that the initiative would stand an increased probability of getting passed if "quasi-governmental" were removed, being replaced by "co-operatively controlled, consumer owned utility".

Name: Alysia Melnick

Email: amelnick@bernsteinshur.com

Town: Portland

Comment: Jan. 20, 2023

The Honorable Shenna Bellows

Secretary of State

148 State House Station

Augusta, ME 0433-0148

ATTN: Public Comment – An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility

Dear Secretary Bellows,

We are writing to provide public comment on the proposed wording of the ballot language for “An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility.”

As you know, Title 21-A, Subsection 906 (6-B) sets the standard for the language of ballot questions, requiring that questions be written in a simple, clear, concise and direct manner that describes the subject matter of the people’s veto or direct initiative.

The current draft questions as written by the Office of the Secretary of State reads:

“Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?”

1. The draft, as written, is accurate and clear and meets the standard set forth in statute in most regards.

The draft question, as written, accurately covers the major elements of the direct initiative.

Those major elements include:

- An accurate description of the new entity as “quasi-governmental;” and
- An accurate description that the new entity would “operate existing electricity transmission and distribution facilities in Maine.”

2. The question, however, lacks important information and context that would enable voters to make an informed decision. Additional information can be included without unnecessarily making the question more complicated.

- While it is accurate that the proposed legislation would “create” a new quasi-governmental company, the current wording does not reflect the means by which the entity would be created. The new company would be funded through public borrowing, which would be repaid using

electric utility rates. Voters should be provided the resources to understand that the creation of the company will require substantial borrowing and new liability for electric ratepayers.

Alternatives could include:

- o "Create and fund through public borrowing repaid with electric rates...";
- o "Do you want to fund through borrowing repaid with electric rates and create a...";
- o Do you want to fund through debt..."
- Use of the word "acquire" does not appropriately reflect that eminent domain would be used to seize the assets of two current electricity transmission and distribution companies operating in Maine. The transaction will not be a voluntary commercial agreement between a willing buyer and seller, nor will it be a simple purchase. The proponents specifically recognize this in the initiative when they include a lengthy multi-step process to arrive at a final valuation of the utilities' assets, including multiple opportunities for judicial review. Alternatives to "acquire" that provide necessary context include: "seize," "take over," or "acquire through eminent domain."

3. Suggestion to provide voters with additional information and context through the ballot question.

"Do you want to fund through debt the creation of a new quasi-governmental owned power company governed by an elected board that would seize and operate existing electricity transmission and distribution facilities in Maine?"

We understand that our recommended additions add to the length of the ballot question; we believe that voters deserve the additional context that this amended question provides. They are being asked to support the forceable seizure of private property and to fund that seizure through debt.

4. Proponents assert incorrectly that the new electrical transmission and distribution entity would be a "nonprofit" company.

In both the title and language of the proposed legislation, proponents at times assert that the new electrical transmission and distribution entity would be a "nonprofit." Yet in the text of the legislation, they admit that the new entity would be "a quasi-municipal corporation within the meaning and for the purposes of Title 30-A, section 5701." It is this designation that allows for the new entity to be funded by borrowing facilitated through the Maine Municipal Bond Bank.

The proposed quasi-governmental company does not meet the definition or restrictions for a "nonprofit corporation" as established in Title 13-B.

Furthermore, the ballot initiative language explicitly requires the quasi-governmental company to contract with a for-profit, third-party entity to manage the operations of transmission and distribution facilities. The profit to such a private operator would be paid by electric ratepayers through their electric bills.

As such, the Secretary of State is correct to identify the new entity as a "quasi-governmental company" and to reject the unsupported assertion that it is a "nonprofit company."

5. Proponents of ballot initiative have said that they are advocating for the following ballot language. That suggested language is inaccurate and misleading, and it should be rejected:

“Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?”

“Consumer-owned:” The phrase “consumer-owned” is misleading and inconsistent with the language of the proposed legislation. The proposed legislation clearly states that debt incurred to seize transmission and distribution utilities companies is not the general obligation or moral obligation of the state. Ownership of the seized transmission and distribution utilities rests with Pine Tree Power, which is solely responsible for the debt. Consumers do not “own” Pine Tree Power, nor do they directly control its governance or decision making.

In Subsection 4001 of the proposed legislation, “customer-owner” is defined only as “a person to whom the company provides power.”

Pine Tree Power, in its authority and creation, resembles the Maine Turnpike Authority. It is quasi-governmental and is financed through debt for a limited purpose. Users of the Maine Turnpike do not direct the authority’s activities, nor are they considered owners. Similarly, consumers will not “own” Pine Tree Power. It will exist as a quasi-governmental company, financed by debt that must be recouped through customer charges.

“Reliable, affordable:” The use of “reliable, affordable electricity” is political, subjective, and does not fully reflect the entirety of the proposed legislation. The legislation enumerates eight different, sometimes competing or contradictory, purposes for the creation of Pine Tree Power. To include “reliable, affordable” is arbitrary, prejudicial and incomplete.

“Foreign-owned:” The proposed legislation does not limit the seizure of transmission and distribution facilities to those that are “foreign-owned.” In Section 6, Subsection 1511-A, the companies targeted for seizure are determined through eight tests, including customer satisfaction, reliability, affordability, employees, security, customer obligations, disaster assistance and priorities. Nowhere in these criteria are the transmission and utility companies judged ripe for seizure based on their ownership.

Furthermore, in Subsection 4003 of the proposed legislation, there is no “foreign-ownership” limitation on the acquisition of utility companies by eminent domain. The legislation states clearly that the targets of acquisition can be “all” ... “investor-owned transmission and distribution utilit[ies].”

The proposed legislation is not limited to “foreign-owned” utility companies and the limitation to “foreign-owned” utilities is fictional.

Thank you very much for the opportunity to comment on the proposed ballot language for this important matter of public policy.

We would be glad to answer any questions you might have.

Sincerely,

Alysia Melnick

Counsel, Maine Energy Progress



Name: Sharon Dean

Email: sharon.dean@gmail.com

Town: East Machias

Comment: I strongly encourage the state change the wording for the ballot to read:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I was a volunteer collecting signatures in Calais, and had conversations with many people.

In talking to Calais voters, who have been a part of an existing consumer-owned electrical co-op for decades, voters are quite familiar with the term "local consumer-owned". This is a clear term and is already used in Maine law. The term "quasi-governmental owned" is unnecessarily confusing.

I think "required to focus on reliable, affordable electricity." should be added since it is in the mission statement of the new company and clarifies to the public the mission is providing affordable electricity to consumers rather than profit for owners.

I think "Foreign-owned" and "For-profit." should be added since it clarifies which utility facilities will be acquired and clarifies it will not be acquiring existing consumer owned facilities such as the one in Calais and in other locations around the state.

Thank you for the opportunity to present my public input. Maine's history of accounting for public input is impressive and appreciated.

I strongly encourage the state change the wording for the ballot to read:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

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In talking to Calais voters, who have been a part of an existing consumer own electrical coop for decades, they are quite familiar with the term "local consumer-owned". This is a clear term and is already used in Maine law. The term "quasi-governmental owned" is unnecessarily confusing.

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Thank you for the opportunity to present my public input. Maine's history of accounting for public input is impressive and appreciated.

R. 0177

Name: Mike Gilmore

Email: gylmormyke@gmail.com

Town: Mercer,maine

Comment: The ballot should say customer owned! The utility will not be quasi goverment run! Why did secretary use this misleading and wrong language for this citizens initiative? Is this our present government leaders trying to unfairly control the vote? Nowhere has the creators of Our Power Maine initiative ever said it would be "quasi" anything! This secretary of state needs to be better informed and pay attention to Maine people, not to foreign corporations and governments bribing their way through obtaining their desires! Tell the truth on Maine ballot

Name: Scott Vlaun

Email: scott@ecologybasedeconomy.org

Town: Otisfield

Comment: From my understanding of the proposed consumer owned utility, this wording seems very confusing, especially the term "quasi-governmental." The COU would also go beyond "acquiring and operating" to create a new model focused on reliability and affordability and helping Maine meet renewable energy goals for which our current foreign-owned entities are failing miserably. I suggest the below wording.

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, renewable and affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you,

Scott Vlaun

Executive Director,

The Center for an Ecology-Based Economy.

Name: Chloe Geffken

Email: chloe.geffken@gmail.com

Town: Lincolnville

Comment: I am writing to express my desire for some wording changes to the proposed ballot initiative.

1. That quasi-government owned is changed to local, consumer owned. This language is clearer and more demonstrative of what a public utility would entail.
2. That a statement is added that the utility would be required to focus on reliable, affordable energy.
3. To add foreign-owned and for-profit as descriptors to which facilities will be acquired. This would make clear that no existing COUs would be acquired.

I have lived in Maine my whole life, and the subject of consumer owned utilities is important to me. The language of a question about creating a COU should be precise and clear for voters. The proposed wording leaves many things open to interpretation. What does quasi-government owned mean? What is the purpose of this new utility? Which utilities would be acquired? The proposed changes would eliminate any potential confusion or fear of vague word play to the voter.

Thank you,

Chloe

Name: Joan Mayer

Email: jcmayer4@gmail.com

Town: Wiscasset

Comment: I would endorse other language proposed by Our Power/Maine Public Power for the Pine Tree consumer-owned company, and NOT use a misleading term like "quasi-governmental" which is not accurate. Is this language intended to negatively bias the referendum question!? It seems so. Kindly reconsider your word choice, opting for more transparency.

Name: John Minahan

Email: minahan.jo@gmail.com

Town: South Portland

Comment: Hello,

I am writing to you today to request to change the wording of the proposed ballot question from it's current iteration to something more directly resembling the actual proposal itself. Specifically, the term quasi-governmental seems to be an inaccurate representation of the form the entity would take, and it would be more accurate to call it "consumer owned". Further, I think it would be more accurate and true to the initiative to include the terms "required to focus on reliable, affordable electricity", as taken directly from the bill. Finally, I think the current proposed ballot question misrepresents the scope of the new entity, which only aims to acquire existing for-profit utilities.

The framing of the question is very important, and after talking with others around my community who are excited about the proposal, I do not believe the current framing is true to what is being asked.

Thank you for your time,

John Minahan

Name: Darien D Sawyer

Email: dekesawyer@hotmail.com

Town: jackman

Comment: I am writing to request that the referendum language be changed to say "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?" The existing language is very misleading to voters by saying "quasi-governmental owned". The language should be very clear to voters and the existing language is inaccurate in various places and confusing to voters.



Name: Spencer Barton

Email: Spencerbarton02@gmail.com

Town: Yarmouth

Comment: I am writing to propose changes to the currently misleading language of the proposed ballot question.

I have read the bill in question and have volunteered my time and energy to collect signatures in support of it.

I support the following language: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I would like the Secretary of State to replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.

I would like them to add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from the bill.

Lastly, add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like the proposed COU would buy Maine's existing ten COUs, which is misleading.

It is clear that a lot of money and power is being wielded to negatively shape the narrative around this initiative, and it is the responsibility of a healthy democracy to convey this question to voters accurately, rather than yield to the anti-democratic influence of multi-national corporations by using misleading and unnecessary euphemisms like quasi-governmental.

**Cook, Emily**

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**From:** Susan Lubner <susanlubner@hotmail.com>  
**Sent:** Tuesday, January 17, 2023 1:56 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment- Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re: The Consumer Owned Utility specific ballot question—I do not understand the phrase “...quasi-governmental owned power company.....”? The question that 80,000+ Maine people signed was “An Act to Create the Pine Tree Power Company, a Non-Profit, CUSTOMER- OWNED Utility.”

Even the Summary of the Proposed Initiative states “...PTPC is a privately-operated, non-profit, consumer owned utility controlled by a board the majority of the members of which are elected.....”

The company is subject to property tax. No use of state funds or tax dollars. No debt or liability of the state.

I can see some roles for government in this eg. Maine Ethics commission. But the use of the Phrase “quasi - governmental owned power company...” is quite deceptive!!! It is not true to the nature of the petition we signed! Plus, it feeds into the the notion that PTPC can't work because it will be run by the govt. It is such a mis-representation!!!

Please, I request that the ballot question be changed to represent the True nature of the initiative we circulated & signed! Thank you.

Susan Lubner  
51 Bedford St.  
Bath, ME. 04530  
207-443-7481

Sent from my iPhone

**Cook, Emily**

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**From:** Jeanette MacNeille <jeanette@eclipseservices.com>  
**Sent:** Wednesday, January 18, 2023 11:01 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment - Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I respectfully request that the Secretary of State amend the proposed wording for the Our Power initiative proposed for a vote in November, 2023, to read:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I collected and organized others to collect scores and scores and scores of signatures on this issue. The signers ranged from octogenarians wearing MAGA caps to recent high school grads with Democratic campaign buttons on their jackets, women, men, vets, dancers, fishermen, families attending the balloon festival in Lewiston, and neighbors. In the entire time I only encountered one person who preferred not to sign the petition. It was widely supported.

I ask for the revised wording because it more accurately describes what the new power company would be and do, if the idea passes muster with Maine voters.

Jeanette MacNeille  
2 Brookside Drive, Topsham, ME 04086

**Cook, Emily**

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**From:** Judy Berk <judy@hollandandfoley.com>  
**Sent:** Wednesday, January 18, 2023 12:36 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility - Ballot question wording

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I think it is very important to clearly represent the content of the ballot question in its wording. Here are three suggestions to improve it:

- \* The utility would be "consumer-owned" as stated dozens of times in Maine law.
- \* The consumer-owned utility would be "required to focus on reliable, affordable electricity," per the mission statement of the new company, as stated in the bill. Please add that information.
- \* To clarify which facilities that will be acquired add: "Foreign-owned" and "For-profit." The draft question falsely makes it sound like the consumer owned utility would buy Maine's existing ten Consumer Owned Utilities.

Maine voters deserve to know what they are voting on. Thank you in advance for your attention to these important points.

Sincerely, Judy Berk

Judy Berk  
232 Beech Hill Rd.  
Northport, ME 04849  
(207) 462-2192

**Cook, Emily**

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**From:** Bob Eaton <bobeaton@outlook.com>  
**Sent:** Wednesday, January 18, 2023 12:42 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment on consumer owned utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Secretary of State

Dear friend,

I appreciate the opportunity to comment on the wording of the ballot initiative this Fall. I have worked over the last year to obtain signatures for this ballot initiative. I have found a very high and positive response rate from the public. It is important that the wording of the initiative be accurate and not misleading.

I understand that the current draft reads:

*Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?*

I strongly suggest that two parts of this draft be changed.

1. **Replace "new quasi-governmental owned power company" with "local, consumer-owned"**  
Comment: "quasi-governmental owned" is inaccurate and misleading. Although there will be appropriate government regulation, there will not be government ownership to any degree.
2. **Replace "existing" with "for profit and foreign-owned"**  
Comment: This implies a complete takeover of all "transmission and distribution facilities in Maine." This is not accurate. There are ten existing consumer-owned utilities in Maine that will not be affected.

Thank you for your kind consideration of my request. I look forward to your positive response.

Bob Eaton  
62 Wallace Shore Road  
Harpwell, Me 04079

**Cook, Emily**

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**From:** Cindy Robbins <cinleerob@gmail.com>  
**Sent:** Wednesday, January 18, 2023 3:08 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment - Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I would like to comment on your proposed wording for the upcoming ballot question.

I recommend replacing "quasi-governmental owned" with "local, consumer owned". Quasi-governmental is a vague term that doesn't really impart any useful information to voters. Better to just be clear. Call it what it is: local, consumer owned.

I also recommend further clarifying the character of the consumer owned company as "required to focus on reliable, affordable electricity".

Finally I recommend adding the words "foreign owned" and "for profit" to clarify which "existing electricity transmission and distribution facilities in Maine" are being referred to in the ballot question. Maine's small consumer owned utilities would not be included in the acquisition, and that should be clear.

All Maine voters deserve to have this ballot question presented as clearly and simply as possible.

Thank you for the opportunity to offer comments.

Cynthia Robbins

**Cook, Emily**

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**From:** Greg Bates <gbates2@gmail.com>  
**Sent:** Wednesday, January 18, 2023 3:22 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary of State Shenna Bellows,

I have heard that the ballot question for the Pine Tree Power Company will include the term "quasi-governmental." Makes me think of that old hunchback of Notre Dame novel of Victor Hugo's featuring quasimodo. I think it was one of the first disability rights novels.

What does "quasi-governmental" even mean? Please use clear language: "consumer-owned" is it.

I don't think the quasimodo term was in the petition people signed or the legislation that was passed. Let's stick to descriptions and facts we can all understand.

Please word the question properly like this:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

That is clear and honest.

I want you to:

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer.
2. Add "required to focus on reliable, affordable electricity."
3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

I am not here stating a position on whether to vote yes or no. I want clarity. As Secretary of State I think it is imperative you use clear language.

Sincerely yours,

Greg Bates  
Monroe

P.S. I am thrilled you got elected as SOS. It meant a great deal to me that you delayed getting married until everyone could get married. Principles move people; and yours moved me.

**Cook, Emily**

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**From:** Jordan Chalfant <jchalfant@coa.edu>  
**Sent:** Wednesday, January 18, 2023 4:47 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment on Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

I would like to recommend a revision to the State's draft of Our Power's ballot question. The State's wording does not reflect the intention that is being put forth. Please consider this wording, as it is more accurate: "Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you for your time and important work,

Jordan Chalfant  
12 Hermit Lane  
Bar Harbor, ME  
04609



**Cook, Emily**

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**From:** David Coleman <dacpath@gmail.com>  
**Sent:** Wednesday, January 18, 2023 5:30 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility.

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary of State of Maine,

I am writing about the proposed bill regarding changing ownership of the electric utility companies scheduled to appear on the ballot for this coming November. I believe the wording of the proposed bill is unclear and confusing.

To me the term "quasi-governmental" is vague. According to the dictionary it means "supported by the government but managed privately". The bill should be more clear regarding who will own the utility and how it will be managed, under what rules. Stating in the bill that the power company would be "local, consumer-owned" would ensure that residents of the State of Maine would truly be the owners of the power company.

Adding the statement "required to focus on reliable, affordable electricity" clearly states the priority of the company would be customer service and not profit for shareholders.

I support changing the wording of the bill to the following statement:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you for your time and service.

Sincerely,

David Coleman

Bass Harbor, Maine

**Cook, Emily**

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**From:** Jeff Smith <jeffjapan055@gmail.com>  
**Sent:** Wednesday, January 18, 2023 6:21 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment -- Consumer Owned Utility & Campaign Spending Restrictions

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madam SOS:

In the interest of presenting ballot questions "concisely and intelligibly", I propose the following changes\* to the following two ballot initiatives.

\*Remove the underlined words and add the ***bold italicized*** words.

Consumer Owned Utility Pine Tree Power, An Act to Create Pine Tree Power Company:

"\_ new quasi-govermental ***and citizen ratepayers*** owned \_."

Campaign Spending Restrictions, An Act to Prohibit Campaign Spending by Foreign Governments and Promote Anticorruption ***Anti-Corruption*** Amendment to US Constitution:

"\_ for or against candidates or ***and/or*** ballot questions ***in all Maine elections.***"

If you have any questions please let me know.

Jeff Smith  
418 Swan Lake Ave  
Swanville, ME 04915  
207-323-3739 text

**Cook, Emily**

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**From:** Cindy Robbins <cinleerob@gmail.com>  
**Sent:** Wednesday, January 18, 2023 8:28 PM  
**To:** SOS, Public Comment  
**Subject:** Fwd: Public Comment - Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I sent these comments off to you a few hours ago, but I neglected to include my identification information. So I will do so now:

My name is Cynthia Robbins, and I am registered to vote in the town of Tremont.

I live at 93 Marsh Road in Tremont.

My mailing address is P.O. Box 341, Bass Harbor, ME 04653.

----- Forwarded message -----

**From:** **Cindy Robbins** <cinleerob@gmail.com>  
**Date:** Wed, Jan 18, 2023, 3:07 PM  
**Subject:** Public Comment - Consumer Owned Utility  
**To:** <PublicComment.SOS@maine.gov>

I would like to comment on your proposed wording for the upcoming ballot question.

I recommend replacing "quasi-governmental owned" with "local, consumer owned". Quasi-governmental is a vague term that doesn't really impart any useful information to voters. Better to just be clear. Call it what it is: local, consumer owned.

I also recommend further clarifying the character of the consumer owned company as "required to focus on reliable, affordable electricity".

Finally I recommend adding the words "foreign owned" and "for profit" to clarify which "existing electricity transmission and distribution facilities in Maine" are being referred to in the ballot question. Maine's small consumer owned utilities would not be included in the acquisition, and that should be clear.

All Maine voters deserve to have this ballot question presented as clearly and simply as possible.

Thank you for the opportunity to offer comments.

Cynthia Robbins

**Cook, Emily**

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**From:** Peter Homer <pkhomer@roadrunner.com>  
**Sent:** Wednesday, January 18, 2023 9:10 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I was a signature collector for this ballot initiative and support the creation of a consumer owned public utility in Maine.

The Secretary of State has released the wording below as a draft of the question as it will appear on the ballot in November:

"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"

This wording is inaccurate and indeed, misleading. Moreover, it will be confusing to voters who may just be learning about this important question. Consequently, voters will not be able to have their opinions about this question accurately reflected in the vote in November.

Our Power is advocating for the following wording instead:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I agree with the request to replace "quasi-governmental owned" with "local, consumer-owned." As a signature collector, I feel that "quasi-government owned" is misleading and inaccurate. What does "quasi-governmental" even mean? The proposed initiative is whether to create a "consumer-owned" utility, and that's what the question should ask. "Consumer-owned" is much clearer, and is already used over 55 times in Maine laws.

The phrase "operate existing electricity transmission and distribution facilities in Maine" is also misleading to voters as it implies that the purpose is solely to replace one governing board with another. The real purpose is to realign the priorities of the utility with its customers, as opposed to shareholders. I agree with the request to add "required to focus on reliable, affordable electricity." This is accurate and appropriate as it is the mission statement of the proposed new company, taken directly from the bill.

I also agree with the request to add "Foreign-owned" and "For-profit" in order to clarify which utilities will be acquired. The draft question makes it sound like the proposed consumer-owned utility would buy Maine's existing ten COUs. This is confusing and very misleading!

These changes much more accurately portray the question and its effects if adopted, as the average voter understands it. In order to best determine the true will of the people, I respectfully request that the ballot question be changed as described above.

Sincerely  
Peter Homer  
Southwest Harbor

**Cook, Emily**

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**From:** Jonathan Albrecht <albrechtjona@gmail.com>  
**Sent:** Thursday, January 19, 2023 7:38 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility.

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The proposed language for the Our Power's ballot question on Maine's 2023 November ballot would mislead voters. The question should not imply that the State government intends to acquire and operate all electric distribution companies in Maine.  
I would suggest:

1. Changing "quasi-government owned power company " to "consumer-owned" which is more precise and used in utility reporting and Maine law already. Quasi-government implies that the company will be partially government funded and receive special policy status by the state government.
2. The question should be specific as to what is being acquired. For example, by adding "existing for-profit electric utility companies".

Stated simply this question, if passed, would acquire and operate for-profit electric utilities' assets as a consumer-owned electric utility which does not sound like the proposed language.

I would suggest the question be stated as follows:

"Do you want to create a new consumer-owned power company governed by an elected board to acquire and operate existing for-profit electric utility companies in Maine."

--  
Jon Albrecht  
141 Southern Bay Rd  
Penobscot, Me 04476  
518-930-1625 cell

**Cook, Emily**

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**From:** Colin Vettier <colin.vettier@gmail.com>  
**Sent:** Thursday, January 19, 2023 11:16 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear secretary of state,

Re: An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility

Please replace the current proposed language as it is both confusing and inaccurate:

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.
2. Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.
3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

I would suggest replacing the current suggested language with the following one:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you kindly for supporting citizen initiatives,

**Colin VETTIER**

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[LinkedIn](#) - [iMDb](#)

**Cook, Emily**

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**From:** Michael Dunn <michaeldunn.maine@gmail.com>  
**Sent:** Thursday, January 19, 2023 11:57 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary of State,

I would like to correct your wording on the ballot question to create a public power distribution company in Maine. Your wording does not accurately reflect the legislation as printed on the petitions I circulated.

The first problem is "quasi-governmental owned." The very first sentence in the Summary of Proposed Initiative to create Pine Tree Power on the petition says, "privately-operated, nonprofit, consumer-owned utility." There is no notion of government ownership mentioned. If it were governmental, why would it be forced to pay taxes as stated in the third paragraph of the Summary? Public schools are "quasi-governmental" and they don't pay taxes of any sort (income, property, or sales).

The proposed Pine Tree Power is not quasi-governmental. It would be a privately-operated, nonprofit, consumer-owned utility subject to the oversight of the PUC and whose funding will come largely (or exclusively?) from the revenue bond market, not the government. While it will be chartered by the State of Maine, so are other private businesses such as credit unions and barber shops, but we don't call them quasi-governmental.

The draft states the purpose is to "acquire and operate existing electricity transmission and distribution facilities in Maine". There are many purposes listed in Section 4002 of the legislation, but acquiring facilities is not among them. The main purpose is to "provide... reliable, affordable electric transmission and distribution services". The acquisition of T&D facilities is one method of fulfilling that main purpose. See section 4002 of the legislation for other purposes such as supporting renewable generation, improving internet connectivity, and transparent and accountable governance.

The draft implies that Pine Tree Power will acquire ALL existing electricity transmission and distribution facilities in Maine. Not true. Section 4003 specifically says that Pine Tree Power shall acquire all facilities "owned or operated...by any *investor*-owned transmission and distribution utility". There are several smaller *consumer*-owned utilities in existence that are already serving their customers better and less expensively than the big ones and which this act does NOT propose the new utility acquire.

It might help voters if a few other aspects of the legislation were mentioned. Specifically, that the current electricity T&D companies are largely foreign-owned for-profit corporations whose first purpose is to serve shareholders, not customers.

Our Power Maine, an organization supporting this legislation, has suggested the following wording that partially addresses my concerns and is sufficient and accurate:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I would prefer these two changes (in square brackets) to their suggestion:

"Do you want to create a new [ nonprofit ], consumer-owned power company, required to focus on reliable, affordable electricity, [ and which will ] acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

I hope you can adjust the language of this question so as to allow Maine voters to make a more informed decision, not one based on inaccuracies, inadequacies, and misconceptions.

Thank you very much for your work on this!

Michael W Dunn  
Harrison, ME



**Cook, Emily**

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**From:** Marianne McHugh-Westfall <marianne.mchugh.westfall@gmail.com>  
**Sent:** Thursday, January 19, 2023 1:23 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am writing to comment on the proposed wording for the ballot question on creating a consumer owned utility. The released draft wording is inaccurate and will be confusing to voters. I spent many hours outside in summer heat, fall rains, and cold winter days talking to voters about this ballot initiative. I believe that the question should accurately reflect what the tens of thousands of voters who gave us their signatures signed up to support. I recommend that the wording it be changed to:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This wording is more accurate for the following reasons.

1. The term "consumer-owned" is much clearer than "quasi-governmental owned," and is a better description of the law's intent. The term "consumer-owned" is already used 55 times in Maine law and is familiar to voters. A consumer-owned utility is what we asked voters to sign a petition for and it is the best description of what Pine Tree power will be.
2. The statement "required to focus on reliable, affordable electricity" is an essential part of the new entity's mission and is the reason that I and so many other volunteers have given so much of our time and energy to get this initiative on the ballot. Voters should see a question that accurately reflects what the new entity will do for them.
3. It is clear that the entities to be replaced by Pine Tree Power are "Foreign-owned" and "For-profit." Pine Tree Power will not acquire Maine's existing consumer-owned electric utilities, and that should be made clear to voters. This will also make it clear to voters how Pine Tree Power is different from the existing utilities that it will replace.

Thank you very much for taking the time to read this public comment. I appreciate your consideration.

All the best,  
Marianne McHugh-Westfall

**Cook, Emily**

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**From:** Dayle Ward <daylectward@gmail.com>  
**Sent:** Thursday, January 19, 2023 1:27 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

The wording for the electric utility referendum on the the Nov. ballot is inaccurate. I would like it changed to the following to better reflect what it will accomplish; *Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?*

It will be important to have local control of our power delivery and generation in the future as everything needs to be electrified. In the past CMP has lobbied against progressive bills to address the climate emergency and we can not afford to have this.

Thank you! -Dayle and Tom Ward, Appleton, ME

**Cook, Emily**

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**From:** Tobey Williamson <tobeywilliamson@hotmail.com>  
**Sent:** Thursday, January 19, 2023 2:26 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment - Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please change the wording of the ballot question regarding the creation of a new Consumer Owned Utility to read as follows:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

This wording much more accurately describes the effort to take back control of our electricity grid here in Maine so that rate payers can get true rate relief, reliability and ensure a more climate neutral mix. The people of Maine are clever and thrifty - we can run our electrical grid for our own benefit! But voters need to be able to see exactly what the effort is about, not be confused by technical language.

Thank you,

Tobey Williamson, LAc  
Goodhearth-acupuncture.com

**Cook, Emily**

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**From:** Alison McConnell <alison.mcconnell@gmail.com>  
**Sent:** Thursday, January 19, 2023 2:39 PM  
**To:** SOS, Public Comment

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Replace the proposed language with Our Power's suggested wording:

Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Alison McConnell  
Auburn

**Cook, Emily**

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**From:** Toby J. McGrath <TMcGrath@dwmnlaw.com>  
**Sent:** Thursday, January 19, 2023 3:50 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

# Drummond Woodsum

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ATTORNEYS AT LAW

**Subject:** Public Comment – An Act To Create the Pine Tree Power Company  
**To:** [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov);  
**From:** Toby McGrath, Drummond Woodsum Strategic Consulting  
**Date:** Thursday, January 19, 2023

Dear Secretary of State Bellows:

Drummond Woodsum Strategic Consulting has been retained by Our Power to advise on "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility" legislative and Secretary of State process. Drummond Woodsum Strategic Consulting has worked on dozens of referendums across the country. We appreciate the difficult task Secretary of States have to boil down complex initiatives into to clear, accurate and digestible questions for the electorate.

We are providing comment on the proposed draft question of the citizens' initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility," now worded as follows:

***Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?***

We believe a more accurate language, based on the substance of the legislation, would be:

***"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"***

By striking "quasi-governmental," and replacing the language with the above language, the Secretary of State Office will be more accurately depicting the referendum language. The intent of the referendum is to allow the people of Maine, the consumers, to decide who should oversee Maine's transmission and distribution utilities currently owned and operated by Versant Power and Central Maine Power (CMP). The referendum language clearly states in nine instances that there will be a 'consumer owned power company.'

In addition, Versant Power and CMP are both quasi-governmentally owned entities. Versant Power is owned by the City of Calgary, Canada and CMP's largest investor is the Middle Eastern nation of Qatar. The draft question insinuates by using 'quasi-governmental' that the current transmission and distribution utilities, Versant Power and CMP, are not quasi-governmental and the referendum would be converting their status from

private to quasi-governmental. That isn't the case. The result would be ensuring Mainers have a say in their energy independence and not be dictated to by the governments of Calgary and Qatar. Maine consumers will be the owners not the governments of Calgary, Canada and Qatar.

We thank you for considering these minor but extremely important language changes to the question. Please let me know if you have any questions.

Sincerely,

Toby J. McGrath

207.253.0520 Direct | 207.837.3670 Cell

[TMcGrath@dwmlaw.com](mailto:TMcGrath@dwmlaw.com)

84 Marginal Way, Suite 600, Portland, ME 04101-2480

800.727.1941 | 207.772.3627 Fax | [dwmlaw.com](http://dwmlaw.com)

**DrummondWoodsum**

ATTORNEYS AT LAW

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**Cook, Emily**

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**From:** ttmarks3114@roadrunner.com  
**Sent:** Thursday, January 19, 2023 6:34 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment -Consumer owned Utility

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary Bellows:

I write to offer comments on the draft wording for the ballot question for the citizen's initiative proposing enactment of "An Act to Create Pine Tree Power Company, a Nonprofit, Customer-owned Utility." Given the important public policy implications it raises, I am very interested in this initiative and how it may impact Maine now and for many years to come.

Overall, I believe your proposed wording is well done. It presents a balanced and simple articulation of a complex policy question for Maine voters to consider. It appears to track the underlying legislation fairly and stays true to your legislative directive to write the ballot question in a clear, concise and direct manner that describes the initiative's subject matter as simply as possible.

Proponents of the initiative may suggest that the ballot question refer to the proposed new power company as a "consumer owned non-profit" rather than as a "quasi-governmental owned" entity. I caution against adopting such a change. Describing the proposed Pine Tree Power Company as a "quasi-government owned" company is correct and should remain. According to the legislation, Pine Tree Power, if enacted, would be governed by a board of elected officials, it would be empowered to adopt rules under the Maine Administrative Procedures Act, and it would be subject to Freedom of Access Act requests, like many other governmental bodies in Maine.

The opposing utilities are likely to also suggest that the ballot question should be modified to emphasize the potential cost of the borrowing that will be necessary to create Pine Tree Power. I also caution against going down this path. The ballot question should remain simple and leave out the political arguments on both sides.

If I may, I do suggest one modest change to your proposed wording that I believe will help the ballot question to more clearly convey the subject matter of the initiative. After the word "acquire", I recommend that you add "(by eminent domain if necessary)". This addition will make clear Pine Tree Power's authority, if enacted, to acquire the utility facilities even if the existing utilities refuse to sell and tracks the language in the proposed legislation.

Thank you for your consideration of these comments. I appreciate the opportunity to share my views on this important matter.

Sincerely, Tim Marks

**Cook, Emily**

---

**From:** Minot Weld <minotweld@mac.com>  
**Sent:** Friday, January 20, 2023 5:54 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Secretary of State,

In response to the draft ballot language released by your office, the Sierra Club Maine Chapter would like to request that the office consider amending the language to read *"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing for-profit electric utility companies in Maine?"* This language is in line with the petitioners intent for the ballot initiative, and ensures less confusion for voters. The reasoning for these changes is as follows:

- 1.
- 2.
3. Replacing "quasi-government
4. owned" with "local, consumer-owned" - Consumer-owned is clearer, and is already used over 55 times in Maine Law.
- 5.
- 6.
- 7.
8. Adding "required to
9. focus on reliable, affordable electricity," - This is from the mission statement of Pine Tree Power, taken directly from the original legislation that inspired the ballot initiative
- 10.
- 11.
- 12.
13. Add "for-profit" -
14. Without this language, the draft question gives the impression that all of Maine's existing utilities, including the 10 existing COUs, would be acquired. This is misleading to voters.
- 15.
- 16.
- 17.

---

Francis M. Weld  
63 Millbrook Road  
Northeast Harbor, ME 04662



Cook, Emily

---

**From:** Barber, David <David.Barber@tyson.com>  
**Sent:** Friday, January 20, 2023 8:20 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day Secretary Bellows,

I would like to suggest you add two things to this ballot question: who is going to pay for it and language that makes it clear that Pine Tree Power would be required to take over CMP and Versant.

I think cost will be a significant consideration for voters when they decide whether or not to take over the utilities. The current version of the question is not clear this proposal comes with a cost. Some voters might assume that, but others might think that Pine Tree Power would just have the right to take the companies without paying for them. I think you should include some language so voters know they will be on the hook for the cost of taking over CMP and Versant and that cost will all come from borrowing money and running up debt.

The current version of the question does not talk about eminent domain and you might think that taking over the utilities is only an option. The Pine Tree Power referendum gives the power to seize these two private companies and voters should know that. They definitely should know if they pass this referendum it's **mandatory that they take over the utilities**—not just that Pine Tree Power could if they decided it was a good deal.

Sincerely,  
David Barber  
207-232-2741

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## Cook, Emily

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**From:** Ben Chin <ben@mainepeoplesalliance.org>  
**Sent:** Friday, January 20, 2023 9:43 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility  
**Attachments:** 2023-1-20 MPA comments on ballot question.docx

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see below and attached the comments from Maine People's Alliance on the wording of the Consumer Owned Utility ballot measure.



January 20<sup>th</sup>, 2023

To: Secretary Bellows

From: Maine People's Alliance

Subject: Consumer owned utility question wording

Maine People's Alliance is concerned that the wording of the ballot question, as proposed by your office, is unintentionally confusing—and perhaps misleading.

First of all, by all the objectives measures of which we are aware, the passage is too complicated, and not easy to understand. According to assessments like Flesch Reading Ease, Gunning Fog Scale Level, Flesch-Kincaid Grade Level, and Dale-Chall Score, this wording requires a college graduate degree, is "very difficult," could only be read by someone who has completed eighteen years of schooling, and requires more than a college education to understand (respectively).

Because only about one-third of Maine adults over the age of twenty-five have a bachelor's degree or higher (according to the Census Bureau), the vast majority of voters will not understand the ballot question as worded.

Second, the question suggests that the new power company would take over Maine's existing consumer-owned utilities—which is not true.

In this respect, we support the wording, offered by the Our Power campaign, that is more accurate: *"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"*

Even so, however, we acknowledge that this language is also complicated.

As you search for the simplest, clearest way to summarize the ballot measure, we suggest that you consider the core issue at stake: who owns the transmission and distribution of Maine's electricity?

For what it's worth, we tested the readability of this simple language: "Do you want the people of Maine to own the transmission and distribution of their electricity?" Every argument about the bill—who buys what from whom, how much it costs, etc—is downstream of this core issue. Further, that language is at the reading level required by most states for insurance documents, and can be understood by people who have completed high school—i.e. over 90% of adults over the age of 25.

It is on us—both sides of the campaign—to educate the public about all the complexities that flow from this change of ownership. We just hope your office can accurately portray the core issue in a way that the vast majority of Mainers can understand.



January 20<sup>th</sup>, 2023

To: Secretary Bellows

From: Maine People's Alliance

Subject: Consumer owned utility question wording

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First of all, by all the objectives measures of which we are aware, the passage is too complicated, and not easy to understand. According to assessments like Flesch Reading Ease, Gunning Fog Scale Level, Flesch-Kincaid Grade Level, and Dale-Chall Score, this wording requires a college graduate degree, is "very difficult," could only be read by someone who has completed eighteen years of schooling, and requires more than a college education to understand (respectively).

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It is on us—both sides of the campaign—to educate the public about all the complexities that flow from this change of ownership. We just hope your office can accurately portray the core issue in a way that the vast majority of Mainers can understand.

R. 0211

**Cook, Emily**

---

**From:** Cait Enz <caitlin.enz@gmail.com>  
**Sent:** Friday, January 20, 2023 10:50 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear secretary of state,

Re: An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility

Please replace the current proposed language as it is both confusing and inaccurate:

1. Replace "quasi-governmental owned" with "local, consumer-owned." "Consumer-owned" is much clearer, and is already used over 55 times in Maine law.
2. Add "required to focus on reliable, affordable electricity." This is from the mission statement of the new company, taken directly from our bill.
3. Add "Foreign-owned" and "For-profit." This clarifies which utility facilities will be acquired. The draft question makes it sound like we would buy Maine's existing ten COUs - very misleading!

I would suggest replacing the current suggested language with the following one:

"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"

Thank you kindly for supporting citizen initiatives,

Caitlin Enz

**Cook, Emily**

---

**From:** Tony Cameron <tcameron@mainetourism.com>  
**Sent:** Friday, January 20, 2023 11:01 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

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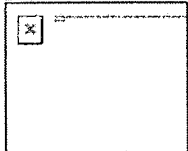
I am submitting a comment about the ballot language for the Pine Tree Power referendum. The draft ballot language says Pine Tree Power will be formed "to acquire" CMP and Versant. In fact, the proposal requires that Pine Tree Power take over the utilities.

There is a provision in the bill for a sale of the companies to Pine Tree Power, but no one thinks that's likely and instead, seizing the utilities by the biggest use of eminent domain in Maine history is more likely. The Governor said this recently: "The current owners of these utilities are not willing sellers. Recognizing this, the bill authorizes the use of eminent domain to condemn their electricity transmission and distribution assets."

Voters should know that they are forcing a takeover of the utilities and authorizing the use of the power of eminent domain.

Thank you,

Tony Cameron  
Chief Executive Officer  
Maine Tourism Association  
207-623-5645 ext. 201  
207-899-5853 (cell)  
[MaineTourism.com](http://MaineTourism.com)



**Cook, Emily**

---

**From:** aidan@glenvale.solar  
**Sent:** Friday, January 20, 2023 11:07 AM  
**To:** SOS, Public Comment  
**Subject:** Referendum Language- Pine Tree Power Company

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning:

My name is James Aidan Foley; I am CEO of a firm that develops solar energy and battery storage projects in Maine, New Hampshire, and other New England States. We have employees, projects, and an office in Maine, and manage several LLCs which are registered as foreign business entities with the Maine Secretary of State. I am resident in Massachusetts.

As an interested party with standing to comment on the text of the ballot question, I would like to share some thoughts. The ballot question, as presented on the SOS web-site, should be amended to include the following concepts:

- The new quasi-governmental owned power company would be a Transmission and Development Utility, not a power company (in Maine all power is competitively generated by independent generators; power is delivered to customers by the T&D Utilities)
- The acquisition and operation of the existing facilities would be required, and the cost would be fully borne by Maine citizens and/or ratepayers; the cost would be unknown at first, potentially set by arbitration or a US Court, also with potential for protracted litigation.
- The resultant company, Pine Tree Power Company, will then become your T&D Utility, responsible for providing reliable service, billing, and all of the other services currently provided by the investor owned T&D Utility.

I suggest the following alternate text to ensure that voters understand the implications of this momentous decision:

*Do you want to create a new quasi-governmental owned electric utility company governed by an elected board, which would be required to purchase, at a price to be determined in the future and borne by Maine citizens, the existing electricity transmission and distribution facilities in Maine. The new company will become the transmission and distribution utility serving most of Maine, and be responsible for reliable, safe and economical service, including billing, collections, new service hookups, and restoration of power after outages.*

I would be happy to discuss these concepts further with you, and can be reached per the included contact instructions.

Best

Aidan



## **Glenvale Solar**

**Aidan Foley**

CEO

+1 (617) 257-2086

179 Green Street, Suite 100

Boston, MA 02130

[glenvale.solar](http://glenvale.solar)



**Cook, Emily**

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**From:** Ezra Sassaman <ezra@mycj.org>  
**Sent:** Friday, January 20, 2023 11:36 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility  
**Attachments:** MYCJ comments on ballot question wording.pdf

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

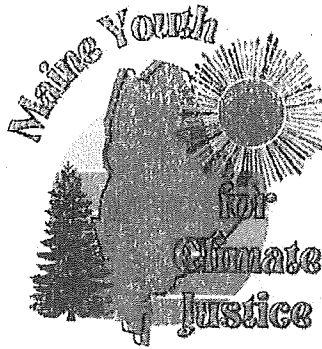
Please find attached Maine Youth for Climate Justice Comments on the content and form of the proposed ballot question for the citizen initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

Best,

--

**Ezra Sassaman**  
Advocacy and Organizing Coordinator  
Maine Youth for Climate Justice

*We are a youth coalition composed of individuals and representatives from school groups, clubs, and youth-oriented organizations across the state of Maine. We demand climate action and a just transition on a timeline consistent with climate science and social justice. Visit our website [here](#).*



Dear Secretary of State,

My name is Ezra Sassaman. I am the Advocacy and Organizing Director at Maine Youth for Climate Justice (MYCJ), a coalition of over 450 youth from across the state who fight for bold climate action and a just transition to a livable future in Maine.

We are writing requesting changes to the wording of the proposed ballot question for the citizen initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

The current proposed wording is as follows:

*Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?*

In 2019, Maine passed LD 534, "An Act To Make Ballot Questions Easier To Read and Understand for Maine Voters". The resulting law states about ballot questions:

"The Secretary of State shall write the question in a simple, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative as simply as is possible."

We agree that ballot questions should be as concise and clear as possible. However, the current proposed wording is not clear for the following reasons:

First, we do not believe the average voter would understand what "quasi-governmental owned" means. Therefore, we request that this phrase be replaced with "local, consumer-owned." The descriptor "consumer-owned" is clearer and already used frequently in Maine law.

Second, the way the ballot question is worded might leave voters wondering whether the Pine Tree Power Company would buy out Maine's existing ten consumer-owned utilities. As this is not the case, we request the addition of descriptors "foreign-owned" and "for-profit." This makes clear which electric utility facilities will be acquired.

The final wording might look something like this:

*Do you want to create a new local, consumer-owned power company to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"*

Or this:

*Should a new local, consumer-owned power company replace Maine's foreign-owned, for-profit electric utility companies?*

Or this:

*Should a new local, consumer-owned power company that is governed by an elected board replace Maine's foreign-owned, for-profit electric utility companies?*

For the above reasons, our coalition urges you make the following changes to the proposed ballot question wording.

Thank you,

Ezra Sassaman  
Maine Youth for Climate Justice

**Cook, Emily**

---

**From:** Matthew Beck <matt@IBEW1837.org>  
**Sent:** Friday, January 20, 2023 11:39 AM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary Bellows,

On behalf of International Brotherhood of Electrical Workers Local Union #1837, I would like to weigh in on the proposed ballot language for the Pine Tree Power referendum.

We believe the ballot question should inform voters that acquisition of existing utility facilities is a cost they must pay for. An extremely important fact related to the bill that is absent from the proposed ballot question language is the fact that electric ratepayers would be required to pay for the acquisition. The bill says that the cost of this acquisition will come from debt financing and given the fact that all parties agree that the cost of acquiring Maine's utility facilities will be in the billions of dollars, and that such costs must be included in electric rates, voters must be told – at minimum – that the cost of acquiring existing transmission and distribution facilities is something they must pay for in their electric rates and will be financed by debt.

The ballot question should inform voters that acquisition of existing utility facilities is mandatory. The proposed ballot question language uses the term "acquire" in describing how the newly created quasi-governmental utility would obtain the assets of Maine's existing utilities. What's missing here is the mandatory nature of the referendum. We believe it would be better if the language was something like "must acquire" or, better yet, "acquire, by eminent domain if necessary." The referendum gives the quasi-governmental utility the power to condemn the utilities by eminent domain—a significant power that voters should be understand they would be granting the new entity.

The term "quasi-governmental" is the right term and the terms nonprofit or not-for-profit should not be added. Whether or not Pine Tree Power would be a unit of state government has been a major element of the campaign to date, and the proposed ballot question accurately uses the term "quasi-governmental" to describe this utility. The bill itself provides all the information needed to establish that the entity is "quasi-governmental." The bill refers to the entity as a "body politic and corporate," which Title 13-B of Maine's Revised Statutes makes clear is an entity that cannot be a "non-profit corporation." This fact is consistently addressed in related rules adopted by the Secretary of State. (29-250 C.M.R. ch. 260, § 1(A)). There is little doubt that, notwithstanding the use of the marketing term "Pine Tree Power Company, a Nonprofit Corporation" in the title of the bill, the bill itself unmistakably creates a "quasi-governmental" entity that must be made clear in the ballot question going before the voters.

Sincerely,

*Matthew Beck*

Organizer/Business Representative  
IBEW Local #1837, Maine and New Hampshire  
Cell: 207-441-4123  
Office: 207-623-1030



**Cook, Emily**

---

**From:** Richard Bennett <[rick@rickbennett.org](mailto:rick@rickbennett.org)>  
**Sent:** Friday, January 20, 2023 12:31 PM  
**To:** SOS, Public Comment  
**Cc:** Carlow, Nathan  
**Subject:** Comment Letter on Referendum Question  
**Attachments:** Ltr Sec Bellows re Our Power question 01202023.pdf

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary of State Bellows,

Please see attached Rep. Nathan Carlow's and my comment letter regarding the ballot measure on creating a consumer-owned utility. Thank you for your consideration.

Best wishes,

Rick

Sen. Richard A. Bennett  
75 Bennett Lane  
Oxford, Maine 04270  
207 592-3200  
[rick@rickbennett.org](mailto:rick@rickbennett.org)



## Maine Legislature

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

January 20, 2023

The Honorable Shenna Bellows  
Secretary of State  
148 State House Station  
Augusta, Maine 04333-0148

Via Email to [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov)

Dear Secretary Bellows:

We write to offer comments on the proposed draft question of the citizens initiative titled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

As past cosponsors and lead proponents of prior versions of the question, we urge you to consider the following language as an amendment to that which you have put forward for public comment:

***"Do you want to create a new consumer-owned power company governed by an elected board to acquire and operate the facilities of existing for-profit electricity transmission and distribution utility companies in Maine?"***

In urging this recommendation, we note that "consumer-owned" is a term not only defined in the proposal, but also currently defined in Maine statute in a way that would apply to the entity to be created by this ballot measure. We do not believe the term "quasi-governmental" is applicable here; Merriam-Webster defines that term as "supported by the government but managed privately". This term applies more appropriately to Versant, which is owned by the City of Calgary, Alberta, Canada, than to the proposed Pine Tree Power Company, which will receive no governmental support other than the enabling law – and indeed such enabling statute is required of any corporate entity.

In your review, we encourage you to consider the proposed referendum language from LD 1708 which was approved by the Legislature and was a precursor to this ballot initiative.

We appreciate your diligence on this important matter.

R. 0221

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Richard F. Bennett". The signature is written in a cursive style with a large initial "R".

Senator Richard Bennett

A handwritten signature in dark ink, appearing to read "Nathan Carlow". The signature is written in a cursive style with a large initial "N".

Representative Nathan Carlow

**Cook, Emily**

---

**From:** Shanna Cox <shanna@lametrochamber.com>  
**Sent:** Friday, January 20, 2023 12:32 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment -- Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Secretary of State Bellows,

I am writing today in regard to the proposed wording for the Pine Tree Power referendum - with appreciation. I think the language is great and hope it remains unchanged. The advocates behind Pine Tree Power keep saying that it isn't the government, but seizing utilities (against the companies' will), and borrowing money with tax-free bonds to acquire the private business sounds like government-controlled and owned. Particularly when run by a board of elected officials!

I am sure you are being pressured to change the language, but think the version you have offered is accurate.

Thank you for your public service,  
Shanna



Shanna Cox  
President • CEO  
Lewiston Auburn Metropolitan Chamber of Commerce  
Tel: 207.783.2249  
415 Lisbon Street, Suite 100, Lewiston, ME 04240  
*[Become a member today!](#)*  
[LAMetroChamber.com](#) | [DiscoverLAMaine.com](#)



**Cook, Emily**

---

**From:** Richard Pfeffer <richardapfeiffer@gmail.com>  
**Sent:** Friday, January 20, 2023 1:00 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL:** This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon:

I would like to weigh in on the proposed ballot language for the Pine Tree Power referendum. I want to make two points that I think should be included so voters know about it:

1-The cost of taking over the utilities would be 100% debt—the referendum says that's how it would be financed.

2-Ratepayers would be responsible for that debt.

Both sides in debate say it would be billions of dollars. I think it's important that you let voters know that there is a cost associated with acquiring the electric utilities and that cost would be paid by ratepayers.

The small businesses of Maine, and all the ratepayers in Maine, cannot not afford this social experiment. Thank you.

Sincerely,

--  
*Cheers!*

*Richard Pfeffer  
Gritty McDuff's Brewing Co.  
207-232-1042*

## Cook, Emily

---

**From:** Ania Wright <[ania.wright@sierraclub.org](mailto:ania.wright@sierraclub.org)>  
**Sent:** Friday, January 20, 2023 2:15 PM  
**To:** SOS, Public Comment  
**Subject:** Sierra Club Maine Comments Regarding Pine Tree ballot question  
**Attachments:** SCME Comments\_An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility.pdf

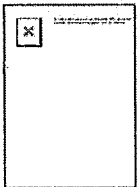
EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

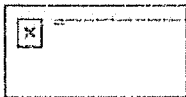
Please see the attached comments from Sierra Club Maine regarding the ballot question language for "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

Thank you!

Ania



**Ania Wright**  
*Political and Legislative Specialist*  
PO Box 88, Belfast, ME 04915  
(207) 274-9265  
(she, her, hers) [sierraclub.org/maine](https://sierraclub.org/maine)



To: Shenna Bellows & the Office of the Secretary of State

From: Ania Wright, Sierra Club Maine

Date: 1/20/2023

Re: An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility

To the Secretary of State,

In response to the draft ballot language released by your office regarding An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility, the Sierra Club Maine Chapter would like to request consideration to amend the language to read "*Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing for-profit electric utility companies in Maine?*" This language is in line with the petitioners intent for the ballot initiative, and ensures less confusion for voters.

We see the reasoning for these changes as follows:

1. Replacing "quasi-government owned" with "local, consumer-owned" - Consumer-owned is clearer, and is already used over 55 times in Maine Law.
2. Adding "required to focus on reliable, affordable electricity," - This is from the mission statement of Pine Tree Power, taken directly from the original legislation that inspired the ballot initiative
3. Add "for-profit" - Without this language, the draft question gives the impression that all of Maine's existing utilities, including the 10 existing COUs, would be acquired. This is misleading to voters.

Sincerely,

Ania Wright

On behalf of the Sierra Club Maine Chapter

**Cook, Emily**

---

**From:** Alysia Melnick <amelnick@bernsteinsbur.com>  
**Sent:** Friday, January 20, 2023 2:49 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – An Act to Create the Pine Tree Power Company...  
**Attachments:** 1.20.23 Public Comment\_SoS Ballot question\_MEP.pdf

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Jan. 20, 2023

The Honorable Shenna Bellows  
Secretary of State  
148 State House Station  
Augusta, ME 0433-0148

**ATTN: Public Comment – An Act to Create the Pine Tree Power Company, a  
Nonprofit, Customer-owned Utility**

Dear Secretary Bellows,

We are writing to provide public comment on the proposed wording of the ballot language for "An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

As you know, Title 21-A, Subsection 906 (6-B) sets the standard for the language of ballot questions, requiring that questions be written in a simple, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative.

The current draft questions as written by the Office of the Secretary of State reads:

*"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"*

**1. The draft, as written, is accurate and clear and meets the standard set forth in statute in most regards.**

The draft question, as written, accurately covers the major elements of the direct initiative.

Those major elements include:

- An accurate description of the new entity as "quasi-governmental;" and
- An accurate description that the new entity would "operate existing electricity transmission and distribution facilities in Maine."

**2. The question, however, lacks important information and context that would enable voters to make an informed decision. Additional information can be included without unnecessarily making the question more complicated.**

- While it is accurate that the proposed legislation would "create" a new quasi-governmental company, the current wording does not reflect the means by which the entity would be created. The new company would be funded through public borrowing, which would be repaid using electric utility rates. Voters should be provided the resources to understand that the creation of the company will require substantial borrowing and new liability for electric ratepayers. Alternatives could include:
  - "Create and fund through public borrowing repaid with electric rates...";
  - "Do you want to fund through borrowing repaid with electric rates and create a...";
  - Do you want to fund through debt..."

- Use of the word "acquire" does not appropriately reflect that eminent domain would be used to seize the assets of two current electricity transmission and distribution companies operating in Maine. The transaction will not be a voluntary commercial agreement between a willing buyer and seller, nor will it be a simple purchase. The proponents specifically recognize this in the initiative when they include a lengthy multi-step process to arrive at a final valuation of the utilities' assets, including multiple opportunities for judicial review. Alternatives to "acquire" that provide necessary context include: "seize," "take over," or "acquire through eminent domain."

**3. Suggestion to provide voters with additional information and context through the ballot question.**

*"Do you want to fund through debt the creation of a new quasi-governmental owned power company governed by an elected board that would seize and operate existing electricity transmission and distribution facilities in Maine?"*

We understand that our recommended additions add to the length of the ballot question; we believe that voters deserve the additional context that this amended question provides. They are being asked to support the forceable seizure of private property and to fund that seizure through debt.

**4. Proponents assert incorrectly that the new electrical transmission and distribution entity would be a "nonprofit" company.**

In both the title and language of the proposed legislation, proponents at times assert that the new electrical transmission and distribution entity would be a "nonprofit."

Yet in the text of the legislation, they admit that the new entity would be "a quasi-municipal corporation within the meaning and for the purposes of Title 30-A, section 5701." It is this designation that allows for the new entity to be funded by borrowing facilitated through the Maine Municipal Bond Bank.

The proposed quasi-governmental company does not meet the definition or restrictions for a "nonprofit corporation" as established in Title 13-B.

Furthermore, the ballot initiative language explicitly requires the quasi-governmental company to contract with a for-profit, third-party entity to manage the operations of transmission and distribution facilities. The profit to such a private operator would be paid by electric ratepayers through their electric bills.

As such, the Secretary of State is correct to identify the new entity as a "quasi-governmental company" and to reject the unsupported assertion that it is a "nonprofit company."

**5. Proponents of ballot initiative have said that they are advocating for the following ballot language. That suggested language is inaccurate and misleading, and it should be rejected:**

*"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"*

**"Consumer-owned:"** The phrase "consumer-owned" is misleading and inconsistent with the language of the proposed legislation. The proposed legislation clearly states that debt incurred to seize transmission and distribution utilities companies is not the general obligation or moral obligation of the state. Ownership of the seized transmission and distribution utilities rests with Pine Tree Power, which is solely responsible for the debt. Consumers do not "own" Pine Tree Power, nor do they directly control its governance or decision making.

In Subsection 4001 of the proposed legislation, "customer-owner" is defined only as "a person to whom the company provides power."

Pine Tree Power, in its authority and creation, resembles the Maine Turnpike Authority. It is quasi-governmental and is financed through debt for a limited purpose. Users of the Maine Turnpike do not direct the authority's activities, nor are they considered owners. Similarly, consumers will not "own" Pine Tree Power. It will exist as a quasi-governmental company, financed by debt that must be recouped through customer charges.

**"Reliable, affordable:"** The use of "reliable, affordable electricity" is political, subjective, and does not fully reflect the entirety of the proposed legislation. The legislation enumerates eight different, sometimes competing or contradictory, purposes for the creation of Pine Tree Power. To include "reliable, affordable" is arbitrary, prejudicial and incomplete.

**"Foreign-owned:"** The proposed legislation does not limit the seizure of transmission and distribution facilities to those that are "foreign-owned." In Section 6, Subsection 1511-A, the companies targeted for seizure are determined through eight tests, including customer satisfaction, reliability, affordability, employees, security, customer obligations, disaster assistance and priorities. Nowhere in these criteria are the transmission and utility companies judged ripe for seizure based on their ownership.

Furthermore, in Subsection 4003 of the proposed legislation, there is no "foreign-ownership" limitation on the acquisition of utility companies by eminent domain. The legislation states clearly that the targets of acquisition can be "all" ... "investor-owned transmission and distribution utilit[ies]."

The proposed legislation is not limited to "foreign-owned" utility companies and the limitation to "foreign-owned" utilities is fictional.

Thank you very much for the opportunity to comment on the proposed ballot language for this important matter of public policy.

We would be glad to answer any questions you might have.

Sincerely,

Alysia Melnick  
Counsel, Maine Energy Progress



**Cook, Emily**

---

**From:** sinches@maine.rr.com  
**Sent:** Friday, January 20, 2023 2:59 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment--Consumer Owned Utility

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

*Dear Secretary of State,*

*Below are my comments on the ballot language for An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility.*

***Proposed language from Secretary of State's Office:***

*"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"*

***Proposed clarified language:***

*"Do you want to create a consumer owned utility that is owned by Maine ratepayers, governed by an elected Board of Directors, and operated by managers and employees with experience in electric utility operations? This consumer owned utility would acquire and own existing electricity transmission and distribution facilities in Maine."*

***Rationale:***

- 1. The existing ballot question is inaccurate: The Pine Tree Power Company is a Nonprofit Consumer-owned Utility, as described in the Bill Title. It is not a "Quasi-Government" organization as the Secretary's language indicates. The words "quasi-government organization" have legal meaning different from what is proposed by the initiative. Further, most voters do not know the meaning of these words, so they will be confused about what they are voting on.*
- 2. The existing ballot question leads to confusion that the new entity would be run by politicians or an elected board, when the new company would in fact be run by experienced utility management and employees, many or most of whom work for*

*CMP and Versant Power now. It is the ownership that is changing, not the management or operating staff. This needs to be clarified.*

3. *The proposed clarified language above describes the question accurately and clearly, so voters will understand what they are voting on.*

*Thank you,*

*Susan B Inches  
Author, educator, environmental advocate  
North Yarmouth, ME  
(207) 415-5891 (Cell)  
Check out my website at [www.sueinches.com](http://www.sueinches.com)*

Check out my new website at [www.sueinches.com](http://www.sueinches.com)!

**Cook, Emily**

---

**From:** Ben Waxman <ben@americanrootswear.com>  
**Sent:** Friday, January 20, 2023 3:23 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

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Hello Secretary Bellows,

I would like to give you our opinion on the language voters will see when we vote on the Pine Tree Power referendum. Proponents of Pine Tree Power argue that their proposal should be described as a "consumer owned not-for-profit." I don't believe that's an accurate description and the use of "quasi-governmental owned" is correct and should remain in the ballot question.

The entity would have numerous characteristics that makes it more of a government entity than a consumer-owned company. Its governing board would be chosen by elections subject to the laws governing elections of state, local, county and federal officials. That board would be able to adopt rules under the Maine Administrative Practices Act. The entity would be subject to FOA requests.

As you know, the Maine Turnpike Authority is an independent state agency. It would be possible, I suppose, to make the argument that MTA should be described as "consumer-owned" or "non-profit"—but I think most Mainers would find that extremely misleading.

Taken as a whole, voters would understand this proposed entity more as governmental (or quasi-governmental) than as a consumer owned nonprofit. I understand why proponents are arguing for that language, but it would be misleading to include it in the ballot language.

This is a very important question for union members. Through years of tough collective bargaining, union members have secured contracts with the utilities that benefit themselves and their families—this proposal will force them to go back to the table and potentially lose all that they've fought for. And in addition, we've gotten good legal advice that Pine Tree Power would be a government entity and that would limit union members' rights to strike or participate in binding arbitration. All of this is significant and I hope when our sisters and brothers go to the polls to vote on this in November, they understand that by reading the question.

Sincerely,

Ben Waxman

Ben Waxman  
CEO / Co-Founder American Roots  
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[www.americanrootswear.com](http://www.americanrootswear.com)  
<https://www.youtube.com/watch?v=jWLJ09KPB18>



**Cook, Emily**

---

**From:** Willy Ritch/Maine Affordable Energy <willy@maineaffordableenergy.org>  
**Sent:** Friday, January 20, 2023 4:00 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment – Consumer Owned Utility

**EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Secretary Bellows:

The proponents of Pine Tree Power have publicly argued that their initiative should be described as consumer-owned and nonprofit or not-for-profit. As you consider comments on your proposed ballot language, we ask you to keep the following in mind:

As you know, in July 2021 the Legislature considered a bill to send a nearly identical proposal to voters. That bill—LD 1708—dictated the following ballot language:

"Do you favor the creation of the Pine Tree Power Company, a nonprofit, privately operated utility governed by a board elected by Maine voters, to replace Central Maine Power and Versant Power, without using tax dollars or state bonds, and to focus on delivering reliable, affordable electricity and meeting the State's energy independence and Internet connectivity goals?"

In her veto letter, Governor Mills wrote "This proposed ballot question is not an even-handed treatment of the serious issues that L.D. 1708 presents. It is an attempt to put a finger on the scale of the referendum process by highlighting the most optimistic potential outcomes."

In particular, we want to talk about three words or terms that the proponents of this measure have promoted: *nonprofit*, *replace*, *consumer-owned*.

These three words or phrases appear in the ballot language that the proponents had included in LD 1708 or in the petition language of the initiative now before you. We don't believe they belong on the ballot.

***Nonprofit***

The initiative language says, "The company is subject to property taxation and must pay property tax in the same manner as an investor-owned transmission and distribution utility." This is significant because that calls into question whether this proposed utility would ever be treated as a nonprofit under tax law.

Gov. Mills, in her veto press conference about LD 1708, highlighted a last-minute change to that bill to require that Pine Tree Power be liable to pay property taxes. "There must be a reason that they were not liable for property taxes in the first place and I suspect that it had a lot to do with tax exempt status." (See here at 22:30.)

Furthermore, if the initiative intended to make the proposed utility into a nonprofit, you would expect the initiative to reference Title 13-B of Maine law, which governs nonprofits. There is no such reference in the initiative.

The London Economics International report commissioned by the PUC to analyze a previous (and substantially similar) proposal described the entity that would be created as a "new state agency." (LEI report, p. 57. Emphasis added.)

And as Governor Mills noted in her veto letter, "This bill would create a *new public power authority*..." (Emphasis

added.)

### **Consumer-owned**

The current initiative uses language that we believe clearly creates a government entity—language like “body corporate and politic.” These legally operative words signal the creation of a unit of government. Furthermore, the US Supreme Court and Maine’s Law Court have ruled that an entity governed by elected officials—as this proposed utility would be—is, in fact, a unit of government. (*NLRB v. Natural Gas Utility District of Hawkins County*, 402 U.S. 600, 605 (1971) and *Baker Bus Serv., Inc. v. Keith*, 416 A.2d 727, 730-31)

The referendum defines “consumer owner” as someone who buys electricity from Pine Tree Power. Yet that consumer owner has no direct say in the operation of the company. That direction is left to the elected board of Pine Tree Power. Pine Tree Power would not serve current customers of municipal utilities who live in towns like Kennebunk, Houlton, Madison or any of the dozens of towns served by the Eastern Maine Electric Cooperative. Yet residents of these towns would still vote for Pine Tree Power’s board of directors. So you can see that Pine Tree Power would be run by officials elected by all the people of Maine and not under the control of the so-called “consumer-owners.”

“Consumer-owned,” we believe, is intended to confuse voters about what this entity would really be. There is a legal argument around this term, I am sure, but as you think about the plain language that appears on the ballot, I contend that using this phrase would be misleading.

### **Replace**

The proposed petition language contained in LD 1708 called for the creation of a utility to “replace” Central Maine Power and Versant. The use of that word seems intended to obscure what that legislation and the current initiative actually calls for—a mandatory takeover of these investor-owned utilities, possibly, in the words of the initiative, “by the exercise of the right of eminent domain.” This is perhaps one of the most consequential components of the proposed initiative—taking two companies away from their current owners and in the process creating a debt of billions of dollars that Mainers will be responsible for.

Thank you for considering our comments.

Willy Ritch  
Maine Affordable Energy Coalition

Willy Ritch  
Maine Affordable Energy Coalition  
207-841-8400



**Cook, Emily**

---

**From:** jeffreyneilyoung53@gmail.com  
**Sent:** Friday, January 20, 2023 4:20 PM  
**To:** SOS, Public Comment  
**Subject:** Public comment--consumer owned utility  
**Attachments:** CCF01202023.pdf

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To whom it may concern:

Please see attached.

Jeffrey Neil Young

***Jeffrey Neil Young***

Jeffrey Neil Young, Esq.

Solidarity Law

9 Longmeadow Rd.

Cumberland Foreside, ME 04110

[jyoung@solidarity.law](mailto:jyoung@solidarity.law)

207-844-4243

# **=SolidarityLaw**

January 20, 2023

I am submitting this comment as counsel to International Brotherhood of Electrical Workers, Local 1837, and on my own behalf as a Maine consumer with respect to the public power referendum. The current draft language reads, "*Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?*"

1. It is important to retain the term "quasi-governmental" in the referendum language.

Although the proponents of the referendum like to use the term "non-profit" to describe Pine Tree Power Company, the language of the proposed statute clearly establishes that Pine Tree Power would be a quasi-governmental entity. See Section 4008(2), declaring that the entity is a "quasi-municipal" entity under 30-A MRSA § 5701.

In *NLRB v. Natural Gas Utility District of Hawkins County*, 402 U.S. 600, 604 (1971), the Supreme Court established a test to evaluate whether employees of a quasi-public entity like Pine Tree Power Co. are private employees subject to the National Labor Relations Act or public employees exempt from the NLRA's jurisdiction. Where an entity is created by the State and the board is appointed by or comprised of state officials, or is responsible to the general electorate, the entity is a political subdivision of state and therefore exempt from NLRB jurisdiction under Section 2(2) of the NLRA. Accord: *State Bar of New Mexico*, 346 NLRB 674 (2006); NLRB Advice memo *StarTran, Inc.*, Case 16-CA-27472 (Dec. 6, 2010). Here, Pine Tree Power would be created by the State and Section 4002(2)(A) of the legislation vetoed by Gov. Mills provided that the Board be comprised of 7 elected members, one for each five of the 35 Maine Senate districts. Because these Board members would be responsible to the general electorate, it seems certain that Pine Tree Power and its employees would be deemed public, not private, employees.

The language in the proposed bill providing that the operator employees "are considered private employees, with all the rights and responsibilities of private employees" would not transform public employees into private employees. The proposed bill controls the most fundamental task that the operator must perform—whom it hires. The bill dictates that the operator must hire the prior employees of the utilities that Pine Tree Power "acquires." As a result, Pine Tree Power undoubtedly would be found to participate in the control of labor relations and working conditions of the operator, making the two entities joint employers. See *Larco Transportation*, 269 NLRB 324 (1984)(substantial involvement by CNN in hiring of employees renders two entities joint employers); *Alm Royal Insulation & Jacobson Staffing*, 358 NLRB No. 91 (2012)(staffing company responsible for hiring employees of construction





company are joint employers). See also *NLRB v. Browning-Ferris Industries of Pa.* 691 F.2d 1117 (3d Cir. 1982), *enf'g* 259 NLRB 148 (19981).

Public employees' collective bargaining rights under the Maine Labor Relations Act and the Municipal Labor Relations Act are severely limited in comparison to rights enjoyed by private employees under the National Labor Relations Act. Unlike private sector employees, who have the right to strike over wages, hours, and working conditions in the event that they cannot reach agreement with their employer, public sector employees have no such rights. They cannot strike and although they can bargain with their public employer, in the event agreement is not reached, they can only engage in binding arbitration over non-economic terms. Earlier this year Gov. Mills vetoed a bill which would have allowed public employees to engage in binding arbitration of wage disputes.

Beyond the inability to strike or to engage in binding arbitration over wages and economic terms of employment, under the Supreme Court's *Janus* decision public employees cannot be compelled to pay their fair share of union dues.

Indeed, employees of other quasi-governmental entities generally have been considered to be public employers here in Maine and elsewhere. For example, in Maine, the employees of the Maine Turnpike Authority are represented by the Maine Service Employees Association and are deemed to be public employees.

To ensure that voters understand the ramifications for employees of the proposed public power entity, it is critical that the term "quasi-governmental employees" remain in the language of the referendum question.

**2. The ballot question should include language to inform voters how Pine Tree Power will be financed.**

The draft ballot language fails to indicate how Pine Tree Power will pay for the acquisition or condemnation through eminent domain of the existing electricity transmission and distribution facilities in Maine. The bill provides that the purchase shall be financed through the issuance of debt—presumably bonds. That debt—likely in the billions of dollars—will have to be paid by the ratepayers. The voters should be informed that if they approve the creation of Pine Tree Power, they will be financing the acquisition of the existing transmission and distribution facilities. The language of the ballot question should be amended to read, "*Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate at a cost to ratepayers in excess of a billion dollars existing electricity transmission and distribution facilities in Maine ?*"

Respectfully submitted,

*Jeffrey Neil Young*

Jeffrey Neil Young, Esq.

Solidarity Law

9 Longmeadow Rd.

Cumberland Foreside, ME 04110

[jyoung@solidarity.law](mailto:jyoung@solidarity.law)

207-844-4243

**Cook, Emily**

---

**From:** sinches@maine.rr.com  
**Sent:** Friday, January 20, 2023 4:26 PM  
**To:** SOS, Public Comment  
**Subject:** RE: Public Comment--Consumer Owned Utility

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Hi,

I wanted to clarify one more thing in my proposed language that I sent earlier. I have highlighted it below. Please consider the updated version below.

Thank you for your patience with this,

Susan Inches

**From:** sinches@maine.rr.com <sinches@maine.rr.com>  
**Sent:** Friday, January 20, 2023 2:59 PM  
**To:** 'PublicComment.SOS@Maine.gov' <PublicComment.SOS@Maine.gov>  
**Subject:** Public Comment--Consumer Owned Utility

*Dear Secretary of State,*

*Below are my comments on the ballot language for An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility.*

***Proposed language from Secretary of State's Office:***

*"Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?"*

***Proposed clarified language:***

*"Do you want to create a consumer owned utility that is owned by Maine ratepayers, governed by Board of Directors, and operated by managers and employees with experience in electric utility operations? This consumer owned utility would acquire and own the for profit electricity transmission and distribution facilities in Maine."*

### ***Rationale:***

1. *The existing ballot question is inaccurate: The Pine Tree Power Company is a Nonprofit Consumer-owned Utility, as described in the Bill Title. It is not a "Quasi-Government" organization as the Secretary's language indicates. The words "quasi-government organization" have legal meaning different from what is proposed by the initiative. Further, most voters do not know the meaning of these words, so they will be confused about what they are voting on.*
2. *The existing ballot question leads to confusion that the new entity would be run by politicians, when the new company would in fact be run by experienced utility management and employees, many or most of whom work for CMP and Versant Power now. It is the ownership that is changing, not the management or operating staff. This needs to be clarified.*
3. *The only transmission and distribution facilities that would be acquired by the consumer owned utility are those owned by the for profit investor owned utilities.*
4. *The proposed clarified language above describes the question accurately and clearly, so voters will understand what they are voting on.*

*Thank you,*

*Susan B Inches*

*Author, educator, environmental advocate*

*North Yarmouth, ME*

*(207) 415-5891 (Cell)*

*Check out my website at [www.sueinches.com](http://www.sueinches.com)*

*Check out my new website at [www.sueinches.com](http://www.sueinches.com)!*

**Cook, Emily**

---

**From:** Andrew Blunt <andrew.blunt97@gmail.com>  
**Sent:** Friday, January 20, 2023 4:44 PM  
**To:** SOS, Public Comment  
**Subject:** Public Comment -- Consumer Owned Utility  
**Attachments:** Public\_Comment\_Our\_Power.pdf

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Dear Secretary of State Bellows,

Please see attached public comment on the wording of the ballot question regarding the creation of a consumer-owned utility.

Thank you for your careful consideration of our comments as you move forward with this drafting process.

Best,  
Andrew Blunt

--

Andrew Blunt

Executive Director, Our Power

[ourpowermaine.org](http://ourpowermaine.org)

207-752-1320



Subject: Public Comment – An Act To Create the Pine Tree Power Company  
To: PublicComment.SOS@Maine.gov  
Cc: [Shenna.Bellows@maine.gov](mailto:Shenna.Bellows@maine.gov);  
From: Andrew Blunt, Our Power Executive Director and Seth Berry, Our Power Senior Advisor  
Date: January 20, 2023

Dear Secretary of State Bellows:

Thank you for the opportunity to comment on the proposed draft question of the citizens initiative entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility," now worded as follows:

***Do you want to create a new quasi-governmental owned power company governed by an elected board to acquire and operate existing electricity transmission and distribution facilities in Maine?***

On behalf of Our Power, the Ballot Question Committee formed to support this referendum, we submit our observations and suggestions, organized as follows:

1. Prebuttals of anticipated comments by opposing parties
2. Accuracy and clarity of the draft question
3. Legislative intent as expressed in LD 1708
4. Suggested question and rationale

We know the gravity of your task. We know the Secretary of State has the responsibility to provide a question that is brief, accurate and accessible, even for initiatives that may be long, complex and technical. We know the Secretary is also required by M.R.S.A. 21-A, Chapter 11, §905 to 1) make the final question "understandable to a reasonable voter reading the question for the first time," and 2) avoid "mislead(ing) a reasonable voter... into voting contrary to that voter's wishes." We have prepared all of the following comments, along with citations in the form of specific, embedded hyperlinks, to assist in these objectives.

#### **1. Prebuttals of potential comments by opposing parties**

In rhetoric funded by the multinational corporations whose recent record dividends might be slightly reduced by this measure, and who would lose the privilege of a conditional monopoly

granted to them by the People of Maine, we have seen the revocation of the monopoly privilege and the acquisition process outlined in the ballot question described as a "seizure." If asked to use this word, we trust the Secretary will recall that a process of eminent domain may or may not result from passage of the measure. The refereed process required by the bill allows for an agreed-upon acquisition, which the new board of the Pine Tree Power Company will want to seriously consider to avoid the relatively complex process of eminent domain. Moreover, the acquisition is fully compensated and as found by the London Economics team in their PUC-commissioned review of the original bill to effect this change, LD 1646 in the 129th Legislature, such an acquisition is fully legal and constitutional. For all these reasons, the use of "seizure" is not entirely accurate, though it may be a handy word for some to weaponize.

Our opposition also likes to make absurd, indefensible claims about the cost of the acquisition. Should the Secretary of State be asked by others to reference the cost and/or financing of the acquisition of certain utility assets, we trust you will recall and review carefully the studies by London Economics (commissioned by the Maine PUC) and by unpaid, volunteer Maine economists of every political background, which both project net savings – that is, lower rates, *even* as those same rates pay off the cost of the purchase of assets. These careful calculations are cited and explained here.

It is hard for most voters to comprehend that savings, not costs, are the result of this question. But it is not rocket science. Most basically, the net savings projections are based on a very simple, universal difference between how investor- and consumer-owned utilities in the United States are financed. Figure 1, below, is a simplified, illustrative chart created by Maine's first-ever Public Advocate, Dr. Gordon Weil of Harpswell. Here, one sees how a typical \$100 expenditure by each type of utility will cost roughly twice as much in future rates to customers, if made by a regulated IOU in the United States. For this reason, any reference to financing or "cost" that may be added to the question should focus on the anticipated net savings to Maine customers, and/or the lower cost of capital enjoyed by all consumer-owned utilities.

Figure 1:

## Investor-owned utility vs. Consumer-owned utility

Annual capital cost: Example of \$100.00 Capital Expense

IOU Customer cost			COU Customer cost		
Tax	20% of return	\$1.00			
Debt	\$50 @ 6% 20 years	\$4.36			
Invest	Return: \$50 @ 10%	\$5.00			
			Debt	\$100 @ 3% 20 years	\$6.72
Total =		\$10.36	Total =		\$6.72

## 2. Accuracy and clarity of the draft question

With due respect to the author of the initial, draft question, who we hope and trust has been spared the countless years our lead proponents have spent immersed both in this issue and in Title 35-A, we find the draft question to be starkly inaccurate and/or misleading in four ways.

**First, we must strongly object to the term "quasi-governmental owned power company."**

This is a complex, hazy, 5-word phrase that is not used in Maine statute, and will doubtless confuse many voters. Versant Power is well known to be owned entirely by ENMAX, which in turn is owned entirely by a Canadian government, the City of Calgary. In this respect, Versant can and indeed should be thought of by any reasonable Maine voter as "quasi-governmental." Similarly, though not as well known, Central Maine Power Company's largest beneficial owner is a foreign government, the nation of Qatar. In this respect, both Versant and CMP are not only "quasi-governmental," but are wholly or partly "government-owned."

To add further confusion, both CMP and Versant are defined in Maine law as "public utilities." To most reasonable voters, a "public utility" sounds a little like "public beach," a "public road," or a "public school." What it means to be a "public utility" is confusing, at best. And what does "public" mean, if not governmental?

Last and not least, CMP and Versant are the only two for-profit power companies in Maine that are given the unique, extraordinary power of state government to seize private property of Maine residents, without their consent. On one notable occasion in the early 1950s, CMP seized



the multigenerational homes, farms, and churches of three Maine villages, and buried them beneath the waters of what is now Flagstaff Lake. If this unparalleled and fearsome power is not "quasi-governmental," then what is?

For all these reasons, and given the dictionary definition of "quasi," meaning "having some resemblance to," a reasonable and knowledgeable voter might be more likely than not to consider both CMP and Versant to be quasi-governmental.

But for many other voters, the cloud of confusion created by the draft question might come from a different source: simply not understanding the word "quasi." While the typically compounded use of "quasi-" (as in "quasi-judicial," "quasi-municipal," etc), may be well understood by lawyers, insiders, and policy wonks, a typical English speaker is far better able to define and to comprehend "consumer" than "quasi-governmental."

This last point may help to explain why throughout Title 35-A (where, if successful, this petition language will largely reside), the simpler, better-defined term used is in fact "consumer-owned utility," or COU, not "quasi-governmental owned power company." In fact, Title 35-A uses consumer-owned at least 55 times, while "quasi-governmental" is used only once, and is not defined. The Maine Public Utilities Commission website, their interface with the Maine public, uses the terms "investor-owned" and consumer-owned consistently. Nowhere does the PUC use "quasi-governmental owned." If the latter term were anything but confusing, surely there would be some popular or widespread use of it. There is no such use.

Last and certainly not least, Section 9 of the proposed ballot question explicitly defines the new utility as a COU under Maine law – not as "governmental," not as "quasi" anything, but simply as one more iteration of a familiar and commonly understood term in Maine and in Maine law: consumer-owned.

In sum, "consumer-owned" is far clearer, far more accurate, far more widely used, far less confusing, and far less misleading than "quasi-governmental owned."

**Second, the draft question misleads and confuses tens of thousands of prospective, less-informed voters where it suggests that the Pine Tree Power Company would "acquire... existing transmission and distribution facilities in Maine."** While this wording can only be read as referring to all "existing" facilities, the truth is that many existing Maine T&D facilities would not be acquired should the question become law. First, Pine Tree Power Co is legally barred from acquiring the ten (10) existing COUs in Maine, which serve part or all of 98 of Maine's 483 municipalities. Specifically, under §4003, para. 12-A, the following language appears:

*This chapter may not be construed to affect the powers, authorities or responsibilities of any consumer-owned transmission and distribution utility other than the company created under this chapter. The company may not oppose the extension of the service territory of a consumer-owned transmission and distribution utility existing prior to the*

*effective date of this chapter to include the entirety of a municipality in which the consumer-owned transmission and distribution utility provides electric service...*

Don't voters in these 98 towns deserve to know that the question would not change their existing, nonprofit utilities, except possibly by making them even bigger? Of course. But if the question simply claims Pine Tree Power Co will "*acquire... existing transmission and distribution facilities in Maine,*" a reasonable voter who is also a consumer-owner as a resident, business owner or seasonal camp owner in Kennebunk, Madison, Houlton, Calais, Van Buren, Vinalhaven, or any other of these other 98 Maine towns served by Maine COUs will be led wrongly to believe that their cherished, local utility will be replaced. Clearly, a qualifier or two for the word "existing" is needed here that accurately describes the basic shift of business model. We will suggest such qualifiers below.

**Third, the initiative does not propose an "elected board," as the draft question states.** This was a change made from LD 1708 to the ballot question. In the initiative, it is a hybrid board with both elected and appointed members, all with equal votes. If the question does refer to the board *per se*, it should clarify this new, hybrid design. However, both Iberdrola and the City of Calgary, CMP and Versant's ultimate owners, also have elected boards. Iberdrola's are elected by shareholders, and Calgary's by the voters of Calgary. For this reason, attempting to describe the governance differences is now more challenging than it was with LD 1708.

As an alternative way to summarize the differences in governance and mission between the Pine Tree Power Company and the decision-makers and motives it would replace, the Secretary of State can accurately say that the new board is local and transparent, that as a not-for-profit entity it is able to focus only on affordability, reliability, and other customer needs such as quality customer service, as guided by the mission statement in the initiative, and that it replaces foreign, for-profit parent company boards, with full control over their subsidiaries and holding companies, that are located in Spain (for CMP parent Iberdrola) and in the City Hall of Calgary (for Versant parent ENMAX). Whatever language is used to describe governance should reflect in as global a sense as possible the basic differences in ownership, control, priorities, transparency, and accountability.

**Fourth, the new company does not "operate" the T&D facilities.** This is clear not only in the text of the initiative, but also in its summary. The question requires that the Pine Tree Power Company use competitive bidding processes to select a private-sector operations company.

Below, we recommend simply eliminating "operate" for brevity. Otherwise, accurate language to describe the private-sector operations contract in the initiative is provided in the wording of the question by the 130th Maine Legislature, which we turn to now.

### 3. The 130th Maine Legislature's intent, as expressed in L.D. 1708

With a handful of changes, one of which was the addition of appointed and voting board members, the ballot question initiative is identical to the one passed by bipartisan majorities of the Maine House and the Maine Senate in 2021. This measure, L.D. 1708, worded the question as follows:

***"Do you favor the creation of the Pine Tree Power Company, a nonprofit, privately operated utility governed by a board elected by Maine voters, to replace Central Maine Power and Versant Power, without using tax dollars or state bonds, and to focus on delivering reliable, affordable electricity and meeting the State's energy independence and Internet connectivity goals?"***

While a bit long, the Legislature's language above is only three words longer than the question most recently sent to voters by the Secretary of State, "An Act To Require Legislative Approval of Certain Transmission Lines." Importantly, it was written with the expertise of nonpartisan staff in the Legislature's Office of Policy and Legal Analysis, was vetted carefully by legislators at an all-day public hearing, as well as in the work sessions, and was retained by both bodies of the Legislature through a long series of votes and amendments. Above all, it is wholly accurate to LD 1708, though as we have mentioned earlier, "governed by a board elected by Maine voters" is no longer quite accurate.

For these reasons, we urge the Secretary of State to give careful consideration and deference to this language.

Besides its careful vetting and bipartisan, bicameral approval in 2021, the L.D. 1708 language is also clearer and more informative to voters than the draft question in several ways:

- 1) It names the new company directly, facilitating voter comprehension,
- 2) It accurately describes the new company as a nonprofit ownership company with a private sector operator, as defined in §4002 of the initiative,
- 3) It accurately describes its financing restrictions as outlined in §4005 and §4006. Note: in the interest of brevity, we recommend this be left out. If however the Secretary considers it necessary to describe the Pine Tree Power Company's financing, however, this language ("without using tax dollars or state bonds") must be included to reflect the truth and to avoid exacerbating voter confusion about how IOUs and COUs are funded.
- 4) It accurately summarizes the mission and purpose of the new utility, as defined in §4002.

### 4. Suggested question and rationale

Given the facts presented above, Our Power suggests the following question:

**"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"**

This language comes from four core rationales:

- The replacement of "quasi-governmental owned" with "consumer-owned" given its use as common language in Title 35-A, with "local" added for simplicity for those unfamiliar with "consumer-owned" as a descriptor.
- The removal of governance descriptors to avoid misrepresentation of what is a complex, blended elected-appointed governance structure, which to be understood must also be contrasted with the complex, multilayered, multinational governance of existing investor-owned utilities. For details, please see Figures 1 and 2 below.
- The addition of the descriptors, "foreign-owned" and "for-profit" to contrast the affected businesses (CMP and Versant) and their structure with that of the Pine Tree Power Company. Again, please refer to Figures 1 and 2 below. This aids a reasonable voter to quickly understand the local vs. foreign-owned and consumer-owned vs. for-profit differences at play. "Investor-owned" would also be an accurate descriptor here, but is less intelligible and therefore less effective for the ballot.
- The addition of "require it to focus on reliable, affordable electricity," which is taken directly from the new company's mission, included both in the language of the petition and ballot language approved by the 130th Legislature. It also best captures the distinction between an IOU, which has the fiduciary obligation to put investors first, and a COU, which has no investors and can only focus on its mission.

**Figure 2:**

**CMP and Versant Organizational Chart**

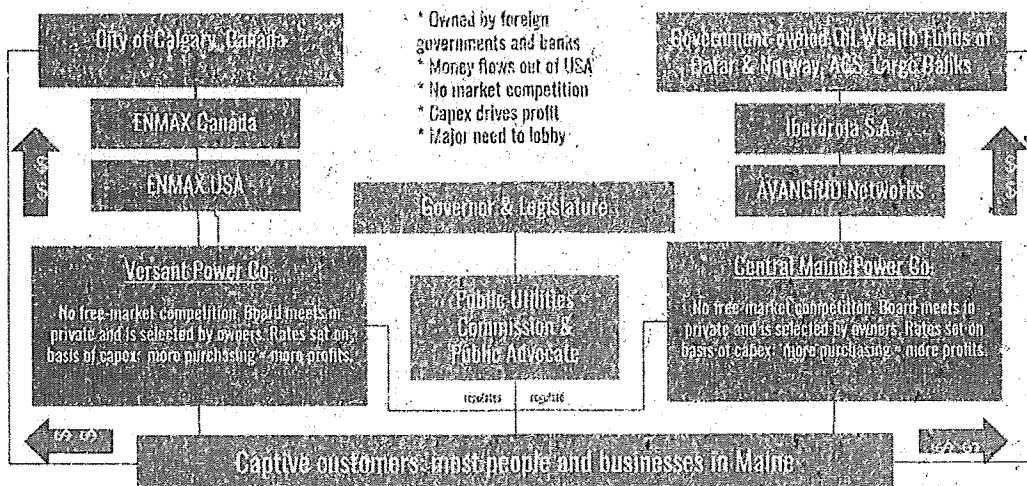
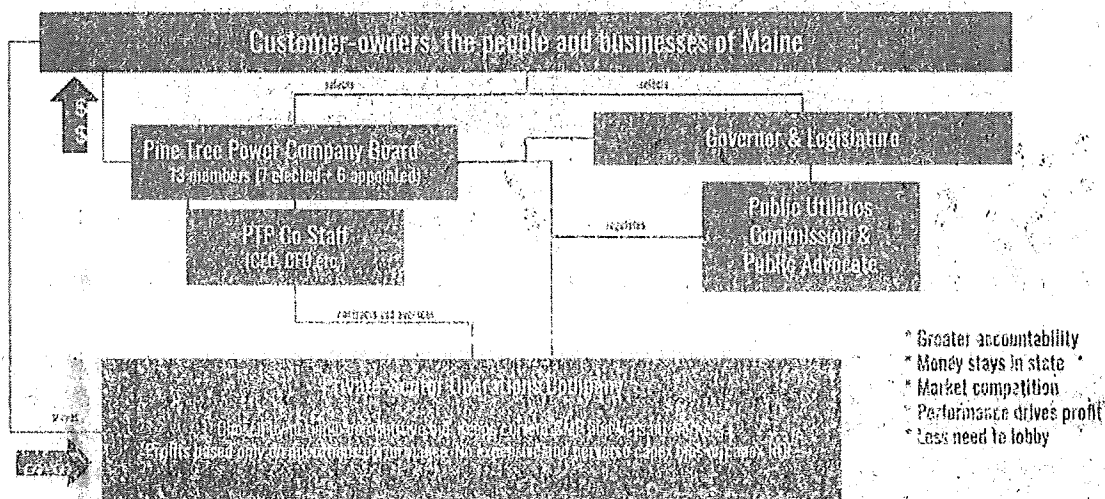


Figure 3:

### Pine Tree Power Co. Organizational Chart



In sum, the question wording proposed above remedies crucial inaccuracies with the original wording, while ensuring clarity, intelligibility, and concision key for any effective ballot question, and avoiding any biased language.

That said: if the Secretary is convinced, perhaps by other commenters, that it is necessary to elaborate on aspects of the bill not included in our proposed question, or to consider alternative language of any kind, we would urge the Secretary to look first to the above language as approved to go to the voters by the 130th Maine Legislature, with the exception of its description of the board structure, for the reasons we have stated above.

If there are any questions, feel free to contact us at the number below.

Andrew Blunt  
Our Power, Executive Director  
207-752-1320

Seth Berry  
Our Power, Senior Advisor

**Cook, Emily**

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**From:** Grohoski, Nicole <Nicole.Grohoski@legislature.maine.gov>  
**Sent:** Friday, January 20, 2023 4:52 PM  
**To:** SOS, Public Comment  
**Cc:** Bellows, Shenna  
**Subject:** Public Comment – An Act To Create the Pine Tree Power Company  
**Attachments:** Sec Bellows re Our Power question wording.docx.pdf

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Nicole Grohoski, Senator (she/her)  
District 7: Most of Hancock County  
Passamaquoddy and Penobscot Aboriginal Homeland  
PO Box 1732, Ellsworth, ME 04605  
207.358.8333

\*\*\*Please be advised that anything sent to me in my capacity as a legislator may become a matter of public record, per the Maine Freedom of Access Act, [www.maine.gov/foaa/](http://www.maine.gov/foaa/), which means that other people can ask to read these messages.\*\*\*



## Maine Legislature

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002

January 20, 2023

Hon. Shenna Bellows  
Secretary of State  
148 State House Station  
Augusta, Maine 04333-0148

Via Email to [PublicComment.SOS@Maine.gov](mailto:PublicComment.SOS@Maine.gov)

Dear Secretary Bellows:

We write to offer comments on the proposed draft question of the citizens initiative titled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

As past cosponsors and/or proponents of prior versions of the question, in office during the 130th Maine Legislature, we endorse the following language:

*"Do you want to create a new local, consumer-owned power company, required to focus on reliable, affordable electricity, to acquire the facilities of existing foreign-owned, for-profit electric utility companies in Maine?"*

If you're inclined to add to the question, we encourage you to consider adding key phrases from LD 1708, as approved by bipartisan majorities in both chambers of the 130th Legislature:

*"Do you favor the creation of the Pine Tree Power Company, a nonprofit, privately operated utility..., \* to replace Central Maine Power and Versant Power, without using tax dollars or state bonds, and to focus on delivering reliable, affordable electricity and meeting the State's energy independence and Internet connectivity goals?"*

\*Above, we omit "governed by an elected board," since unlike LD 1708, the referendum also provides a vote to the 6 expert, unelected members who are chosen by the elected members.

We appreciate your time on this important matter and your work to ensure that the question is brief, clear, and accurate.

R. 0254

Respectfully,

Senator Nicole Grohoski

Senator Ben Chipman

Hon. David Miramant

Sen. Joseph Baldacci

Representative Stanley Paige Zeigler

Representative Christopher Kessler

Representative Victoria Doudera

Representative Valli Geiger

Hon. Seth Berry

Representative Grayson Lookner

Representative Lori Gramlich

Representative Arthur Bell

Representative Poppy Arford

Representative Morgan Rielly



## CERTIFICATION OF AGENCY RECORD

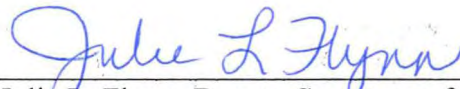
I, Julie L. Flynn, Deputy Secretary of State for the Bureau of Corporations, Elections and Commissions, do hereby attest and certify that I am the legal custodian of the records of the Department of the Secretary of State, Bureau of Corporations, Elections and Commissions, and that the documents transmitted electronically to the parties and enclosed for the Court are true copies of the official records within my custody and constitute the agency record of the Secretary of State's Determination for the Wording of the Ballot Question for Initiated Legislation Entitled "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility."

This certification of record is being made pursuant to 5 M.R.S. § 11005 and Rule 80C of the Maine Rules of Civil Procedure.

IN WITNESS THEREOF, I have hereunto set my hand at Augusta, Maine, this 14th day of February, 2023.

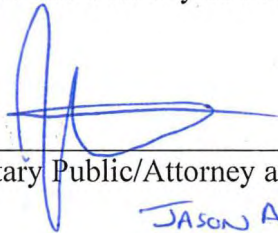
Department of the Secretary of State

By:



Julie L. Flynn, Deputy Secretary of State  
Bureau of Corporations, Elections and Commissions

Sworn and subscribed to before me this 14th day of February, 2023.



Notary Public/Attorney at Law

JASON ANTON  
ME BAR NO. 6272

REC'D CUMB CLERKS OFC  
FEB 15 '23 PM2:28