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REP. DAWN HILL, CHAIR

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REP. MARGARET R. ROTUNDO

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

Meeting Summary
March 19, 2010
Accepted April 29, 2010

CALL TO ORDER

The Chair, Representative Hill, called the Government Oversight Committee to order at 9:36 a.m. in the Burton Cross Building.

ATTENDANCE

Senators:	Sen. Brannigan, Sen. Nass, and Sen. McCormick Joining the meeting in progress: Sen. Simpson Absent: Sen. Diamond and Sen. Trahan
Representatives:	Rep. Hill, Rep. McLeod, Rep. Pendleton, Rep. Burns, and Rep. Bickford Absent: Rep. Rotundo
Legislative Officers and Staff:	Beth Ashcroft, Director of OPEGA Etta Begin, Adm. Secretary, OPEGA
Executive Branch Officers and Staff Providing Information to the Committee:	Janet Joyeux, Assistant to the Commissioner, Department of Public Safety

INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS

Members of the Government Oversight Committee introduced themselves for the benefit of the listening audience.

Chair Hill asked if there was objection to taking items out of order. Hearing none, the Chair moved to **Unfinished Business – Discussion of Actions Taken in Response to OPEGA Report on Emergency Communications in Kennebec County.**

UNFINISHED BUSINESS

• Discussion of Actions Taken in Response to OPEGA Report on Emergency Communications in Kennebec County

Director Ashcroft reported that the GOC's bill, LD 1813 had its public hearing last week before the Utilities and Energy (U&E) Committee. The U&E Committee invited the Criminal Justice and Public Safety (CJ&PS) Committee to join them. The U&E Committee's work session on LD 1813 has been scheduled for March 22, 2010 at 1:00 pm.

Chair Hill said a great deal of effort has been taken to keep both the CJ&PS and U&E Committees informed of what the GOC is and has been doing and to assure those Committees that the GOC is not seeking to be territorial but is available to help the Committees move forward on the issues.

The GOC's questions and comments included:

GOC: Rep. Burns believes there were a lot more issues raised than were settled at the U&E Committee meeting. He is advocating, through his Chairs of the CJ&PS Committee, that a small subcommittee consisting of members on the U&E and CJ&PS Committees be established to come up with a plan that will work for both public safety as well as setting the rates for the towns. There is a need for a group that is able to take a comprehensive look at what the needs are for all of the towns, not just those in Kennebec County. He thinks a lot of the issues raised are under the jurisdiction of the CJ&PS Committee. He hopes the GOC will support the idea of such a subcommittee.

OPEGA: Director Ashcroft agreed there is a need to look at where the roles and responsibilities lie between State agencies and the committees that oversee them. She reminded the GOC that the issues concerning the PUC rate setting case and the service quality issues were the most pressing ones to deal with this session. The rest of the issues raised deserved and needed more thought than what the remainder of the session may allow.

GOC: Sen. Nass commented that representatives from other emergency communication centers at the public hearing on LD 1813 said they were doing okay and to leave them alone. There was a question of whether to involve dispatch and PSAP on a broader scale and he asked if that issue had been resolved.

OPEGA: Director Ashcroft believes that is where it got complex. OPEGA talked about trying to bring consistency among all of the Centers in the State in the way they transferred calls to each other or handled calls. The PUC was advocating for accomplishing that consistency through the purchase of additional protocols similar to what is currently used for emergency medical dispatch. The purchase of these structured protocols has a high price tag. OPEGA had in its recommendations that such protocols were available but we did not believe they would be necessary to accomplish the level of consistency we thought would be helpful. There was also a related issue of who should be setting those standards and protocols. As of now the PUC's statute seems to indicate they might have that role, but the issues are clearly related to public safety issues as noted by Rep. Burns. What the State decides to do regarding the configuration of PSAP going forward would also be a factor in all of this.

GOC: Sen. Nass referred to the language in LD 1813 – "C. Make any training courses provided under paragraphs A and B available to personnel of entities providing only dispatch services on a fee basis." He does not have a sense of who that would be and asked if it meant making training available for people who are able to pay for it other than Kennebec County or other than State dispatch.

OPEGA: Director Ashcroft said it appeared that the PUC was the entity best situated, based on what was already in statute, to do training. LD 1813 expands their training role to include providing training for additional dispatch protocols. The PUC was advocating purchasing protocols for law enforcement and

fire that are similar to EMD. The proposed LD also gives them responsibility for the training related to any of those new protocols, as well as allowing them to coordinate and pay for continuing education but it keeps those responsibilities within the confines of those centers that are currently designated as the 26 PSAPs. Those centers have both PSAP and dispatch functions. Examples of dispatch only centers are the Augusta and Waterville Police Departments. It only seems right to also make the same kind of training available to them on an ad hoc basis and the language in the LD provides the opportunity, if there are surcharge funds available, that the PUC could use those funds to defray the cost.

GOC: Rep. McLeod asked for clarification of which bureau it is that is referred to in LD 1813.

OPEGA: Director Ashcroft said the bureau is the PUC's Emergency Services Communications Bureau.

GOC: Chair Hill asked if the Bureau was under the jurisdiction of CJ&PS Committee or U&E Committee.

OPEGA: Director Ashcroft said it currently is under the jurisdiction of the U&E Committee because it is with the PUC.

GOC: Sen. Nass asked if one of the major issues was the Bureau versus the Board.

OPEGA: Director Ashcroft believes Rep. Fletcher was suggesting that the Board's role could be expanded and that is something that could be addressed in a study group. Currently the Maine Communications Policy Board is focused on the Department of Public Safety's (DPS) Emergency Communications Centers, which is 4 out of the 26. If that Board was going to play a larger role in the State, it's responsibilities and authorities would need to be expanded. The function that PUC's Emergency Services Communications Bureau now has, used to be under the DPS and legislation was passed to move it from DPS to the PUC. Director Ashcroft said she is not sure of the reason for the move or if the System Policy Board came into being before or after that move was made.

GOC: Chair Hill said at the public hearing on LD 1813 it was clear to her that not only is the system fragmented, but oversight of the system is fragmented as well and she believes that to be a core issue. She agreed with creating a study group of members from CJ&PS and U&E Committees, GOC and stakeholders. If the GOC is interested in pursuing that, it may be best to speak to the Chairs of the other Committees. She feels the issues that have been identified cannot wait until the next Legislature arrives and work on them should continue through the interim. Chair Hill asked for other GOC members' input.

GOC: Sen. Nass noted that because of budget issues working groups with legislative members will end up on the study table. He thought it would be best to focus on what could be done in the next 2 weeks while the Legislature is still in session.

GOC: Chair Hill asked if Director Ashcroft would find out if there was money through OPEGA's budget to support a study group.

GOC: Rep. Bickford noted that the GOC meets monthly through the interim and has until the next Legislature to craft a bill.

GOC: Rep. Pendleton said the GOC has LD 1813 which addresses two things that are important right now - the fee structure and the policies and procedures. She wondered why the bill couldn't just be pushed forward and then go ahead with the continued study on the GOC.

OPEGA: Director Ashcroft wanted to clarify. LD 1813, Part A gives the PUC additional roles in terms of setting standards and protocols, and paying for and doing training. At the public hearing on LD 1813, there was debate as to where those responsibilities should lie. The GOC is talking about a study group being created to review those issues. She noted that the GOC would have that ability to introduce legislation

resulting from a study group because it would still involve implementing the recommendations from OPEGA's Report. Part B of the bill removes the PUC rate setting piece and assigns that responsibility to the Systems Policy Board. Director Ashcroft said the testimony she heard at the public hearing on LD 1813 is that it would be helpful to have language giving specific direction as to what kind of methodology the Systems Policy Board should examine.

GOC: Rep. Burns said he does not believe the bill should move ahead without working through the details and what is already being proposed. The PUC has proposed \$2.5 million to implement protocols for fire and law enforcement calls that may not necessarily be needed to improve PSAPs. He does not think the work to assess whether this can be done can be completed within the next 2 weeks, it requires further discussion before a reasonable solution can be reached.

GOC: Chair Hill said she would like the GOC to consider supporting a study group, but she did not think the issues raised by OPEGA should necessarily be combined with the issues in the Kimball Study. The changes proposed by Kimball are 1½ - 2 years out for the Next Generation and the restructuring. OPEGA's work focused on Kennebec County and addressed clear concerns that are not being challenged. Chair Hill said problems at CMRCC are due to the lack of supervisors and thinks the U&E Committee may have some options in getting some supervisors on board. The PUC testified they will be starting another rate case that will cost approximately \$90,000-\$100,000 and will probably still come out with a rate that puts the DPS at a disadvantage again with their PSAP. Another factor would be to pull the rate setting from the PUC who appears to want to give it up. Chair Hill asked the GOC to give some thought to her comments.

GOC: Rep. Burns said he was not in disagreement with the Chair. The OPEGA Report and the GOC's discussion have been very helpful for the Kennebec County area and the model is there, but can be improved. He also thinks there are possibilities for making those improvements, but did not think that the ideas put forth at the U&E Committee meeting are going to fix the problems that the GOC is immediately concerned about.

GOC: Chair Hill noted that the work session on LD 1813 is scheduled for Monday, March 22nd. She said Rep. Fletcher asked questions of the DPS following the public hearing and believes the issues will be narrowed down in the work session.

Chair Hill recognized Janet Joyeux, Assistant to the Commissioner of DPS who may be able to address some of the GOC's questions and concerns.

DPS: Ms. Joyeux said CMRCC recognizes they need help and that OPEGA's Report recommendations are founded on fact. Rep. Hill is correct in saying DPS is willing to do whatever is necessary, but needs the GOC's help. She also likes the idea of a study committee. Ms. Joyeux said to keep in mind that there are two areas the PUC's Communications Bureau is responsible for. One area is the technology and the contract with Fairpoint Communications. This fits very nicely with the PUC and DPS would not advocate pulling that from the PUC. However, DPS would like to have a conversation about moving the public safety aspects of the Bureau's responsibilities back to DPS, where it was several years ago.

GOC: Sen. Nass asked where the training function that the PUC currently funds through the E-911 fees should lay.

DPS: Ms. Joyeux said that will need to be part of the discussions because DPS does not have money to replace the E-911 surcharge funds used for training.

GOC: Sen. Brannigan noted that issues raised in OPEGA's Report are now in the legislative process and asked what the GOC's responsibilities were at this point.

OPEGA: Director Ashcroft said the GOC was charting new territory in having introduced the legislation and it seems the GOC is trying to figure out what the Committee should do from here. The Committee has talked about taking a more active role and has to decide what the appropriate role should be.

GOC: Chair Hill said the U&E Committee invited the GOC to its work session and asked for their suggestions.

Chair Hill asked Ms. Joyeux what 1 or 2 issues raised, if addressed, would be of greatest help to DPS to ensure the public is safer.

DPS: Ms. Joyeux said DPS would recommend removing the rate setting responsibility from PUC and giving it back to the Policy Board and strengthening that Board's membership. The language in the Board's statute, Title 25, § 1531, regarding municipal membership is limited as to who can serve on the Board. She would advocate amending the Board's statute to broaden who could serve and perhaps have the Maine Municipal Association, who has been involved in the rate setting, recommend to the Governor people to fill the seats.

GOC: Chair Simpson asked if that suggestion had been raised to the U&E Committee so they could amend the bill to include that.

OPEGA: Director Ashcroft said a Maine Municipal Association representative did raise that issue at the U&E Committee's public hearing.

DPS: Ms. Joyeux said the Policy Board had a budget subcommittee that was working on the rate structure for DPS before the responsibility to set rates was given to the PUC. She said it would be helpful if the Legislature gave a prescriptive direction of what rate approach DPS should take. She said the first rate setting methodology they had implemented was that everyone participating should share equally in the cost of the system and that has not been popular. At legislative meetings she heard discussions about an incremental or marginal cost approach, which is that State government will pay for what they had always paid for originally. DPS has always had dispatch for the State Police and Warden Service and historically State government paid for that. Ms. Joyeux believes the Policy Board needs some idea of what legislators and policy makers think is a correct methodology that will work for the local governments in the State as well as DPS.

Ms. Joyeux noted that OPEGA's Report also points out a weakness at the Communication Center in Augusta in the supervisory area. She said they have 2 supervisors and cannot cover all the shifts. In DPS' biennial budget the Legislature did approve 2 supervisor positions and they were going to put 1 in Gray and 1 in Augusta. However the PUC, in their rate setting case, did not allow DPS to include the cost of those 2 positions in their rate structure. The PUC said the positions were speculative because the Legislature had not yet approved them. The Legislature ultimately authorized the additional headcount for DPS, but DPS doesn't have the funding to support them. Ms. Joyeux recommended putting both positions in Augusta so most shifts would be covered by supervisors and DPS would also continue to work on their issues of performance in that Center.

GOC: Sen. Nass asked if that would increase DPS' costs and therefore encourage communities who are still part of Kennebec County to leave.

DPS: Ms. Joyeux thinks that depends on whether they are directed to use a different cost allocation methodology to set rates. She said under the current approach, it certainly would increase the rates for the municipal customers, but it has been suggested that DPS should use an incremental cost allocation approach instead. DPS now has 9 positions they added for the municipal customers and under an incremental approach DPS would figure out the cost of those positions for FY 11 and how to allocate just the cost of those positions to the municipal customers.

- GOC: Chair Hill said if DPS stayed on the current approach and costs increase they would lose customers, but if they don't correct the problems with the supervisors and staff, they are going to lose them for quality reasons anyway.
- GOC: Rep. Burns asked how many supervisors DPS had in its other Centers.
- DPS: Ms. Joyeux said Gray has 2, and Orono and Houlton each have 1.
- GOC: Rep. Burns asked if the other DPS Centers had the same problems as CMRCC.
- DPS: Ms. Joyeux said they have not experienced the same unfortunate incidents that has been seen out of Augusta in the other 3 Centers.
- GOC: Sen. Brannigan said, as GOC members, they can support the U&E Committee in the action they decide to take, but he does not believe the GOC has any further role.
- GOC: Chair Hill thinks that is the GOC's role – to help narrow down what the GOC is supporting and to also help educate the respective chambers on the issues.
- GOC: Sen. Simpson said Director Ashcroft could bring the information from the GOC meeting to the U&E Committee when they are working on the bill and assist them in anyway she can. She said that would be the GOC's role at this point.
- GOC: Chair Hill said the U&E Committee is tight for time and is groping for something they can do to help with the most immediate problems. She understands the PUC has approximately \$2 million in the 911 Fund and asked if anyone knew if that amount was correct.
- DPS: Ms. Joyeux believes the PUC projected that at the end of this fiscal year they anticipated just over a \$2 million cash balance in the E-911 fund.
- GOC: Chair Hill said there is a fair amount of money available this year but there are statutory restrictions on how that money can be utilized. The U&E Committee noted the problems and some members think the statute may have to be changed to provide short term help with DPS' immediate problems.
- GOC: Rep. Burns agreed with Sen. Brannigan that the GOC needs to stick to its role. He asked whether LD 1813 provided an appropriate vehicle to make some of the changes Ms. Joyeux talked about at today's meeting.
- OPEGA: Director Ashcroft believes the GOC has produced the right legislation and now the U&E Committee will make whatever amendments it sees fit to address some of the issues that have emerged during Committee discussions.
- DPS: Ms. Joyeux said DPS requested the 2 supervisor positions in its biennial budget because they recognized that Augusta and Gray could both use better supervision. That request was supported by the Criminal Justice and Public Safety Committee and Ms. Joyeux wanted to thank that Committee for their support.

Chair Hill, on behalf of the GOC, thanked Ms. Joyeux for attending the meeting.

• **Response From Education and Cultural Affairs Committee on Maine Community College System Request**

Director Ashcroft reminded the GOC that in the fall of 2009 a request for a review for the Maine Community College System was presented for their consideration. The GOC discussed the topic, sent a letter to the Education and Cultural Affairs (Education) Committee outlining what the possible areas of focus were and the

specific concerns that had been brought up at the GOC meeting and asked for their thoughts. The concerns the GOC had were regarding the transferability of credits from the Community College System to the University System and whether students were incurring debt at the Community College System and then not being able to pursue the 4 year education because not as many credits were transferable as they had expected. The GOC knew that the Education Committee may not be addressing the GOC's letter until they returned for session.

The Education Committee recently completed a Government Evaluation Act (GEA) review of the Maine Community College System as was required under statute and has responded to the GOC. Director Ashcroft referred the GOC to two letters. One letter is from the majority and the second from the minority of the Education Committee. Director Ashcroft said she did attend the Education Committee meeting when the GEA Review was being discussed and has reviewed the responses that the President of the Community College System provided to the Education Committee that were meant to specifically address the points in the letter that the GOC had sent to the Committee.

GOC: Rep. Bickford said it was a statement from the Education Committee, but noted all the information was from the Community Colleges.

OPEGA: Director Ashcroft said the Maine Community College was up for its GEA review and as part of that process the Education Committee requested that the Community College specifically address the points in the GOC's letter. The document Rep. Bickford is referring to was prepared by the Community College System and presented to the Education Committee.

GOC: Rep. Bickford said it is not an independent report it is a response from the Community College.

OPEGA: Director Ashcroft referred to the majority letter from the Education Committee which indicated that the majority of the Committee felt comfortable with the responses, overall process and information received from the Community College System and did not feel a program review was needed. The minority letter identifies a couple of areas where they still had additional questions and thought it might be worth a closer look.

GOC: Sen. Nass asked what the original OPEGA concern was.

OPEGA: Director Ashcroft referred the GOC to the letter they sent to the Education Committee. OPEGA had presented to the GOC possible areas of focus for a review of the Maine Community College System based on what they had seen in the request to OPEGA. Some GOC members were particularly concerned about the transferability of credits and accumulating debt. She thinks the Education Committee gave the Community College System the GOC's letter and asked the College to respond to the issues raised.

GOC: Sen. Nass said transferability has been an issue since he has been at the Legislature and asked why it does not go away if there is nothing wrong.

GOC: Chair Hill brought to the GOC's attention an Executive Summary of the Commission To Develop Strategies To Increase Postsecondary Access, Retention And Completion For Low-Wage, Low-Skilled Adults dated January, 2008. Chair Hill was a member of the study group. It met 4 times, great information came before them and based on that, the Executive Summary was written, specifically breaking down what could be done immediately because it did not take any money, what could be done next because it takes a little money and then what could be recommend as the third step when there is money. There was supposed to be a presentation of these results by Sen. Mitchell and herself to both the Labor and Education Committees. But, unfortunately, there was never a time that could be scheduled for that and so she believes nothing ever happened with the information. She said what is interesting is that the same exact issues were brought up then, not by legislators, but by people in the field. Chair Hill gave Director Ashcroft a copy of the Summary for her review.

OPEGA: Director Ashcroft reported that the Education Committee asked her to share her observations with them during their session on the GEA report. She observed that in the GEA Report the Maine Community College System had a nice strategic plan laid out with goals and objectives which also indicated what their performance measures and targets were, but there was nothing in the report that spoke to whether they were meeting their targets. She said that piece was also noted in Sen. Weston's minority letter to the GOC.

GOC: Chair Hill said the Study Group noted in 2008 the lack of, and need to, establish benchmarks and measure results.

GOC: Chair Simpson said what is troubling to her is the data in the response from MCC appears to indicate that students are not prohibited by their debt from Community Colleges from transferring to a four year institution. She said that does not mean that they actually get to graduate, or can afford to finish, and that is the area the GOC was concerned about.

OPEGA: Director Ashcroft said it is not that there is anything wrong with the information in the GEA review, it is just some of the more detailed information the GOC wanted to know has not been addressed.

GOC: Sen. McCormick said the review did talk a lot about students transferring from the Community College System to the University, but the issue of how much people owed at the Community College System was the fact they were taking courses that they thought would transfer but then would not. He thought the GOC had concerns about the catalogue reflecting exactly which courses would transfer and thinks the GOC needs more information on it.

GOC: Chair Hill believes the problem the GOC has is that the majority of the Education Committee thinks what the Community College is doing is good enough. She said that is problematic because the GOC asked Education to look at it, they got their report and were satisfied with the Community College's response. She asked Director Ashcroft what has happened in the past in such situations.

OPEGA: Director Ashcroft recounted that the GOC received a request for a review of the Maine Community College System, decided there were concerns and wanted to hear from the Education Committee. The GOC has heard back from the Education Committee and the GOC now has to decide whether it wants to do anything about an OPEGA review of this topic.

Director Ashcroft refreshed the GOC on what it had requested of the Education Committee. The GOC let the Education Committee know its concerns, asked them to weigh in on whether they had had similar concerns brought before them, and if so, what actions had been taken in response and whether they were interested in having an OPEGA review of any of those areas. If they did, what particular questions or concerns would the Education Committee like to see OPEGA examine. The Education Committee's majority response says they heard the concerns, whatever needed to be done has been done, and does not think an OPEGA review is necessary at this time. The Education Committee's minority response indicates they have heard the concerns, have some additional questions and listed them in their response.

GOC: Sen. Nass said he would like to talk to Sen. Weston about what her concerns were before making a decision.

Motion: That the GOC moves to Table the Responses From Education and Cultural Affairs Committee on the Maine Community College System request. (Motion by Sen. Brannigan, second by Rep. Bickford, PASSED unanimous, 9-0).

Further GOC discussion included:

- GOC: Sen. Brannigan commented that asking policy committees for input in this way could put the GOC in a bind. The Education Committee this session has been extremely busy and maybe the GOC shouldn't be asking anybody's opinion. Since the agencies report to the committees of jurisdiction under GEA and the agencies and committees work together so closely on an on-going basis, maybe it is the GOC's role to override their decisions.
- GOC: Sen. Nass agreed that the Education Committee has been dealing with a lot of bills and thinks the GEA review was a distraction for them.
- GOC: Chair Simpson said her constant complaint about the Legislature is that it spends all its time on bills, legislators go home after finishing the bills and never get back to look at the big picture.
- GOC: Chair Hill agreed with Sen. Brannigan and does not think it is wrong to ask, but it is important in how it is asked. For example, it should be made clear that the GOC is including the Education Committee in our research/investigation and are reaching out for their thoughts, but letting them know their response would not be the deciding factor on a request for an OPEGA review. The Education Committee may feel comfortable but that does not mean that the GOC feels the same based on the information we have. She thinks the GOC has to look at the joint standing committees as part of the big picture and they are just one of the many places the GOC needs to look for information. The GOC should not feel obligated to stop an inquiry because a joint standing committee may be satisfied. She said all GOC members know from the Committees they serve on that there is only so much time and depth that those Committees can probe.
- OPEGA: Director Ashcroft noted that she believes the GOC did ask the Education Committee the question in that way. The GOC was seeking the Education Committee's input, but that would not be an end point.
- GOC: Chair Hill said that she does not feel that the response from the Community College definitively addressed the questions of the GOC even if the GEA review was generally good.
- OPEGA: Director Ashcroft said some GOC members noted that in the Education Committee's response they referenced other material and she would be happy to get it from the OPLA analyst if any GOC members wanted copies of any of that information.

SUMMARIES OF THE FEBRUARY 19, 2010 AND FEBRUARY 26, 2010 GOC MEETINGS

Sen. Nass noted in the draft February 26, 2010 Summary on page 3, that the decimal in \$2,623.253 should be changed to a comma. The amount should be \$2,623,253.

Motion: That the Government Oversight Committee accept the February 19, 2010 Summary as written and accept the February 26, 2010 Summary as amended. (Motion by Sen. Nass, second by Sen. Brannigan, PASSED, unanimous, 9-0).

NEW BUSINESS

Schedule and Process of Following Up on Issued Report

Director Ashcroft said that now would be a good time for OPEGA to go back and follow up on OPEGA Reports where not all the recommendations have been implemented yet. She referred the members to the list of Reports that

OPEGA has continued to follow. Director Ashcroft was looking for input from the GOC on her proposed approach for reporting back to the GOC on these open items and whether the Committee had any preferences about the dates it would want the report backs on each report. She noted that some of the report backs involve OPEGA doing research work to determine what actions have been taken, either by the agency or the Legislature this session. In other cases, she suggested that the GOC might want to ask the Commissioner of the responsible department to come before the GOC and speak to what they have done that addresses the issues in the Report. Director Ashcroft said if the GOC decides it wants to do that, then she could send questions in advance to the Commissioner that would help keep the report back focused on what may be most relevant for follow-up.

Director Ashcroft said other alternatives would be for OPEGA to do all the research work and bring its own report back regarding what the agencies or the Legislature has or has not done.

GOC: Rep. Burns said he would like the follow-up done.

GOC: Rep. Bickford suggested that 2 or 3 follow ups a meeting be done over the interim.

The GOC's comments and questions regarding prioritizing the follow-up report backs included:

GOC: Sen. Nass said the Taxation Committee has worked on the Economic Development Programs in Maine Report and Rep. Cain has a bill to set up a working group. He noted that there is work going on.

GOC: Sen. Brannigan asked if the GOC should wait on the follow-up work on that Report until the working group had completed its assignment.

GOC: Sen. Nass agreed it would make sense for follow-up on the Economic Development Report to have lower priority and wait to see the results of the working group.

GOC: Rep. Bickford recommended that the follow ups go by historical date and go by oldest to newest.

GOC: Sen. Brannigan asked for Director Ashcroft's opinion.

OPEGA: Director Ashcroft said she could prioritize by which Reports would have the greatest impact to the State. One of the top priorities would be the State-wide Information Technology Planning and Management Report. She said it was a large review, was conducted at the time when OIT was just being formed and OPEGA had recognized at that time that the State was transforming to an enterprise-wide approach to information technology. Information Technology issues tend to be expensive and risky for the State and it would be worthwhile for the GOC to hear from the Chief Information Officer, as well as the Internal Auditor who has been assigned to do the IT reviews, on the current status of the highest priority issues raised in that Report. Those issues included how the State chooses what it is going to invest in for information technology. There were a number of issues in the Report that are still very important to be watching because they affect the long term good of the State. There had been some resource issues about getting those items effectively covered.

GOC: Sen. Brannigan asked about MECMS.

OPEGA: Director Ashcroft said MECMS was the highest profile example, but the State has had a number of system developments that have been over budget and/or the systems have not worked the way the State wanted them to when they got them put in. Information technology has historically been an area where responsibilities were split among agencies and so the oversight of what those agencies were doing with their information technology was also split among legislative committees. Director Ashcroft said a lot of the current members of the GOC did not get to hear that Report and probably are not familiar with the issues, but she thinks it is a very timely point to re-engage on how the long term plan is going.

- GOC: Sen. Nass agreed. He mentioned that the Taxation Committee has asked questions about a big system implementation going on within one of the Maine Revenue Services tax systems and they always got the same response - everything is good, they were ahead of schedule and under budget, etc. But it makes people nervous to think there could possibly be another big system collapse like MECMS. He does not know, even as a member of the Taxation Committee, the status of that system.
- OPEGA: Director Ashcroft mentioned that as a result of one of the recommendations in OPEGA's report on IT there was a joint order giving jurisdiction over information technology to the State and Local Government (SLG) Committee. She does not know if that Committee has had a chance to review the status of actions taken on OPEGA's report, but said it might be appropriate for the GOC to invite the SLG Committee when it receives the follow-up briefing.
- GOC: Chair Hill suggested that any member of the GOC who was not present when OPEGA's Report on IT was issued might want to review it. She asked if it was a 5 or 10 year plan for the build out of the technology systems.
- OPEGA: Director Ashcroft said the State did not have such a plan at the time of OPEGA's review. There were some actions that the Office of Information Technology was going to take to create a board that would look at proposed investments in technology and try to make sure they were going to be the most cost beneficial moves to make at any particular time. She does not know how well that is functioning or whether OIT is getting to the point they had envisioned in the transition to an enterprise architecture and centralized IT function.
- GOC: Chair Hill asked if the GOC was in agreement that the State-wide Information Technology Planning and Management Report was a priority for follow up.
- GOC: Sen. McCormick agreed noting he had just learned that DHHS' planned conversion to a new MaineCare claims upgrade or implementation of their management system is now delayed and they did not meet their implementation date.
- GOC: Chair Hill noted that during the PSAP Report discussions it came out that if someone called 911 from a State building the caller's location would show up on the ANI/ALI screen as 210 State Street regardless of which Building the caller was in. The GOC was also led to believe that a relatively inexpensive program could be purchased to correct this situation.
- OPEGA: Director Ashcroft said that Director Jacques had sent an email to Sen. Trahan responding to that issue and the Director had meant to copy all GOC members on that email. She thinks Director Jacques was saying that question should be addressed to Richard Thompson, Chief Information Officer for OIT. If the GOC would like Director Ashcroft to ask that question of Mr. Thompson, she would be happy to do so.
- GOC: Chair Hill said the GOC owed it to the people who work for the State, as well as legislators, to make sure that if an incident happens they can get 911 to them as soon as possible.
- GOC: Sen. Nass thinks it would be helpful to Mr. Thompson for him to know about any specific questions the GOC has ahead of time.
- OPEGA: Director Ashcroft said rather than have the GOC review the whole OIT Report she will prepare a summary of the key issues, and what the recommendations were. She will also prepare a list of questions for Mr. Thompson and will ask him to come to a GOC meeting.

Another review Director Ashcroft thought had priority is the Maine State Prison Management Issues Report. At the time, the issues at the Maine State Prison were of high concern to the GOC. At the last meeting the GOC had been provided the Department of Corrections' status update on their action plan for

dealing with the issues that were raised in OPEGA's Report. She asked Rep. Burns, who is a member of the Criminal Justice Committee, if CJ&PS had an opportunity, or was going to have an opportunity before session lets out, to review the details of that status update with the Department.

GOC: Rep. Burns said the Criminal Justice Committee has not and will not, as far as he knew, have anything scheduled regarding the above.

OPEGA: Director Ashcroft asked if the GOC wanted to have the Commissioner or new Warden come before the GOC with a briefing on the actions DOC had taken and has planned to address the Maine State Prison issues.

GOC: Chair Hill said given the issues the GOC dealt with and the impact it could have on human lives, she felt it is important to have it back before the GOC. The Committee knew one of the most important things on the Report would be follow through. She ranked the Maine State Prison Management Issues Report as high priority.

The other GOC members agreed.

OPEGA: Director Ashcroft said the MaineCare Children's Outpatient Mental Health Services Report may not be high priority, but she wanted to remind the GOC that they forwarded 3 of the recommendations from that Report to the Health and Human Services (HHS) Committee for that Committee's review and decision on what to take for action.

GOC: Sen. Brannigan said he would have to check on the status of that request and that it should be up to other members of the GOC to decide what follow up action to take since he was the Chair of the HHS Committee.

GOC: Chair Hill said there was no harm in making an inquiry to the HHS Committee as to the status of that request.

OPEGA: Director Ashcroft moved to the Fund for a Healthy Maine Program Report noting there were 4 recommendations in the Report – 3 dealt with how to reconfigure or realign the budget. The other dealt with the fact it had been 10 years since the original FHM allocations were made and it may be time to look again at the priorities for the Fund for Healthy Maine resources within the State's current health care environment and its current priorities for public health. The GOC had wanted to refer that recommendation to the HHS Committee. Some GOC members wanted to get before the HHS Committee toward the end of the session to talk about the recommendation so that HHS would be in a position to decide whether to pursue an interim study committee to deal with the recommendation. That has not yet been scheduled and she asked if the GOC wanted her to pursue trying to get some GOC members before the HHS Committee to discuss the recommendation.

GOC: Sen. Brannigan thought Ryan Low, Commissioner, Department of Administrative and Financial Services had said the Fund was under his Department and if that is so, the HHS Committee would not be the Committee of oversight.

OPEGA: Director Ashcroft agreed that was a complicating factor OPEGA noted during the review. It was not clear who had responsibility for the Fund, but that Commissioner Low felt his Department did. The issue OPEGA had raised was that the FHM allocations had stayed pretty much the same for the initial programs that were funded 10 years ago but it is likely, and some had suggested, that the State's health priorities may be different now. It seemed the HHS Committee would be the best one to know how well the current FHM allocations lined up with the State's current health priorities or health plans.

- GOC: Sen. Nass said this topic is a tough one politically because it has such a large group of advocates for it. He would like to see it become a piece of legislation that the GOC submits at the beginning of the next Legislature to a new governor and Legislature, asking for a reaffirmation of the priorities.
- GOC: Sen. Simpson returned to the meeting at this point and reported that the State and Local Government had recently received a report on IT from Mr. Thompson, CIO, prioritizing IT items that need to be done and the status of them. The S&LG sent a letter back to him saying to make sure that the items get addressed in the next budget.
- OPEGA: Director Ashcroft asked if the report was more of a work plan they were investing in or was Mr. Thompson addressing the status of actions that had been taken with regard to the issues identified in OPEGA's IT Report or whether he was facing any barriers in taking the actions that had been planned.
- GOC: Chair Simpson will provide a copy of OIT's Report to Director Ashcroft and at the next GOC meeting she can brief the GOC on whether the current report from OIT provided the kind of information that would satisfy OPEGA/GOC Report follow-up questions.

The Committee moved back to the Fund for a Healthy Maine Programs.

- GOC: Sen. Nass said he believes the Fund for Healthy Maine is a tough issue that the GOC is not going to get any movement on in the next few weeks. He suggested asking the next Legislature and Governor for a reaffirmation of priorities for the Fund for Healthy Maine, and that the GOC submit a concept draft bill that goes into the next session and gets them off and running to look at Fund for Healthy Maine at a fairly high level.
- GOC: Sen. McCormick said, as discussed at a previous GOC meeting, one of OPEGA's Report recommendations was that the Fund be identified within the budget as where the monies are going.
- GOC: Sen. Nass believes that has happened.
- OPEGA: Director Ashcroft said she was not certain if actions had been taken by the Executive regarding the Fund having its own account code. She will find that out and report back.
- Director Ashcroft summarized the GOC's discussion. She said the GOC over the interim may want to discuss whether it wanted to put forward legislation to deal with the recommendations in the Fund for Healthy Maine Report.
- GOC: Chair Hill said the GOC does need to know the status of OPEGA's Report Recommendation before moving forward with any action.
- OPEGA: Director Ashcroft will contact Commissioner Low and find out what may already be in process and report that information back to the GOC.
- GOC: Chair Hill referred back to the IT Report and noted the importance that the Committee hear back from Mr. Thompson regarding the location information transmitted to PSAP for calls received from State Buildings.
- OPEGA: Director Ashcroft said she will probably ask Mr. Thompson to attend a GOC meeting and will figure out what other questions might still be worthwhile for him to address during that briefing.
- GOC: Sen. Nass asked if OPEGA could track what was resulting from Rep. Cain's legislation on Economic Development Programs.

OPEGA: Director Ashcroft said OPEGA would follow that study group. She will also follow up with the BRED Committee and ask whether all the issues had been dealt with in their original legislation and whether they took additional actions during this legislative session that she is not aware of at this time. She will report that information back to the GOC.

Director Ashcroft will prioritize OPEGA Reports follow-ups by which have the most impact to the State and get follow-up briefings for all of them scheduled over the interim.

REPORT FROM OPEGA DIRECTOR

• Project Status Report

Director Ashcroft summarized OPEGA's projects in process.

Special Projects: Assistance to AFA and OFPR – AFA asked a follow up question on contracted services that previously had, or might be, performed by State employees and Director Ashcroft did respond in writing with a copy to the GOC members.

GOC: Sen. Nass said he added up the General Fund impact from the information Director Ashcroft had provided and came up with approximately \$850,000, asked if that was an accurate calculation and if she could quantify the amount.

OPEGA: Director Ashcroft said it was more than \$850,000 and she will provide that information to the GOC.

GOC: Sen. Nass asked who the Maine Math and Science Alliance was.

OPEGA: Director Ashcroft said they are a nonprofit organization set up to advance educators to help make sure students are advancing and excelling in mathematics and science. It is a situation where the Department of Education had been tasked with implementing some new programs by the Legislature and did not have staffing available within the Department so chose to contract with professional staff to help implement those programs.

GOC: Sen. Nass asked who the Executive Director was?

OPEGA: Director Ashcroft said she could not answer that question at the meeting but will get that information for the Committee.

Director Ashcroft explained that the Maine State Employees Association had sent out a survey to its members with some questions regarding the supplemental budget. One of the questions concerned State contracts for services that State employees had, should or could be providing and asked their members to respond to which contracts they felt were in that category. MSEA shared the responses with the AFA Committee and AFA forwarded that information to her and asked how it matched up with what OPEGA had done for work. Director Ashcroft said in the contracts that OPEGA did look at, we did see that kind of thing going on and provided a list of contracts for the services of individuals that had met that criteria. She also let the AFA Committee know that OPEGA noticed instances of the State outsourcing whole functions that one might think belonged in State government because they seemed critical to the actual administration of a program. She gave the example of the Public Consulting Group that runs the call center for MaineCare members to help them get through the eligibility process. It is probably integral to the MaineCare Program, it is a large function and the State is outsourcing it. Director Ashcroft did not know what the AFA Committee intended to do with the information.

Director Ashcroft said that OPEGA has used the 1,000 hours authorized by the GOC for the Special Project. She asked the GOC for permission to continue responding to any legislators that might be working with the information that OPEGA has already provided to AFA.

The GOC gave Director Ashcroft authorization to answer questions from legislators regarding the Special Project.

Medical Services in the Prison System – the GOC authorized the scope of this review and it has been at the fieldwork phase waiting for the other projects to be completed. OPEGA will be resuming work on this topic. Director Ashcroft will review the scope to make sure it is still what makes sense and will bring it back to the GOC if she thinks the scope should be reconsidered before proceeding further.

GOC: Chair Hill suggested that the GOC may want to invite the new Warden to a GOC meeting.

OPEGA: Director Ashcroft said the GOC talked about having the Commissioner of Corrections, and perhaps the Warden, attend a GOC meeting to speak to the status of the Maine State Prison issues.

Maine Turnpike Authority – OPEGA has initiated its preliminary research phase that involves obtaining a general understanding of the organization, legislative history, statutory purpose and responsibilities, organizational structure, basic functions and processes, goals and objectives, finances, prior audits and reviews, and the perspectives of legislators and stakeholders. The goal of the preliminary research is to identify whether there are potential areas that should be examined in more detail and present the GOC with a recommendation on how OPEGA might proceed with any further work.

Director Ashcroft said the Maine Turnpike Authority has been notified that this project is now in progress and that we will be seeking information and interviews.

- **Follow-up on Action Items From Prior Meetings**

This topic was covered in other conversations in this meeting.

- **Update on OPEGA Budget Matters**

Director Ashcroft said that she had spoken with David Boulter, Executive Director of the Legislative Council, regarding the budget recommendation that the Legislative Council has approved to go before the AFA Committee. Her understanding is that the Council's Budget recommendations include \$200,000 of unencumbered balance from OPEGA's available \$290,000 – leaving approximately \$90,000 remaining. It also includes holding open OPEGA's vacant analyst position through the end of FY 10.

GOC: Sen. Nass said relative to the unencumbered balance, we are getting close to the end of FY 10 and asked if that would have been OPEGA's balance at the end of the year.

OPEGA: Director Ashcroft said that is balances from prior years. Holding the position open for FY 10 is a current piece.

GOC: Sen. Nass asked what the Director thought OPEGA's year end balance would be for this year.

OPEGA: Director Ashcroft thinks there may be a balance and had asked Rose Breton from the Executive Director's Office if she could provide a budget to actual variance report that was current. She said in the Personal Services Line – what OPEGA has for variance is related to the vacant position. On the All Other Line – OPEGA had an adopted budget for 2010 of \$122,602 and currently expended is \$49,927 – current variance is under budget by \$72,674.

NEXT COMMITTEE MEETING

Chair Hill asked Director Ashcroft what the GOC was budgeted for meetings.

Director Ashcroft said the GOC was budgeted to meet twice a month during session and during the interim one meeting a month, but thinks there may be sufficient funds if the GOC needed to meet more during the interim.

Chair Hill asked the GOC to think about what day would be best for them to meet during the interim. The GOC agreed that the March 26th meeting should be rescheduled for a time after the legislative session. The next meeting will be scheduled at a later date.

ADJOURNMENT

The Government Oversight Committee was adjourned at 12:20 p.m. on the motion of Sen. Nass, second by Rep. Bickford, unanimous.