SEN. DEBORAH L. SIMPSON, CHAIR
REP. DAWN HILL, CHAIR

MEMBERS:

SEN. RICHARD A. NASS
SEN. JOSEPH C. BRANNIGAN
SEN. BILL DIAMOND
SEN. EARLE L. MCCORMICK
SEN. DAVID TRAHAN
REP. EVERETT W. MCLEOD, SR.
REP. BRUCE A. BICKFORD
REP. DAVID C. BURNS
REP. PEGGY A. PENDLETON
REP. MARGARET R. ROTUNDO

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
May 8, 2009

CALL TO ORDER

ATTENDANCE

Senators:	Sen. Simpson, Sen. Brannigan, and Sen. Nass Joining the meeting in progress: Sen. Trahan Absent: Sen. Diamond and Sen. McCormick
Representatives:	Rep. McLeod, Rep. Pendleton, Rep. Burns, and Rep. Bickford Joining the meeting in progress: Rep. Hill Absent: Rep. Rotundo
Legislative Officers and Staff:	Beth Ashcroft, Director of OPEGA Jennifer Reichenbach, Principal Analyst, OPEGA Etta Begin, Adm. Secretary, OPEGA
Executive Branch Officers and Staff Providing Information to the Committee:	Edward Karass, State Controller Ruth Quirion, Director of Financial Reporting and Internal Audit, Office of the State Controller Marty Magnusson, Commissioner, Department of Corrections Denise Lord, Associate Commissioner, Department of Corrections

INTRODUCTION OF THE GOVERNMENT OVERSIGHT COMMITTEE

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

Chair Simpson asked if there was objection to taking an item out of order. Hearing none, she moved to **New Business.**

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NEW BUSINESS

Director Ashcroft said OPEGA had received a request for a review that involved a number of issues and concerns at the Maine State Prison. OPEGA's first step in the process was to determine if any of the issues should be referred to another State entity to investigate. The allegations of misappropriation of State resources were referred to the State Controller's Internal Audit Division, a couple matters of a criminal nature were referred to the Attorney General's Office and the remaining matters were talked about with the GOC at the last meeting. Two of those topics were put on OPEGA's work plan.

Director Ashcroft said OPEGA's role, in addition to the work it has performed on some of the concerns, has been to track and monitor what action is being taken on the issues referred to other entities. She said she appreciated the level of cooperation from those involved and is comfortable with the actions that have been taken thus far. She emphasized for those who brought the concerns forward, that all have been taken seriously by all parties involved.

Director Ashcroft introduced Edward Karass, State Controller to speak on the issues reviewed by his Office.

- **Update From State Controller on Investigation Into Allegations at Maine State Prison**

  Controller Karass reported that the Office of the State Controller has been working at the Maine State Prison since the fall of 2008, at Commissioner Magnusson's invitation, to look at a program he felt was not functioning as it should. When OPEGA received allegations regarding the Prison, the Attorney General's Office, OPEGA and the State Controller's Office met to discuss which issues each office would follow-up on.

  Controller Karass said his Internal Audit Department reviewed the allegations that involved the potential misuse or misappropriation of State resources. He reported that each of the specific allegations was pursued, including interviewing a number of individuals who had brought information forward to OPEGA. Controller Karass reported that the allegations investigated by his Department were deemed ultimately to be unfounded or not substantiated by any first hand information or other evidence. They did not find any abuse of resources or any equipment missing, although they did learn of some situations that may have been misperceived by some employees.

  Controller Karass provided the GOC with copies of his correspondence dated April 24, 2009 to Commissioner Magnusson informing him of the State Controller's findings on the allegations and proceeded to brief the GOC on the details of the allegations and findings as described in this document.

  The Government Oversight Committee members' concerns and questions included the following:

  GOC: Sen. Trahan asked if the Prison was going to establish policies regarding old equipment and other items being removed from the grounds that are no longer of use to the Prison and not wanted by State Surplus. He also asked if the Warden reimbursed for the work he had done at the time the work was done. Sen. Trahan would like to see policies in place that would ensure there would be transparency.

  A: Controller Karass said the reimbursement by the Warden was paid when the work was done.

  Director Quirion referred the GOC to the report provided by the Controllers Office and said recommendations had been made in several areas. These recommendations included implementing written policies for disposing of Prison property, improving inventory management policies, and implementing a written policy for employee personal use of equipment. The Controller's Office does have concerns about the Prison allowing its employees to participate in the Prison Industry Programs. They have made a recommendation that management consider either not allowing employees to participate in the Programs, or at a minimum, to implement measures ensuring that all customers are treated equitably and all business is carried out in an arms length manner.

GOC: Rep. McLeod asked how the Inmate Fund generated revenue.

A: Director Quirion said it was her understanding that it is a non-State account, meaning the activity does not flow through the State's accounting system. The Department of Corrections manages the fund internally and it is funded primarily from commissions received on the vending machines and telephone calls. The funds are deposited into the account and she believes the account funds are intended to be used for programs that benefit the inmates.

GOC: Sen. Nass asked if the Warden lived at the Prison.

A: Commissioner Magnusson said the Warden lives in Thomaston in a house owned by the State that is near the location of the old prison.

GOC: Sen. Nass has concerns about the Warden having any work done at the Prison.

Rep. Burns asked what the items were that State Surplus did not want and were removed by the Prison employee.

A: Director Quirion said it was old farm type equipment, lawnmowers, and snow blowers that State Surplus did not want. State Surplus, however, did instruct the Prison how to bid the items out. The Prison did bid the items out and, when the process was complete, the bid was awarded to an employee of the Prison.

GOC: Rep. Burns asked about the Cars Behind Bars Program and to what extent Prison employees were involved.

A: Controller Karass said he would be happy to come back in the next couple of weeks and talk to the GOC about the Cars Behind Bars Program, but at the present time, his Office is still in the process of finalizing that audit.

GOC: Sen. Trahan asked whether there would be a legislative committee receiving information and updates on the progress made in implementing the new policies and procedures recommended by the Controller.

A: Controller Karass said that he believes Commissioner Magnusson will move forward with making whatever changes he feels necessary. The Controller's Office is available to provide assistance to him and it should be Commissioner Magnusson and his policy committee who determines what the best report back method is.

The Government Oversight Committee thanked both Controller Karass and Director Quirion for the information they provided.

Director Ashcroft is tracking the work being done on the allegations related to the theft of time issues still in progress.

Director Ashcroft then briefed the GOC on an allegation she had referred to the Attorney General's Office. The allegation was that an inmate had died as the result of a beating from a Prison guard and that the cause of death had been covered up. OPEGA had received this allegation, in slightly different forms, from two different sources. Both were referred to the AG's Office and it was determined that they were the same situation.

OPEGA met with William Stokes, Deputy AG and Chief of the Criminal Division, and Lieutenant Gary Wright of the Maine State Police Criminal Investigation Division. Deputy AG Stokes looked into this same allegation when it surfaced in 2004 and found it was related to an inmate's death that occurred at the Prison in 1988. His work included reviewing the file of the extensive investigation that was conducted at the time of the inmate's death by the Department of Corrections and the Maine State Police.

Deputy AG Stokes and Lt. Wright reviewed the investigation file again as part of their work on the allegation that had been forwarded to the AG by OPEGA. Lt. Wright had now reviewed with OPEGA the documentation contained in the investigation file, the result of Deputy AG Stokes' assessment in 2004, and the result of the recent work done by Lt. Wright. They concluded from reviewing the initial investigation and from the additional exploration done since then,

that the allegation was false. There was an inmate that was transported to the Augusta Mental Health Institute and subsequently to Maine General, where he passed away. The AG's Office found the other pieces of the allegation to be unsubstantiated and did see evidence that this matter was thoroughly investigated in 1988. Director Ashcroft commented that it appears this allegation is a rumor that continues to circulate and has resurfaced on several occasions over the years. Nonetheless, the AG's Office passed on the information received from OPEGA to the Maine State Police Criminal Investigation Division and they are researching to determine whether there is any new information on the case that should be investigated further. Director Ashcroft finds it a bit concerning that the rumor continues to circulate and come back up every few years. She hopes that this latest round of work will serve to put the allegation to rest so that no more additional State resources get spent on trying to determine whether the allegation is valid.

The GOC's questions and comments included:

GOC: Sen. Nass asked if a closure letter from the investigating departments is sent out stating their findings in investigations like this as a way to finally close a case.

A: Director Ashcroft said Lieutenant Wright is finishing up his work and will be drafting a letter. She will follow up to see if that letter may be able to be made public.

- **Project Direction Recommendation Statement – Maine State Prison Management and Working Condition Issues**

Director Ashcroft described for the GOC OPEGA's process for a review and what step in that process this review was on. She then referred the Committee to OPEGA's Recommendation for Project Direction on the Maine State Prison Management Issues in their notebooks. She briefed the GOC on the contents of that document which included a description of the preliminary work OPEGA performed, a summary of the results to date and OPEGA's recommendation for whether and how to precede with a more detailed review.

Director Ashcroft said that, in OPEGA's opinion, assuring that effective avenues for reporting and resolution of concerns exist and are truly supported by the culture is critical to reducing the State's exposure to liabilities and risks inherent in the operation of a maximum security correctional facility. Based on the results of preliminary work, OPEGA recommends that the following questions be further explored to assure that unacceptable situations experienced or observed by Prison staff will be promptly reported and appropriate and timely action taken.

The questions are:

1. What changes should be made in the environment/culture at Maine State Prison to fully support the following as regards to violations of significant policies and procedures, inappropriate treatment of staff and inmates and other misconduct regardless of who may be the subject of the charges:
    - prompt reporting;
    - timely, appropriate and consistent response;
    - appropriate, consistent and effective action and resolution of the concern?
2. What improvements should be made to the avenues available for staff to raise concerns to assure that: staff can utilize them without intimidation or fear of retribution; there is timely, appropriate and consistent response and resolution; and there is sufficient record of the concern and actions taken to resolve it? Should additional avenues be established?
3. Have staff experienced or observed situations that have not previously been reported or properly addressed, or that staff perceive have not been fully and properly addressed, which management should take action on or communicate about?

OPEGA also presented, for the GOC's consideration, two possible options for addressing these questions. The first option is for OPEGA to continue its independent work to answer these questions, preferably with the assistance of a consultant that has background in organizational culture and development as well as experience with a correctional or other paramilitary environment. The second option is to allow the Department of Corrections to address these questions in continuing the cultural change work it has initiated in a more deliberate, coordinated and accelerated fashion. OPEGA, the GOC and/or the Criminal Justice and Public Safety Committee would receive periodic updates from the Department on the status of its cultural change efforts and the results achieved. In this way, the Department would be held accountable to pursue necessary change.

Questions and comments following Director Ashcroft's briefing included:

GOC: Sen. Brannigan asked if OPEGA looked at the union structure, and its function in addressing concerns.

A: Director Ashcroft said OPEGA did obtain a high level of understanding of the union's grievance process. What OPEGA heard, led us to believe that the grievance process may not be completely effective as an avenue to report concerns because there may be situations that sometimes interfere with the union representatives being willing to support an employee filing a report or a grievance and/or potentially some situations where the union does not want to rock the boat by bringing those things forward. Director Ashcroft said OPEGA did not validate that these situations are actually occurring but rather heard descriptions that suggested they might be at play.

GOC: Sen. Trahan said he preferred OPEGA being the lead on following up on the issues raised in the review and recommendations, since they were an outsider and independent of management.

A: Director Ashcroft noted that Commissioner Magnussen had described actions that would involve bringing in an external party to assist the Department of Corrections and also using tools they have used successfully to change culture at other institutions.

Chair Simpson recognized Commissioner Magnusson.

Commissioner Magnusson noted that the Maine State Prison had been accredited by the American Corrections Association and, in fact, had received one of the highest scores that ACA had ever given. ACA auditors said it was the cleanest, quietest facility they had seen and that they had not been in a facility in more than a year that had better communication between staff and inmates. ACA auditors had also praised the mental health unit saying they had not seen such a unit within a correctional facility that functioned as well as at the Maine State Prison.

Commissioner Magnusson described the challenges they have had at the Prison including:

- within two months of opening going from 60% capacity to full at the new Prison; and
- large numbers of correctional officer vacancies which has led to substantial overtime and subsequently poor morale.

He said the Department formed a Recruitment Retention Committee and the Prison has now reached almost full employment although they will be losing 16 officer positions when the new fiscal year begins. The Commissioner says he is also hopeful that employees will be able to get more days off when the Prison moves to 12-hour shifts. Although that upcoming change has not been popular with Prison staff, it has worked well at other Department of Correction facilities.

Commissioner Magnusson believes there are culture problems at the Prison and said the Warden asked him four years ago to bring in a consultant from the National Institute of Corrections. The consultant that was brought in is considered one of the best in the country regarding prison culture. She visited the Prison on two separate occasions to work with staff on all levels. The Commissioner said there had been initial

improvements of the culture and morale at the Prison after that, but because of more time being spent on overcrowding and budgets, the initiative lost its momentum. He realizes there are staff in the management level at the Prison that do not get along and thinks it impedes communication within the management structure. The Commissioner would like to bring that consultant back to work first with the management team. He also thinks there needs to be a review of the organizational structure and reporting relationships within the unit management approach they have been using. In regards to addressing the good old boy system, the Commissioner says there has been some work done to change the promotion process by incorporating more objective criteria into selection decisions that he wants to see continue.

Both the Commissioner and the Warden agree that the communication and culture at the Maine State Prison is not as good as it can be, and they are committed to keep working on it.

The following questions and comments followed Commissioner Magnusson's presentation:

GOC: Rep. McLeod asked if overtime would have to be paid on the 12-hour shifts, i.e. did union contracts require overtime pay after 8 hours.

A: Commissioner Magnusson said after 8 hours, the Department has to pay overtime. Currently, correctional officers at the Prison are working a 42-hour work week in 8-hour shifts. In other institutions where the 12 hour shifts have been implemented, overtime has been cut down.

GOC: Sen. Brannigan noted that the Prison will not be able to double shift any longer and that has been a big problem for employees at the Prison.

A: Commissioner Magnusson knows they cannot do two 12-hour shifts. In the other institutions, the few times that an officer had to work an extra shift the employee has stayed for 4-hours.

Associate Commissioner Lord said that going to the 12-hour shifts allows the creation of a relief pool so that, for overtime, we are not pulling from the people who are scheduled to work that shift, we have a relief pool we can pull from.

GOC: Rep. Bickford asked whether the unions were involved in the changes being implemented at the Prison.

A: Commissioner Magnusson said the union stewards worked with the Department in implementing the 12 hour shifts and AFSCME represents correction officers.

GOC: Sen. Trahan thanked Commissioner Magnusson for his commitment to resolving the issue in a non-confrontational way and was interested in what the Commissioner proposed for actions.

Rep. Burns said working at a correctional facility or prison is the most difficult environment to work in and although it may have something to do with the culture it has more to do with the risk involved, responsibilities required and the day-to-day efforts to follow procedures. He would like to see OPEGA stay involved and the Department of Corrections, under the Commissioner, follow OPEGA's Recommendation #2 to include the expert consultant being brought back and with report backs to both the Criminal Justice and Public Safety Committee and OPEGA.

Sen. Nass said there needs to be awareness of these issues in the public and the Legislature needs to be more involved. He does not want to interfere with the Criminal Justice and Public Safety Committee, but would like to keep OPEGA involved.

Rep. Pendleton asked what effect mental health issues have on the culture and what is happening at the Prison.

A: Commissioner Magnusson said that mental health is a huge problem with the correctional facilities. Approximately 50% of the inmates at the Prison are on some type of psychotropic medication. A large number of inmates have a high level of mental illness. The Prison has a 32 bed mental health unit, but they do try to mainstream the inmates with mental illness into the regular population. It is only the very acute that are in the mental health unit.

GOC: Rep. Pendleton asked if Riverview still had a forensic unit.

A: Sen. Brannigan said they do.

Commissioner Magnusson said the Prison does not typically transfer inmates to Riverview from the Corrections Department and are instead providing the care within their system. He said Riverview is designed to be a treatment hospital and not a corrections forensic unit, i.e. Riverview does not have the level of security needed and which the prison has.

The GOC thanked Commissioner Magnusson for attending the meeting and providing information.

Chair Hill recognized Sen. Gerzofsky, Chair, Criminal Justice and Public Safety Committee.

Sen. Gerzofsky thanked Director Ashcroft and OPEGA for being so thorough in reviewing the issues and the Committee gave their total support for OPEGA reviewing these issues. Sen. Gerzofsky noted that the Criminal Justice and Public Safety Committee also takes its oversight responsibilities seriously and would like to stay involved.

The Committee thanked Sen. Gerzofsky.

Director Ashcroft commented that several GOC members seemed to be expressing support for OPEGA's second option which states that OPEGA will have some role in following the Department's actions and bringing feedback about these actions to both the Criminal Justice and Public Safety Committee and the GOC. If that is the option the GOC prefers, OPEGA will work out the rest of the details with the Department of Corrections and Criminal Justice Committee and report back to the GOC at its next meeting on the specifics.

Motion: The Government Oversight Committee directs OPEGA and the Department to proceed with the second option described under OPEGA Recommendations in the Project Direction Recommendation Statement and report back to the GOC on specifics at its next meeting. (Motion by Rep. Burns, second by Rep. Pendleton, PASSED, unanimous vote).

SUMMARY OF THE MARCH 27, 2009 MEETING

That the Meeting Summary of March 27, 2009 be accepted as written.

NEW BUSINESS con't

- **Communications Received From Legislative Committees**

Director Ashcroft reviewed for the GOC the letters received from legislative committees and a delegation requesting OPEGA reviews.

- **Committee on Insurance and Financial Services** requested an evaluation of the Dirigo Health Agency referencing the attached amendment to LD 1003 which they had voted ought to pass as amended. It is a topic the GOC had already considered via a legislator's request and had put on the "On Deck" list of topics that the Committee ranked. The amendment did modify the language in the original bill and the Committee encouraged the GOC to put the topic on OPEGA's work plan.

Chair Hill asked what language had been changed in the Resolve. The Director said the Insurance and Financial Services Committee had asked for her input on how the Resolve should be amended to address the GOC's concerns about passing legislation that directed the use of OPEGA resources. Director Ashcroft said as a result the language was changed to authorize rather than require OPEGA to conduct a review. This is similar to how it was handled back in 2005 when the Appropriations and Financial Affairs Committee had put language in the budge to require OPEGA to review the Economic Development Programs. Insurance and Financial Services Committee had also changed the language and date on the report back based on her input.

Sen. Nass said the topic is under discussion at the federal level and wondered whether the State should devote resources or time to it. He was interested in knowing why the Insurance and Financial Services Committee felt the review should be done right away. Director Ashcroft said the amendment had also made some changes to the scope of work desired. It appears they are now looking for some cost benefit analyses regarding Dirigo that may be relevant to decisions they are seeking to make about the Program. The scope also still includes a review of whether the agency is working in line with the purpose that was established in statute, whether the expenditures seem necessary to support those efforts. Those questions may be above and beyond what is going on at the federal level as regard to policy.

Chair Hill said she still had concerns with Section 3 of LD 1003 "Report, Resolved: That the Office of Program Evaluation and Government Accountability shall submit any findings ….. no later than January 31, 2010" and asked if the GOC could get clarification on that language. Director Ashcroft believes they amended the language to include a report back to the GOC so as to stay consistent with OPEGA's reporting requirement that exist in Statute.

Chair Hill asked for the status of the Resolve.

Sen. Nass asked if the LD was open for amendment and whether the GOC felt it should try to amend it.

Committee members spoke of their concerns regarding legislation being introduced requesting an OPEGA review and that it was not the proper process for requesting a review. Chair Hill will speak with Chair Simpson about meeting with the Chairs of the Insurance and Financial Services Committee about the proper procedure for requesting an OPEGA review.

- **Committee on Labor** requested a performance audit of the Governor's Training Initiative. The Program was created in 1996 and is an economic development incentive program dedicated to promoting training and skill development for employees of companies intending to locate, retool, or expand in Maine. The Program is administered by the Department of Labor and Department of Economic and Community Development jointly. The request is to look at the criteria used to select companies to include in the training and to determine whether the training is in the best interest of the State.

  Director Ashcroft noted that the GOC's "On Deck" list already included a place holder for an economic development program review with that program yet to be selected. The Governor's Training Initiative could be a contender for that position.

- **Letter from Senators Mitchell, Marrache and McCormick** requested a review of the Public Safety Answering Points (PSAPs) for Kennebec, Cumberland and Penobscot Counties. The issues included: Cost structures for PSAP and dispatch; coverage for rural communities, especially in Kennebec County; connection between dispatch services and PSAPs; efficiency and effectiveness of multiple, unconnected dispatch centers to the consolidated PSAPs; original projected cost savings compared to actual savings; dropped calls and missed dispatch connections, resulting in potential public safety issues; and an assessment of the impact of consolidation on Kennebec County and other counties where towns elected not to participate in the regional PSAP.

  The GOC talked about the problems and the cost of the PSAPs and the Emergency Services throughout the State. Chair Hill asked for clarification of which four PSAPs are under the Department of Public Safety. Director

Ashcroft will get that information for the Committee. GOC members will decide what action it will take on the request later in today's meeting.

RECESS

The Government Oversight Committee recessed at 11:58 a.m. on the motion of the Chair Hill.

RECONVENED

Chair Hill reconvened the meeting at 12:40 p.m.

OPEGA FINAL REPORT

- **MaineCare Children's Outpatient Mental Health Services**

  - **Committee Work Session on Report Recommendations**

    Given the time of day, Director Ashcroft had requested that MaineCare Children's Outpatient Mental Health Services be postponed until the May 22nd meeting so that the GOC would have time to discuss and make decisions on OPEGA's work plan. Chair Hill asked if anyone objected to the request. Hearing none, this item was not discussed.

Chair Hill asked if there was objection to taking an item out of order. Hearing none, she moved to **Report From OPEGA Director.**

REPORT FROM OPEGA DIRECTOR

- **Project Status Report**

  Director Ashcroft said OPEGA has three projects in progress which include:

  - **Durable Medical Equipment and Medical Supplies Purchased Through MaineCare** – This is in the fieldwork phase. OPEGA has completed data analysis and is now following up on questions raised by that analysis. A final report on this review is expected to be issued July 24, 2009.

  - **Fund for Healthy Maine: Programs, Allocations and Expenditures** – This is also in the fieldwork phase where four of the more substantial programs being funded by the Fund for a Healthy Maine are being reviewed in more depth for their goals, performance measures, costs and items related to effectiveness and efficiency. Work on one of the four programs is experiencing some delays due to limited availability of a key individual in DHHS and OPEGA is continuing to work with that individual to resolve those issues. OPEGA plans to issue a final report on this review on August 28, 2009.

  - **Maine State Prison: Management Issues** – Earlier in today's meeting OPEGA issued its project recommendation statement on this project.

- **Proposed Legislation With Impact to OPEGA**

  The GOC had requested the status of LD 1003 talked about earlier in today's meeting. Director Ashcroft said the Resolve has been voted ought to pass as amended by the Insurance and Financial Affairs Committee, but has not been reported out of Committee yet.

  LD 696 requiring that OPEGA do an audit on abandoned bottle deposits was scheduled for work session in the Business, Research and Economic Development Committee that afternoon.

- **Update on Budget Matters**

Director Ashcroft said OPEGA's FY 09 budget is $981,663 and expended through the end of March, 2009 was $522,309.83, leaving an unspent amount of $459,353.17. She believes that most of the money in the Personal Services category will be spent and the use of funds in the Professional Services-Not By State line will depend on what the GOC puts on OPEGA's work plan. Director Ashcroft said at the Legislative Council's Budget Subcommittee meeting on Wednesday, the Subcommittee voted in the GOC's recommendation of reducing OPEGA's All Other budget by approximately $46,000 in FY 10 and approximately $45,000 in FY 11. They also voted to reduce OPEGA's consulting budget to a level of $50,000 for both FY 10 and 11 with the understanding that OPEGA would possibly have balances remaining from FY 09 that could be carried forward if necessary.

UNFINISHED BUSINESS

- **Workplan Development –Topic Selection**

- Results of Committee Rankings of Proposed Topics

Director Ashcroft said OPEGA received ranking sheets back from 9 of the GOC members.

Sen. Nass asked how many reviews could OPEGA do. Director Ashcroft said if the GOC was going to do a one year work plan it would be 2-3 topics in addition to what already is in process. If the Committee would like to do a more extended plan the number would be 5-6 topics, leaving room to keep considering new items.

Chair Hill expressed her interest in having a flexible work plan so that topics that come up that are very important could be moved on to the work plan. She gave the recent work on Maine State Prison as an example noting that within a month or so from the time it came into OPEGA, quite a bit of work was done on it and the Department of Corrections is now going to take on responsibility for addressing concerns with OPEGA being in an oversight role. There seems to be the possibility of having more projects moved to the work plan because they always won't turn out to be a large investment of time until a more detailed scope is defined and there may be other opportunities, like the Maine State Prison project to get corrective action underway without OPEGA having to spend too much time on it.

Sen. Trahan cautioned that moving in a direction that kept OPEGA's scope of work limited may reduce the benefit the Legislature could get from OPEGA's work. He thought the GOC should be very careful and only take this approach on a case-by-case basis.

Chair Hill asked how early in the process does OPEGA get an idea of the scope of a project. Director Ashcroft said that for some topics, the scope is clear fairly early in the project. Other times fairly extensive preliminary research is needed to determine what the real risks are that should get detailed review. OPEGA has not done preliminary research, like what was recently done on the Maine State Prison, on any of the other topics listed for consideration except for the economic development topics.

Chair Hill asked if Director Ashcroft could provide a time line for a review on the topics and the Director said she would try to do that.

Rep. McLeod said his decisions on some of these topics would be influenced by the potential to impact the budget, not only for the next biennium, but for long term.

Director Ashcroft referred members to the list of topics in their packet noting the list included possible areas of focus for each topic and additional information that may include some sense of the dollar magnitude and, if known, the funding source.

Chair Hill asked Director Ashcroft to flag for the Committee areas that the consulting fund could be used for if the GOC wanted to expand the work it believed to be important.

Director Ashcroft said that for any of the projects OPEGA starts, an initial amount of work is done and then OPEGA returns to the GOC and makes its recommendations on the project direction. At this point, the GOC will have an opportunity to decide whether or not to proceed with a review. She said the purpose of OPEGA having a work plan is:

- For OPEGA to know what is ahead of it so that scheduling can be done in the most effective and efficient way possible to get the work done.
- To allow departments and agencies to have some heads up that OPEGA may be coming in.
- To allow OPEGA an opportunity to have dialog with policy committees about what their concerns may be regarding topics to be reviewed.
- To give OPEGA an opportunity to decide whether a consultant could be used or whether there were possibilities of partnering with another State office.

Chair Hill said she would like to see flexibility in the work plan as new matters come up or matters become a higher priority. If the consulting fees allow the broadening of research and auditing, then the GOC should be looking to use them because the topics currently "On Deck" all have importance and should not sit on the work plan for several years.

The GOC moved to the letter from Senators Mitchell, Marrache and McCormick requesting a review of the Public Safety Answering Points.

Sen. Nass reported that he had spoken with Anne Jordan, Commissioner of the Department of Public Safety, regarding PSAPs. He said the Commissioner is underway with her investigation, but it is progressing slower than expected.

Director Ashcroft said she received information from Janet Richards, Assistant to Commissioner Jordan, regarding the four dispatch centers operated under the Department. They are located in Gray, Augusta, Orono and Houlton. The PSAPS mentioned in the letter are referred to as Kennebec County, Cumberland County and Penobscot County. We assumed that the Center in Augusta, since it is the only one authorized in Kennebec County, is the one being referred to in the letter, but we need to clarify exactly which PSAPs in Cumberland and Penobscot Counties.

Director Ashcroft said she had been contacted by a consultant with experience conducting operational reviews of dispatch centers in other places in the country. He shared with the Director issues they have seen come up and some are related to the inter-governmental nature of the services being provided. Even if the Commissioner identifies that some of the same issues are affecting these PSAPs, the Commissioner may not be in a position to effectively address them.

Chair Hill asked for clarification of whether the Augusta PSAP was the only PSAP in Kennebec County. Director Ashcroft said that is the only PSAP authorized by the Public Utilities Commission to be supported by the E-911 fees that are collected from rate payers.

Chair Hill also said although in the letter the Senators referred to Kennebec County, their request involves an in depth program evaluation, not only for Kennebec County, but for the consolidated PSAP's systems and services. Director Ashcroft said she believed that to be true. The Committee asked the Director how she may proceed if assigned this review.

Director Ashcroft said OPEGA's first steps would include getting an understanding of what has gone on with the rate structure and with the PUC's involvement in setting those rates. She would also talk with the Department of Public Safety to find out what their efforts have been. OPEGA would report back to the GOC on whether it

believes any of the items are getting covered to any degree in any of those efforts and would give the Committee more information about what the scope of the review might be.

Director Ashcroft said the consultant she spoke with appeared to have knowledge of how PSAPs work, and at the very least, may be able to direct OPEGA on what they should be looking at and the data needed. It would give OPEGA a quick leg up, to have someone help design the work and act as a lead on the project with OPEGA doing the work. Director Ashcroft believes the Senators' request is broader than what Commissioner Jordan is currently looking into but the Commissioner may be aware of issues and be able to provide input to the OPEGA review. In short, OPEGA's first steps would be to try to understand what is already being worked on and the degree to which it is being worked on.

Rep. McLeod said there are communities in the State of Maine that never did participate in PSAPs because they were concerned of the costs and how well they were going to function. He would not want to see a further consolidation of PSAPs if that concept is not working now.

The GOC asked for Director Ashcroft's guidance and she said it would depend on whether the GOC felt they needed more information before deciding whether or not it is a topic they want to put on OPEGA's work plan. If the Committee thinks an OPEGA review of the topic would be beneficial, she would recommend that the GOC put the item on OPEGA's work plan. OPEGA would do its customary preliminary work and report back to the GOC with a recommendation about whether they should proceed further with a detailed review. If the GOC decides it would like more information on other efforts being directed at PSAPs before it decides on the benefit of an OPEGA review, then the GOC can ask OPEGA to get more information for the GOC before it makes its decision. Voting it "On Deck" would mean it is on the list and at some point, the GOC will consider the request among all the other topics to put on OPEGA's work plan which is the point the GOC is really already at.

Sen. Nass said that PSAPs will be talked about for years, it is a big mess and recommended that the PSAPs review request be put "On Deck".

Motion: That the Government Oversight Committee moves the Public Safety Answering Point (PSAP) and the emergency dispatch services review request "on deck". (Motion by Sen. Nass, second by Rep. McLeod, PASSED, unanimous).

The GOC asked if Director Ashcroft had information on the difference between PSAPs and emergency dispatch services. Director Ashcroft said OPEGA did research previously on the cost issue of PSAPs for the 123rd GOC. In the process of understanding how the rates were set, OPEGA learned that the answering of the calls and the dispatching of people to respond are two different services and for some municipalities the PSAP, the Augusta Regional Center for example, provides both services. They answer the calls and they dispatch someone. For other entities, they answer the call, they communicate about the call to a separate dispatch center and that municipality then dispatches the appropriate emergency response unit. Depending on whether they get one service or both also affects the fee they pay to the Regional Augusta Call Center.

Chair Hill asked the difference between the PSAP and a dispatch center. Director Ashcroft said the PSAP is where the calls come in to. Sen. Nass said PSAP is an electronic function and paid for by the E-911 charge on telephone bills. The dispatching is a separate function.

Director Ashcroft said if OPEGA is going to do preliminary work on the topic with the goal of coming back to the GOC with a recommended scope for this review she would prefer that the Committee move it to OPEGA's work plan.

Motion: That the Government Oversight Committee moves the Public Safety Answering Point (PSAP) and the emergency dispatch services review request to OPEGA's Work Plan. (Motion by Rep. Bickford, second by Sen. Nass, PASSED, unanimous 11-0).

Rep. McLeod asked the Director if she would be able to have information for the GOC at its next meeting as to when OPEGA could begin its work on the PSAP review. He has concerns because this involves public safety. Director Ashcroft said OPEGA will do initial interviewing and gather information over the next couple of weeks and will be in a better position to provide the GOC with information.

Director Ashcroft then referred the GOC to the letter received from the Labor Committee requesting an audit of the Governor's Training Initiative which is an economic development program and OPEGA had gathered some data on it in its previous economic development review. The program involves approximately $1 million a year in General Fund money. She said the request would fall within the Economic Development Programs topic on the GOC's list of topics to be considered. Rep. Bickford said he is a member of the Labor Committee and did not remember that the request was from the full consensus of the Committee, only that some members of the Committee were very excited about killing as much as they could of the Governor's Training Initiative and that is the reason it got hit hard in the budget. Director Ashcroft asked if it has any funds in the budget under the current proposals. Rep. Bickford said although he did not remember the exact amount, it was reduced substantially to instead fund the programs for the blind and visually impaired. Director Ashcroft will get further information on the status of that program so the GOC will know the potential value of looking at that program versus others.

The GOC discussed the Ranking of Topics.

Beverage Container Recycling (Bottle Bills) - Sen. Nass said the Business, Research and Economic Development is discussing conducting a study and not sure OPEGA has a place in that process yet. Director Ashcroft will follow-up with the OPLA Analysis for BRED to get more information for the GOC prior to making a decision on this topic.

Maine Turnpike Authority –the following motion was made.

Motion: That the Government Oversight Committee moves the Maine Turnpike Authority on to OPEGA's Work Plan. (Motion by Rep. Burns, second by Rep. McLeod, PASSED, 10-1).

The GOC talked again about the Dirigo Health Agency request and some members expressed that it should be moved up on the list of topics along with Economic Development Programs. It was agreed to hold on making further decisions on the Dirigo Health Agency topic until next meeting when there would be additional information about the status of LD 1003.

Rep. McLeod commented that he liked the previous suggestion that when the GOC assigns topics to OPEGA's work plan it keep some flexibility in their work schedule so if an emergency review should arise, it will be able to be worked into OPEGA's schedule.

NEXT COMMITTEE MEETING

May 22, 2009, 9:30 a.m.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 2:08 p.m. (Motion by Chair Hill, unanimous).