



SEN. ROGER J. KATZ, CHAIR  
REP. DAVID C. BURNS, CHAIR

MEMBERS:

SEN. MARGARET M. CRAVEN  
SEN. LAWRENCE BLISS  
SEN. EARLE L. MCCORMICK  
SEN. NANCY B. SULLIVAN  
SEN. DAVID TRAHAN  
REP. DONALD E. PILON  
REP. ANDREA M. BOLAND  
REP. JOYCE A. FITZPATRICK  
REP. LESLIE T. FOSSEL  
REP. STEPHEN D. LOVEJOY

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

**MEETING SUMMARY**

**March 4, 2011**

**Accepted June 24, 2011**

**CALL TO ORDER**

The Chair, Sen. Katz, called the Government Oversight Committee to order at 9:40 a.m. in the Burton Cross Building.

**ATTENDANCE**

Senators: Sen. Katz, Sen. Craven, and Sen. McCormick  
Joining the meeting in progress: Sen. Bliss and Sen. Trahan  
Absent: Sen. Sullivan

Representatives: Rep. Burns, Rep. Pilon, Rep. Fossil, Rep. Fitzpatrick, and Rep. Lovejoy  
Absent: Rep. Boland

Legislative Officers and Staff: Beth Ashcroft, Director of OPEGA  
Wendy Cherubini, Senior Analyst, OPEGA  
Etta Begin, Adm. Secretary, OPEGA

**INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS**

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

**SUMMARY OF THE JANUARY 28, 2011 GOC MEETING**

Chair Katz asked Director Ashcroft what action the GOC was expected to take regarding the Meeting Summary. Director Ashcroft said it has been past practice for Committee members to review the meeting summaries to make sure OPEGA has accurately reflected what occurred before the summaries are posted on the website. She noted the GOC did not receive this Summary in a timely manner to review in advance of this meeting. She suggested that members take a few days to review it and let her know if they have changes.

**NEW BUSINESS**

There was no new business.

## UNFINISHED BUSINESS

- **Discussion on Selecting Next Projects for OPEGA Work Plan** (On Deck List and New Topics for Consideration)

Director Ashcroft referred the GOC to the spreadsheet in their notebooks, showing the compiled scores for each topic that had been calculated from the rankings provided by individual members. The topics were sorted by the average ranking with highest average rankings at the top.

Chair Katz asked the Director to go through the first 5 or 6 topics on the list and give an estimate, from her perspective, of the time commitment of each.

Director Ashcroft said she thought the work on **Cost Per Prisoner in the Department of Corrections, Child Development Services (CDS), Certificate of Need License, BETR & TIF Overlap** and **BETR & BETE** could be scoped narrowly at first. OPEGA could potentially be in a position to report information on those topics back to the Committee before the end of session with the idea that the GOC could then expand to additional questions if that seemed worthwhile at that time.

**DDH Contracted Service Providers** would require the GOC to have a more thorough discussion about what they are most interested in so the review could be scoped down. This would undoubtedly be a longer review for OPEGA to complete regardless of what the question was. She noted that OPEGA has done several reviews involving various DHHS contracts in the past.

Director Ashcroft said **Efficiency Maine** would be a larger review and not one that she could promise to have back before the end of the session.

**Customer Service at Maine Revenue Service** currently was focused on how the auditing functions are conducted with auditees. OPEGA would have to send a survey out to or conduct interviews with those who have actually been audited. This work would not have a quick turnaround. In addition, the GOC should discuss whether they want to expand or add questions regarding this topic.

**Substance Abuse Treatment Programs in Prison System**, although a worthwhile topic would take OPEGA sometime to review what the programs really were, etc.

Committee members discussed what was presently going on in the Legislature regarding some of these topics, particularly Bills that were pending or complaints being heard. They considered whether it could be helpful to have OPEGA do some work on these topics now if they could have results before the end of session.

It was noted that there should be coordination of OPEGA's work and the Joint Standing Committees because if Committees knew an OPEGA report was coming out regarding a topic they had bill(s) on in their committee, they could table the bill(s).

Director Ashcroft said it appeared she needed to get together with the Analyst for the various committees that the bills would be before to figure out where the various bills were in the process regarding the topics. OPEGA staff will determine whether the information needed could be obtained quickly and she could assess whether it would be possible to get the results out in a timely fashion. The topics could be prioritized in that way.

Following further GOC discussion, Director Ashcroft proposed that OPEGA initially pursue the more narrowly scoped questions for those topics where it may be possible to have some results before end of session. She asked members to let her know if some of the questions would be more of a priority than others.

**Motion:** That the Government Oversight Committee moves the topics of Child Development Services; Cost Per Prisoner in the Department of Corrections; BETR, BETE & TIF; and Certificate of Need License on to OPEGA's Work Plan with the understanding that the Director will first seek to determine whether work on those can be completed in a timeframe to be of value to the Legislature's Joint Standing Committees in this Session, and the topics

will be prioritized based on that assessment. (Motion by Rep. Pilon, second by Rep. Lovejoy, PASSED by unanimous vote).

## STATUS REPORTS FROM DIRECTOR

### • Current Work in Progress

Director Ashcroft summarized the status of the work in progress.

**Maine Turnpike Authority** is in the project wrap-up stage. The GOC is continuing with Work Sessions on the report with OPEGA assisting as requested by the GOC. The Chairs and Leads of the Transportation Committee will join the GOC at its next meeting for the discussion with MTA's Bond Counsel. Director Ashcroft referred the GOC to the letter she had drafted for the GOC to send to the Transportation Committee regarding the items talked about at their work session on MTA. She asked members to let her know today if they had any changes before the Chairs sign it.

**Health Care Services in the Correctional System** is in the reporting phase. OPEGA has received a revised draft of the consultant's report and provided additional suggestions for revisions. OPEGA and the consultant have discussed the issues and recommendations in the draft report with the Maine Department of Corrections (MDOC) and they are further researching some of the issues. OPEGA and MDOC will be discussing potential action plans next week.

**Governor's Training Initiative** is in planning and preliminary research. OPEGA has completed preliminary research on this review. Further work on the review is being considered by the GOC in conjunction with other potential topics for OPEGA's Work Plan. The Governor's proposed budget for FY 12 and FY 13 eliminates this program.

Sen. Trahan said he had been interested in a review the Efficiency Maine topic, but yesterday heard the Governor is considering significant changes to it. He suggested that the Committee might invite someone from the Governor's Office to a meeting to describe what their plans are.

Director Ashcroft said last Session the GOC had started talking about what points in this process they wanted to have input directly from members of different policy committees, or in this case, the Governor's Office, or an agency as part of their decision making process. The GOC had decided mainly to limit such input to specific questions or information the GOC wanted to consider in making its decision rather than opening it up for an agency to give a presentation on why they should not be reviewed, etc. OPEGA would make arrangements to have the appropriate individuals come to a meeting and answer questions. This is an option for the Committee on all of the topics.

She asked if the GOC wanted her to invite someone from the Governor's Office to a meeting. It was decided that the Director would invite someone from the Governor's Office to the March 25, 2011 GOC meeting.

## OPEGA'S ANNUAL REPORT

Director Ashcroft gave a presentation of OPEGA's 2010 Annual Report. In response to various questions from Committee members, Director Ashcroft explained that:

- OPEGA is actively following up on its past reports and the GOC needs to schedule time for OPEGA or the agency to report back on actions taken. Follow up on the Maine State Prison is currently in progress because that had been a priority item for the Committee. Depending what else is on the March 25<sup>th</sup> meeting Agenda, she had planned to ask the Warden and the new Commissioner to brief the GOC on a new plan the Warden is putting together.
- The scope of the questions OPEGA is tasked to answer and the level of detail the Legislature desires does have a lot to do with how long it takes OPEGA to do a report. If OPEGA's review were more limited in scope, the Office should be able to get more of them done in a year. The GOC would have to be clear about what was desired for the end result of OPEGA's work on a review. For example, OPEGA could focus on one program at a high level to help feed legislative decisions about what to do with a program, but there are often a lot of details people want to

know about those programs before they make a decision whether they could rearrange, cut, or enhance them. It would not always be helpful for OPEGA to focus only on a high level if in the end the Legislature also wants additional details to make decisions about what to do.

- OPEGA belongs to the National Legislative Program Evaluation Society which is a subunit of NCSL. Maine is 1 of 49 States that has an office like OPEGA and they all belong to NLPES. NLPES has its own website and reaches out to all the offices regularly. There is also a list serve that all participate in, so if OPEGA is doing a review on a certain topic, they will send a message out to the list serve to ask if other states have done work on that topic. They also communicate by telephone. NLPES also has an annual conference for training and sharing ideas and sessions at the National NCSL conferences, although due to limits on out-of-state travel, OPEGA has been unable to attend the past 2 years.

OPEGA's budget has been reduced over the past few years and is now more inline with what the actual resource needs are. If further cuts were suggested to the current proposed budget, she would want to make sure they all talk about what the consequences would be.

- Using contracted services consultants does not save any money and is often more expensive. But, if OPEGA is in a position of needing to get a review done, consultants can be used. OPEGA has tended to use consultants when some expertise is needed that the staff doesn't have, or it would take more time than its worth to get up to speed on. She gave the example of bringing in one person to use as a consultant on the Emergency Communications Report. On the Health Care in the Corrections System, OPEGA had a consultant do the entire review and it will be interesting how that comes across to the GOC. It is the first time that has been done, and it has been expensive.
- OPEGA's workload spans out the whole year so is different than some of the other legislative offices. Depending on how much the GOC wants OPEGA to do would drive whether there is need for additional resources in the Office while the Legislature is in session.

Director Ashcroft said OPEGA's Annual Report on Activities and Performance has been given to the Legislative Council and is available to the Legislature.

The GOC was comfortable with OPEGA's Annual Report and thanked Director Ashcroft.

Sen. Trahan asked the status of filling the vacant Analyst position in OPEGA. Director Ashcroft said she was working with the Legislature's Human Resources Office and is moving forward to fill the position.

## **NEXT GOC MEETING DATE**

Chair Katz said MTA's bond counsel will be at the March 11<sup>th</sup> meeting and the GOC will have the opportunity to ask questions. Also the Attorney General's Office has been asked to review whether it is appropriate for MTA to hire outside lobbyists and he thinks the Committee will be receiving that report back at the next meeting.

Chair Katz also reported on the status of the GOC's request for information regarding MTA's purchases of gift certificates. The Director had said about 20% of the information has been received, and some vendors have asked for more time to respond. He suggested this item be scheduled for a meeting after March 11<sup>th</sup>.

Following Committee discussion, the meeting was scheduled for March 11, 2011 at 8:00 a.m.

## **ADJOURNMENT**

The Government Oversight Committee meeting was adjourned at 11:20 a.m. (Motion by Rep. Lovejoy, second by Sen. Trahan, unanimous).