

GOVERNMENT OVERSIGHT COMMITTEE

(Joint Legislative Committee on Program Evaluation
And Government Accountability)

Meeting Summary
July 13, 2006

CALL TO ORDER

The Chair, Senator Mitchell, called the Government Oversight Committee meeting to order at 10:05 a.m. in the Labor Committee Room.

ATTENDANCE

Senators: Sen. Mitchell, Sen. Raye
Joining the meeting in progress: Sen. Bartlett, Sen. Courtney,
Sen. Dow and Sen. Perry

Representatives: Rep. Collins, Rep. Crosthwaite, Rep. O'Brien and
Rep. Trahan
Joining the meeting in progress: Rep. Canavan

Absent: Rep. Dugay

Legislative Officers and Staff: Beth Ashcroft, Director of OPEGA
Diane Stiles Friou, Principal Analyst, OPEGA
Wendy Cherubini, Analyst, OPEGA
Scott Farwell, Analyst, OPEGA
Etta Begin, Adm. Secretary, OPEGA

Judicial Officers and Staff: The Honorable John C. Nivison, Chief Judge, Maine District
Court
Kirsten Skorpen, Family Resources Coordinator, District
Court
Wendy Rau, Director of Court Operations

Toby Hollander, President, Guardian Ad Litem Institute

Executive Officers: Brenda Harvey, Commissioner, DHHS
Kirsten Figueroa, Deputy Commissioner of Finance, DHHS

Introduction of Government Oversight Committee Members

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

Chair Mitchell asked if there was objection to taking items out of order. Hearing none, the Chair then moved to **Summary of May 8th Meeting.**

SUMMARY OF MAY 8TH MEETING

Motion: That the Meeting Summary of May 8, 2006 be accepted as written. (Motion by Rep. Trahan, second by Sen. Raye, PASSED by unanimous vote).

REPORT FROM OPEGA DIRECTOR

- **Project Status Report**

Director Ashcroft referred Committee members to OPEGA's Revised Annual Work Plan for FY 06 stating that the 2006 Fiscal Year ended on June 30th, so there are no hours remaining for FY 06. The report shows the final status of projects and what OPEGA has remaining. The reviews still in progress will be moved to OPEGA's Fiscal Year 07 Work Plan to be discussed at the next GOC meeting.

Director Ashcroft summarized OPEGA's work for FY 06 stating that the office had completed five reviews. The Vacant Position Review was discontinued after the preliminary investigation revealed other actions that had previously been taken. Four reviews are in progress and one other that the work was initiated, but OPEGA did not have sufficient resources to go any further. OPEGA has either begun, completed or has work in progress on 82% of the projects that were on its revised work plan.

After a brief discussion, Committee members asked that a column be added to OPEGA's FY 07 Annual Work Plan for time spent on the follow-up work of reviews.

- **Status of OPEGA Follow-up on Open Findings**

Director Ashcroft reported on the reviews in progress:

- **Guardians Ad Litem for Children** is complete.
- **Economic Development Programs:** OPEGA is finishing the fieldwork on the review. The report is being drafted in the anticipation of having exit conferences shortly, and hopes to present the report at the next GOC meeting.
- **Highway Fund Use by Public Safety:** OPEGA is finishing the preliminary research phase and initiating fieldwork.
- **Urban-Rural Initiative Program** is nearing the end of the preliminary research phase and will be proceeding to fieldwork shortly.
- **Bureau of Rehabilitation** is in the early preliminary research and scoping phase and that information will either be given to Committee members at its next meeting or emailed to them.

- **Summary of Other OPEGA Activities**

- **Meeting with Legislative Council**

At the request of the GOC, Director Ashcroft met with Speaker Richardson, Chair and President Edmonds, Vice-chair, of the Legislative Council, to discuss the procedure that should be followed when OPEGA's findings and recommendations in reviews include actions that should be taken by the Legislature. It was determined that actions required by the Legislature should be brought before the Legislative Council for discussion and vote.

Director Ashcroft reported that OPEGA was on the agenda for the July 27, 2006 Legislative Council meeting. She will present OPEGA's Annual Report, discuss specific actions that need to be taken by the Legislature on the summary of findings and recommendations from OPEGA reports that relate to the Legislature, and will ask what the best way would be for the GOC and OPEGA to keep the Legislative Council informed. Director Ashcroft invited members of the GOC to attend the Council meeting on July 27th at 1:00 for the discussion.

- **Presentation at Governing Magazine's Managing IT Conference**

Governing Magazine asked Director Ashcroft to speak at a conference regarding managing information technology. She attended the conference and gave a presentation on OPEGA and the Information Technology Report.

- **Participation in National Legislative Program Evaluation Society (NLPES) Fall Conference**

Director Ashcroft has been asked to participate as a panelist at the NLPES fall conference in Utah to talk about managing and her perspective of OPEGA.

FINAL REPORT PRESENTATION

- **Review of Guardians ad litem for Children in Child Protection Cases**

Director Ashcroft introduced Diana Friou, Wendy Cherubini and Scott Farwell from OPEGA, Chief Judge John Nivison, Wendy Rau, and Kirsten Skorpen from the Judicial Department, and Toby Hollander, from the GAL Institute.

Ms. Friou, as lead staff person of the Performance Audit of Guardians ad litem for Children in Child Protection Cases Report, did the presentation.

Ms. Friou thanked the OPEGA Analysts for their help on performing the review and preparing the report. She also thanked Chief Judge Nivison, the Judicial staff, Toby Hollander, Penthea Burns, Dean Crocker and Chief Justice Sausley for their helpfulness and cooperation.

Following the presentation of the report, the GOC members asked OPEGA staff, and others at the meeting, questions regarding the report. They included the following:

- Creation of a task force to address some of the findings;
- Provisions to restrict conflicts of interest between a judge or other party and a guardian ad litem;
- The behavior of guardians ad litem;
- The complaint process;
- If there is information on programs set up in other states that oversee and coordinate GALs.
- Are there duplicate efforts during the process;
- Procedure for removal of a GAL from a case;
- Clarification of the role of a GAL;
- Procedure to become a court appointed special advocate;
- The number of cases at one time a GAL can be assigned and a procedure for tracking that number;
- What training and supervision is given to GALs;
- Expectations and tension from parties involved concerning what the GAL role should be;
- The difference between federal and state laws regarding GALs;
- Quality of service provided by a lawyer GAL versus a CASA;
- Increased costs for the program;
- Receipt of federal funds for the program;
- Importance that GALs be independent of DHHS.

Committee members thanked those in attendance at the meeting for their help, information and input. The Committee also thanked OPEGA staff for all their work on the report.

The Committee will include a public hearing and work session on the Performance Audit of Guardians *ad litem* for Children in Child Protection Cases Report at its next meeting, and will vote on the report at that meeting.

REPORT FROM OPEGA DIRECTOR

- **OPEGA Annual Report**

Director Ashcroft referred Committee members to OPEGA's Annual Report and gave an overview of it, bringing special attention to the Mission Statement created for OPEGA.

The GOC requested that more detailed information be included in the Report, listing specific reviews done by OPEGA, with findings listed separately. The Committee also suggested that OPEGA do more public relations on the office and its accomplishments.

Director Ashcroft will revise the Report to include the GOC's suggestions and will then do a press release.

UNFINISHED BUSINESS

- **GOC Action on Legislator Requests for OPEGA Reviews**

- **MR-Waiver Program**

Director Ashcroft gave a review of what had taken place so far on Rep. Watson's request regarding the MR-Waiver Program. She referred members to the letter Rep. Watson emailed for today's meeting.

Director Ashcroft introduced Commissioner Harvey, who was at the meeting to provide information on the request for review of the MR-Waiver program. Commissioner Harvey addressed each issue raised in Rep. Watson's letter with the assistance of Kirsten Figueroa, Deputy Commissioner of Finance for DHHS.

Chair Mitchell asked that the Commissioner send a letter to the Committee that included the information that had been presented at the meeting and also asked that the Commissioner contact State Auditor Douglass to obtain information regarding the fraud and in-house audits in order to give background information to the GOC.

- **Tobacco Hotline**

Director Ashcroft gave a brief summary of actions taken so far on Rep. Shields' request for a review of the Tobacco Hotline. She referred the Committee to the letter received from DHHS in response to the letter OPEGA had sent at the GOC's request.

The GOC asked if the joint standing committee of jurisdiction had made a policy decision regarding the Tobacco Hotline, and if the committee of jurisdiction had received the same information as the GOC. Lucky Hollander, Director, Legislative Relations, said that the committee of jurisdiction had received the same information.

It was decided that Director Ashcroft will forward DHHS' response letter to Rep. Shields to see if it answers his questions, and if not, ask that he contact OPEGA with the specific questions he would like more information on.

NEW BUSINESS

None.

SCHEDULE NEXT COMMITTEE MEETING

The Committee set Thursday, September 14, 2006 at 10:00 a.m. for the next GOC meeting. The agenda for the September meeting will include a public hearing and work session on the Performance Audit of Guardians *ad litem* for Children in Child Protection Cases, as well as the planned release of the Economic Development Programs Report.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 1:15 p.m. (Motion by Rep. Crosthwaite, unanimous).