



SEN. ELIZABETH H. MITCHELL, CHAIR  
REP. MARILYN E. CANAVAN, CHAIR

MEMBERS:

SEN. PHILIP L. BARTLETT, II  
SEN. JONATHAN T.E. COURTNEY  
SEN. DANA L. DOW  
SEN. JOSEPH C. PERRY  
SEN. KEVIN L. RAYE  
REP. ANDREA M. BOLAND  
REP. SCOTT E. LANSLEY  
REP. EVERETT W. MCLEOD, SR.  
REP. PEGGY A. PENDLETON  
REP. MICHAEL A. VAUGHAN

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

**MEETING SUMMARY**  
**February 12, 2007**  
**Accepted February 26, 2007**

**CALL TO ORDER**

The Chair, Senator Mitchell, called the Government Oversight Committee to order at 1:15 p.m. in Room 202 of the Burton Cross Building.

**ATTENDANCE**

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

Representatives: Rep. Canavan, Rep. Boland, Rep. McLeod, and Rep. Vaughan  
Joining the meeting in progress: Rep. Lansley  
Absent: Rep. Pendleton

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

**INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS**

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

**SUMMARY OF JANUARY 29, 2007 MEETING**

**Motion:** That the Meeting Summary of January 29, 2007 be accepted as written. (Motion by Rep. Vaughan, second by Rep. McLeod, PASSED, vote unanimous, 7-0).

## REPORT OF OPEGA DIRECTOR

- **Status of Audits in Progress**

Director Ashcroft summarized the status of current reviews in progress.

- **Highway Fund Use by Public Safety** is ready for presentation before the GOC and could be scheduled for the next GOC meeting.
- **Urban Renewal Initiative Program** is in the fieldwork phase. OPEGA is proceeding on the scope that was originally approved by the GOC.
- **Bureau of Rehabilitation Services'** preliminary research has been completed and scope of further work has been approved by GOC. OPEGA has finished gathering additional information about processes and internal controls needed to determine what specific Fieldwork tests to conduct. The Fieldwork is expected to be complete within two months. The time needed to finalize the report depends on the nature and extent of any findings and recommendations.
- **Riverview Request for Admissions Data** – the analysis is underway and OPEGA expects to have a report by the first of April.

Director Ashcroft said, for the convenience of Legislators, OPEGA is checking the possibility of having reports put on audio, a CD or pod cast, and asked if it was of interest to GOC members if the procedure would be fairly inexpensive. The Committee expressed interest in having reports on audio and asked her to pursue the matter.

## UNFINISHED BUSINESS

- **GOC Action to Implement Economic Development Report Recommendations**

Sen. Mitchell reported that the GOC Chairs and Republican Leads, (Sen. Mitchell, Rep. Canavan, Sen. Raye, and Rep. Lansley), met to discuss what action the GOC could take to implement the Economic Development Report recommendations. As a result it was the recommendation of the Chairs and Leads that the BRED Committee, being the committee of jurisdiction, be given the opportunity to report out legislation if they choose. The GOC would do a Joint Order giving BRED the authority to report out legislation if it deems it appropriate.

Sen. Raye said the Chairs and Leads also discussed the need for a standard protocol to follow when reports are presented and the Committee accepts them. Sen. Raye proposed that such a protocol have two approaches that would be appropriate for the Committee to choose from. He proposed that recommendations should generally be referred to the joint standing committee of jurisdiction for consideration, unless a finding rises to the level of egregious or scandalous, in which case the GOC would take immediate action. Rep. Canavan and Rep. Lansley agreed that the procedure described seemed reasonable.

**Motion:** That the Government Oversight Committee issue a Joint Order authorizing the BRED Committee to report out legislation implementing the recommendation in the Economic

Development Report. (Motion by Rep. Canavan, second by Rep. Lansley, PASSED, vote unanimous, 9-0).

Rep. Lansley asked if a time deadline for action by the BRED Committee should be included, to make certain the matter would not remain inactive. Director Ashcroft explained that OPEGA's follow-up process on reports brings updated information on actions taken or not taken to the GOC.

Discussion followed on whether the GOC should formalize the protocol previously discussed regarding actions the Committee would take in addressing recommendations in OPEGA's reports. It was suggested that the following protocol be established as GOC policy:

1. Report the findings to the relevant committee of jurisdiction along with any GOC commentary. The GOC has the authority to issue legislation, and the Committee can delegate that authority to the committee of jurisdiction, if appropriate.
2. If the GOC believes the results of a report rise to the level that is egregious, of profound concern, scandalous, or time sensitive, the Committee may take direct action as a Committee, to report out a bill to address the issue.

Director Ashcroft will present a draft of the policy for the GOC to review at a future meeting.

- **GOC Action on Citizen Request for OPEGA Audit**
  - **Tax Subsidized Competition – Printing & Publishing**

Director Ashcroft summarized for the Committee what action has taken place to date on the Tax Subsidized Competition request.

After Committee discussion the following motion was offered:

**Motion:** The Government Oversight Committee recommends that the citizen bring his concerns before the Advisory Committee on Fair Competition With Private Enterprise prior to the GOC taking action on the request and that Director Ashcroft forward a letter to the Advisory Committee asking that it report its findings and actions back to the GOC. (Motion by Sen. Courtney, second by Sen. Perry, PASSED, vote 11-0).

## **NEW BUSINESS**

- **Review of OPEGA Letter to GOC re: Growsmart/Brookings Report**

Director Ashcroft summarized OPEGA's observations contained in the memo addressed to the GOC dated February 12, 2007 regarding the Brookings Report.

The GOC requested that Director Ashcroft distribute OPEGA's memo to all Legislators.

A copy of the memo is available at the Office of Program Evaluation and Government Accountability, Room 107 Burton Cross Building.

- **GOC Review of DRAFT Protocol Regarding Requests for OPEGA Reviews**

Director Ashcroft reported that OPEGA is drafting a standardized written protocol regarding the submission of requests for OPEGA reviews. The draft will incorporate procedures recommended and taken by the 122<sup>nd</sup> GOC and the recommendations of the GOC members at

today's meeting. The protocol will be presented to the Committee at a future meeting for its consideration.

- **Review OPEGA's Menu of Products/Services**

Director Ashcroft presented a draft menu of OPEGA's products and services, explaining that these would be options the Committee could choose when directing OPEGA to perform a review. The options are:

- **Performance Audit** – To facilitate the State's ability to achieve strategic objectives, by evaluating entities and processes from an independent and objective perspective.
- **Risk Assessment** – To help focus resources on the most critical matters by: identifying weaknesses in entities and processes, appraising the likelihood of adverse outcomes, and assessing the severity of negative impacts should the adverse outcomes ensue.
- **Analytical Study** – To enhance and facilitate transparency, policy making, decision making and oversight by analyzing complex topics and processes, providing new information, and offering expert perspectives.
- **Information Brief** – To educate, inform or raise awareness of a topic, by summarizing available information.
- **Legislative Oversight Guide** – To facilitate legislative oversight by providing pertinent facts and OPEGA's perspectives on critical ongoing and emergent issues.

The Products and Services document is in draft form and will be discussed further at a future GOC meeting.

- **Discussion re: Availability of Data for Performance Evaluation, Transparency and Accountability**

Director Ashcroft explained that in its work to date, OPEGA has often been unable to specifically answer Committee questions regarding costs and performance in state government because data required to do so is not available or easily accessible.

Following discussion, the Committee asked Director Ashcroft to develop a proposal outlining efforts that would be needed to promote the capture and reporting of activity-level administrative and service costs, and performance data, for department and agencies of State government.

## **SCHEDULE NEXT COMMITTEE MEETING**

The Committee scheduled Monday, February 26, 2007 at 1:00 p.m. for the next GOC meeting. Agenda items will be the final report presentation of the Study on Highway Fund Eligibility at the Department of Public Safety and OPEGA's work plan.

**REMARKS**

Rep. McLeod said a report was due by February 1, 2007 from the Commissioner of DECD and asked if that report had been received. Director Ashcroft said the report goes to the entire Legislature, but in the past, it had been given as a verbal presentation to the BRED Committee. She will check with the BRED Committee and report back.

**ADJOURNMENT**

The Government Oversight Committee meeting was adjourned at 3:05 p.m. (Motion by Rep. McLeod, second by Sen. Courtney, unanimous).