



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

February 19, 2010

Accepted March 19, 2010

CALL TO ORDER

The Chair, Representative Hill, called the Government Oversight Committee to order at 9:35 a.m. in the Burton Cross Building.

ATTENDANCE

Senators:	Sen. Nass, Sen. McCormick, and Sen. Trahan Joining the meeting in progress: Sen. Brannigan Absent: Sen. Simpson, and Sen. Diamond
Representatives:	Rep. Hill, Rep. McLeod, Rep. Pendleton, Rep. Burns, and Rep. Bickford Absent: Rep. Rotundo
Legislative Officers and Staff:	Beth Ashcroft, Director of OPEGA Wendy Cherubini, Senior Analyst, OPEGA Matthew Kruk, Analyst, OPEGA Etta Begin, Adm. Secretary, OPEGA
OPEGA's Consultant	Travis Miller, Vice President, Matrix Consulting Group
Executive Branch Officers and Staff Providing Information to the Committee:	Anne Jordan, Commissioner, Department of Public Safety Maria Jacques, Director, Emergency Services Communication Bureau, Public Utilities Commission

INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS

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

SUMMARY OF THE JANUARY 22, 2009 GOC MEETING

Motion: That the Meeting Summary of January 22, 2010 be accepted as written. (Motion by Sen. Nass, second by Rep. McLeod, unanimous).

PRESENTATION OF FINAL REPORT

• Emergency Communications in Kennebec County

Chair Hill reviewed the GOC's process for release of a report. She recognized and thanked the stake holders attending the meeting. They included the Waterville Communications Center, Winthrop Communication Center, Somerset Regional Communication Center, Central Maine Regional Communication Center, Public Utilities Commission and Department of Public Safety. She also recognized Travis Miller of Matrix Consulting who was the consultant that assisted OPEGA on this review.

Director Ashcroft proceeded with the presentation of the Emergency Communications in Kennebec County Report. The GOC's discussion and questions included the following:

- GOC: Sen. McCormick said he heard that some Kennebec County municipalities were requesting a switch to the Lincoln County Public Safety Answering Point (PSAP).
- OPEGA: Director Ashcroft said there are currently 3 Kennebec County municipalities that have requests before the Public Utilities Commission (PUC) at this time to transfer their services to the Lincoln PSAP. If that occurs, there will be 3 PSAP's serving Kennebec County municipalities.
- GOC: Sen. Trahan asked Director Ashcroft to clarify her statements regarding quality of services provided by the Central Maine Regional Communications Center (CMRCC).
- OPEGA: Director Ashcroft said that the network is fragmented, which means that emergency response may not be as timely. The fragmentation also introduces opportunities for errors. She gave the example of transferring a call to the wrong dispatch center. She said those inherent risks, coupled with the specific call handling concerns that OPEGA had noted, such as blind transfers, means the situation is not optimal for public safety.
- GOC: Rep. Burns asked about reimbursement for CMRCC when it has responsibility to dispatch a call for a town that it is not been the assigned PSAP for. He gave the example of dispatching calls when Somerset County is the PSAP that initially answers the call. He asked if the entity who receives the dispatch services is reimbursing CMRCC or does all the reimbursement stay with Somerset because it is the entity's contracted PSAP.
- OPEGA: Director Ashcroft said there is a rate that is paid for someone to just do the PSAP function and there are rates for just doing the dispatch function. In Rep. Burns' scenario, Somerset County would be getting paid by the municipality based on their PSAP rate to do the PSAP function and the municipality would be paying CMRCC their requested rate to do the dispatch.
- GOC: Sen. Trahan asked if there are charges on cell phones for emergency dispatch services.
- OPEGA: Director Ashcroft said there are surcharges on cell phones as there are on land line phones.
- GOC: Sen. Trahan asked if municipalities paid for PSAP services through property tax revenues.
- OPEGA: Director Ashcroft said the municipalities paid with whatever funding mechanism they had.
- GOC: Sen. McCormick described the experience of some of the municipalities in his district that had seen significant cost increases since the PSAP consolidation. He thought the plan was to eventually base the fees to be charged to municipalities on actual usage instead of per capita but he believes that has gone by the wayside.

- OPEGA: Director Ashcroft said she was not the best one to speak to that, but from what OPEGA had learned over the course of this review, she could see how basing fees on usage could be complicated to apply in all situations.
- GOC: Rep. McLeod asked how much money would be generated if the current surcharge per line is 37¢ and it increases to the 52¢ in July, 2010?
- OPEGA: Director Ashcroft said she would refer that question to Director Jacques of the PUC's Emergency Services Communications Bureau.
- GOC: Sen. Trahan asked if the blind transfer issue could be resolved by the PSAP saying to the caller, please stay on the line and have them be on hold until everything is settled.
- OPEGA: Director Ashcroft said OPEGA understood from its consultant that it is better if the caller hears everything being said so the caller has an opportunity to correct any information passed along that is incorrect. Until the caller is told to go ahead, the conversation is between the PSAP operator and the dispatch operator to transfer the key information. She offered that Mr. Miller might be able to expound on this.
- GOC: Chair Hill asked if Director Jacques could respond to Rep. McLeod's earlier question of what additional revenue would come from increasing the surcharge from 37¢ to 52¢ per line.
- PUC: Director Jacques said she did not have the exact calculation with her, but there are approximately 1½ million lines that surcharges are gathered from. Multiplying the number of lines by the increase comes to approximately \$2.7 million. She said the PUC is currently reviewing, with the Utilities and Energy (U&E) Committee, what level of surcharge is needed to adequately fund the system and that scheduled increase to 52¢ might change.
- GOC: Sen. Trahan asked if the increase in funding took into consideration the changes that will be necessary to resolve issues raised in OPEGA's Report and what the PUC has found.
- PUC: Director Jacques said that when the PUC originally set the rate, with the help of the U&E Committee, it did not anticipate the results of OPEGA's review but that will likely be included in the discussion that the U&E Committee will have.
- GOC: Sen. Trahan asked for a follow up on what the PUC may be proposing financially to help resolve some of the issues.
- PUC: Director Jacques said she will make sure the GOC receives the requested follow up information.
- GOC: Sen. Nass asked if there was a fund for the surcharge money and what the status of that fund was.
- PUC: Director Jacques said she did not have that information with her at the meeting, but said that information was in a report the PUC recently gave the U&E Committee. Director Jacques said at the 37¢ level the purpose was to spend down the balance of that fund to keep it at an appropriate balance.
- GOC: Sen. Nass asked what other states are doing with their surcharge and asked what the highest surcharge amount was that Director Jacques was aware of.
- PUC: Director Jacques said she did not have that information with her, but could bring it back to the GOC. She said there is a wide variety of things the surcharge may fund. She noted that the PUC was also preparing for the Next Generation of PSAP technology.

- GOC: Sen. Nass said the reserve fund would be helpful to pay for some of the new technology, however many PSAP's are involved and asked Director Jacques if that was part of the plan.
- PUC: Director Jacques said that today the State contracts with Fairpoint. It is a leased services system so PUC does not buy the equipment but pays a monthly rate to Fairpoint for the service of providing 911 which includes a data base, the network, and the 24/7 monitoring and maintenance.
- GOC: Rep. Burns asked if the fund could be used to improve supervision, protocol, etc. as recommended in OPEGA's Report or does it strictly have to be used for technology.
- PUC: Director Jacques said funds have never been used for staffing. The only time the Legislature discussed doing so was when 2 counties failed to identify PSAPs within their counties for their residents. The State Police was operating the PSAP at that time and was willing to take on those calls if the surcharge paid for the additional staffing needed. It was decided that staff was not an allowable use for the surcharge.
- GOC: Rep. Burns asked if the money had to be found from other resources.
- PUC: Director Jacques said that was correct.
- GOC: Sen. Trahan said he suspected the fund was kept low so the Legislature could not sweep it and asked if the fund was a dedicated non-lapsing account.
- PUC: Director Jacques answered in the affirmative.
- GOC: Sen. Trahan asked if the appropriators had to craft special language to sweep the funds from a dedicated non-lapsing account.
- PUC: Director Jacques said they did.
- GOC: Sen. Trahan said there are public safety concerns that need to be addressed and asked if Director Jacques had recommendations to the problems that have been identified and if she knew the cost of implementing any improvements. He would like to have that information.
- GOC: Rep. Bickford said Augusta and Hallowell call in to Augusta and asked if they were still going through the PSAP before they get to the Augusta Dispatch.
- PUC: Director Jacques said they are going to the Somerset County PSAP, but yes the calls are going to a PSAP before being transferred to the Augusta Police Department.
- GOC: Rep. Bickford said Augusta is paying a large portion of the costs for the Somerset PSAP as is Lewiston/Auburn because the rates were based on per capita. He felt there should be a way to fund the services by charging the communities based on prior year volume call or using the phone surcharge.
- PUC: Director Jacques said that the PUC Regulatory function only sets rates for the Department of Public Safety's Centers. She said that there are as many different ways, as there are PSAPs, as to how to recover fees.

Chair Hill, on behalf of the GOC, thanked Director Jacques for the information provided to the Committee.

Chair Hill reminded the GOC that OPEGA will be presenting its Report before the U&E Committee, who has jurisdiction over the PUC, on February 24th and encouraged GOC members to attend and raise the issues they raised at today's GOC meeting.

- GOC: Chair Hill noted that the Report speaks of 2 different computer systems that are incompatible and asked if there was an explanation of why that occurred when it seems systems need to talk with each other.
- OPEGA: Director Ashcroft said this is one of the consequences of consolidating PSAPs. Some Centers that are now providing dispatch only functions - for example, Augusta, Waterville and Winthrop - used to be PSAPs. Because they are no longer PSAPs, they no longer get the PSAP technology, the Automatic Number Identification (ANI) system that brings into the computer screen. Because they do not have that technology, when the call is transferred they do not receive the electronic information with it. All of the dispatch centers are using a Computer Aided Dispatch (CAD) system to which they enter all the information they are getting from the caller. However, the CAD systems operated by different emergency communication centers are not compatible and so there is not an automatic transfer of electronic information from one to another on these systems either. So none of the data captured by the PSAP through ANI/ALI or a CAD system goes to the centers that are doing dispatch only and they have to re-enter the information to their own system.
- GOC: Chair Hill said it is noted that there are protocols or scripts that are purchased and asked if that was part of the complex non-talking systems.
- Matrix: Mr. Miller said the Emergency Medical Dispatch (EMD) system is a stand alone system. The idea is to have a standardized set of questions that allows the specific nature of the medical emergency to be quickly identified and to provide pre-arrival instructions for the caller on how to give assistance before first responders arrive.
- GOC: Chair Hill said there appears to be different types of protocols or scripts and asked how the whole emergency communications system all ends up using one protocol when there are several products offered.
- Matrix: Mr. Miller said Maine has a universal product being used for EMD. He also commented that the issue with incompatible CAD systems and the transferring of electronic data had been dealt with in other States through identifying a statewide requirement or county specific requirement for meta data. There are very specific definitions of what data will be transferred and how it will be formatted so that the computer programs in each system can get that data and it shows up in the proper place.
- GOC: Chair Hill asked if the problems can be solved.
- Matrix: Mr. Miller said the problems can be solved. It takes money.
- GOC: Rep. Burns asked if other rural states overcame the spider web problem by going to 1 or 2 PSAP centers for the entire state.
- Matrix: Mr. Miller said in the 38 states he has worked with, they all have some variation on this problem and all struggle with their systems.
- GOC: Rep. McLeod said 1 dropped call is 1 too many and asked what the percentage was of mixed up or dropped calls compared to those completed successfully.
- OPEGA: Director Ashcroft said she believed that would be a question for the PUC, but that would only deal with calls coming into the PSAPs, and not speak to the calls transferred to the dispatch center. OPEGA observed the issues with call handling by actually listening to calls.
- GOC: Rep. McLeod asked if there was a tracking system in place currently?

- Matrix: Mr. Miller said no and, in fact, the customers, law enforcement and fire rescue agencies, identified that as a problem. He said some OPEGA staff and he listened to 2 full days of calls from Somerset and CMRCC. The dates of the calls selected for observation were specifically chosen to be on one side and then the other of a policy change that CMRCC instituted relating to how they were going to be transferring 911 calls. He wanted to hear whether there was a difference between how calls were being transferred before and after that policy implementation. Mr. Miller said, in his opinion, there really was not much of a difference noted in the calls at CMRCC.
- GOC: Sen. Trahan asked if there were peer review teams in other parts of the country, or some other process that has been developed for internally identifying and resolving quality problems in the system.
- Matrix: Mr. Miller gave the example of EMD protocols where there is a process that is built in because the EMD vendors require the Centers to do quality assurance. In order to maintain the EMD license and the liability protection, etc. a certain percentage of calls have to be reviewed by supervisors or management. They listen to calls for service and utilize client feedback. The computer systems can actually scan the way in which their operators are deviating from protocol. He said he does not know of any peer reviews.
- GOC: Sen. Trahan commented that problems in any dispatch center could be shared with others and other centers may have solutions to the problem. He asked if there was a process to measure from year-to-year the progress towards resolving problems.
- Matrix: Mr. Miller said there are national organizations representing the interest of the 911 industry and the public safety industry in general. Also his experience is that high performing centers have a liaison identified for the law enforcement community for example. The liaison meets monthly with this client group to discuss issues and problems and deal with them quicker than at a user committee level.
- Mr. Miller said one of the big frustrations nationally is there is very little information available of what is the appropriate target for an error rate and there is no consensus on what that target should be.
- GOC: Sen. Trahan asked how to measure success or improvement in the system.
- Matrix: Mr. Miller said emergency communications is an industry that is growing, maturing and professionalizing. People have recently been taking an analytical look at how centers should be staffed appropriately and what the appropriate error rates are.
- GOC: Sen. Nass referred to Delta Ambulance and the Togus VA that was in OPEGA's Report and asked how their dispatch services worked as one was a private entity and the other federal.
- OPEGA: Director Ashcroft said Delta Ambulance and Waldo County Communication Center each provide dispatch service for just 1 Kennebec County town so OPEGA did not spend a lot of time with them. The VA in Togus does dispatching for its own law enforcement and fire/rescue response personnel.
- GOC: Rep. Bickford asked why a PSAP does not just do the dispatch on the calls received. Why is there the extra layer in transferring the call to another center?
- OPEGA: Director Ashcroft said there are a lot of factors contributing to that from a desire for local control, people wanting to have their own dispatch services located near them, to the cost of the services. The PUC report tries to make a case for the fact that the State would be better off if more of the PSAPs and dispatch centers were co-located. However when the State started consolidating PSAPs, co-location was not a popular idea.
- GOC: Chair Hill asked if it would be the desired alternative to the spider web Mr. Miller described earlier, if Maine wanted to improve emergency communications.

Matrix: Mr. Miller commented that he did not want to get into the political questions but could give an example if one were looking at it from the caller's or first responder's perspective, which is where everyone ought to be looking at it from. If a person calls 911 because someone has flipped a car over, the caller should not expect that his 911 call is going to get answered in 1 building, that law enforcement is going to get dispatched from another, the fire truck will get dispatched from a third and the ambulance will be sent from a fourth. In that system it is possible that one of the responders will not come or that the wrong resource will be dispatched. The best possible system would be when a person calls 911 and that center handles the selection, assignment and dispatch of the appropriate resources to respond universally to the standard everyday emergency. He said that for him, the right answer is that the call taking and the dispatching should be occurring from the same place. If that cannot happen, then you should create a network in which virtually everyone is operating out of the same system so that the information from the caller only has to be taken once.

Chair Hill thanked Mr. Miller. She commented that she was impressed with his knowledge and how he fielded the questions. It was clear to her, that OPEGA made a good choice in contracting with Matrix.

Chair Hill asked Director Ashcroft to proceed to OPEGA's recommendations.

Director Ashcroft outlined the 8 Recommendations contained in OPEGA's Report. The Recommendations are:

1. PSAP Centers Must Announce All Calls When Transferring to Dispatch.
2. Calls Should Be Handled Consistently Among All ECCs.
3. Management And Supervision Of Call Takers Should Be Improved At CMRCC.
4. CMRCC Should Take Additional Steps To Address Customer Dissatisfaction.
5. Differences In Rate Methodologies Need To Be Resolved.
6. Costs Of Handling 9-1-1 Calls From Cell Phones Should Be Covered More Equitably.
7. The PUC's Role In Rate-Setting Should Be Revisited.
8. Vacant Space At CMRCC Should Be Minimized.

Chair Hill thanked Director Ashcroft and said it was a comprehensive report that was well done and well presented.

The Government Oversight Committee members' discussion and questions included:

GOC: Sen. Trahan reminded members of the Committee that they do have the authority to introduce legislation to implement the recommendations in OPEGA reports and suggested the Committee should consider using that authority to submit a bill.

GOC: Sen. Nass said he did not understand why there are blind transfers and asked if anyone knew why that would happen. Is it a technology issue?

OPEGA: Director Ashcroft said it is not a technology issue, it is the PSAP call taker not providing the verbal information to the dispatcher.

GOC: Sen. Nass asked then why there would be blind transfers.

OPEGA: Director Ashcroft said that both Somerset and CMRCC acknowledged that blind transfers may occur at times when it is very busy in their Centers. It was acknowledged, however, that the calls OPEGA listened to did not occur during busy times but still there were blind transfers being made. She suggested that the management of those Centers should be the ones to speak to what they think is the root cause of that issue. Director Ashcroft said CMRCC has acknowledged that blind transfers are an issue they have been trying to address.

Chair Hill recognized Anne Jordan, Commissioner of the Department of Public Safety.

DPS: Commissioner Jordan said that on August 1, 2009 they implemented a policy for all the DPS Regional Communication Centers that prohibits the transfer of blinds calls. She acknowledged that while some employees do an outstanding job with transfers, the Department has a problem with certain employees being complacent in their jobs. She reported that DPS is addressing that internally, both through training and through disciplinary proceedings. Commissioner Jordan said OPEGA's Report did not delve into DPS' internal disciplinary processes.

She also noted that CMRCC only has 80 hours of supervisory time to cover 168 hours of call center operations every week so supervision is also an issue the Department is dealing with.

GOC: Sen. Nass said OPEGA's Report reflects the problems the Commissioner referred to. He asked if there is a process for culling or firing State employees who are not doing their job.

DPS: Commissioner Jordan said her Department has certain civil service requirements, State employment laws and due process rights for employees that have to be followed in a disciplinary process. She said they are currently in this process with more than one employee but she could not give further details. New recruits are on a probationary period for the first 6 months and DPS does not have to give them a reason for dismissal. She said recruitment in this field is very difficult.

GOC: Sen. Nass noted that the OPEGA Report said, "CMRCC may extend the 6 month probationary period for an additional 6 months if needed" and asked if CMRCC was doing that often.

DPS: Commissioner Jordan said normally if an employee is not meeting expectations and standards within the first 6 months, it is rare they would keep them beyond that period.

GOC: Rep. Bickford referred back to Commissioner Jordan's statement that in August, 2009 they implemented a policy statewide that prohibits the transfer of blind calls. That was more than 6 months ago, and he asked what the steps are in a disciplinary action and how long each step took for an employee who is not following policies and rules.

DPS: Commissioner Jordan said the Department has very strict requirements within the union contract that have to be followed. First you give oral counseling, then an oral warning, then you go to a written warning and from there you can move to termination. She said under the union contract and State employment law, a one-time matter generally is not a sufficient reason for terminating employment.

GOC: Rep. Bickford asked if the Department was disciplining 1 or several employees.

DPS: Commissioner Jordan said the Department currently has 2 employees in the disciplinary process that she is aware of.

GOC: Sen. Trahan was concerned that an employee could be making blind transfers before getting started on a discipline process and progressing in the discipline process meant that employee was still making blind transfers. He suggested that Commissioner Jordan come back at a later date to discuss other ways of dealing with the situation because he did not want to put public safety secondary to union contracts.

DPS: Commissioner Jordan wanted to make it clear that if the action or inaction of an employee clearly jeopardized public safety, the steps for termination would be skipped. In a situation where a rule was not followed, the way the process works is - what was the harm because of the rule not being followed - and does it justify the firing of a State employee. She said the Department can immediately dismiss an employee if the charge against them is of a serious nature.

- GOC: Sen. Trahan said the problem is that often times it is weeks, if not months, before it is determined it was a life threatening situation. He said there needs to be a clearer protocol, a more specific solution to ensure that CMRCC employees are not making blind transfers period, no matter what their excuse is. The blind transfer problem has to be resolved.
- DPS: Commissioner Jordan said she has already begun preliminary discussions with supervisors in Augusta and with the Director of the Center on better ways to monitor the calls. Part of the problem is that the Center does not have the funds to hire any additional supervisors. Supervisors are trying to balance both on floor supervisory duties as well as the demands for training and outside participation in groups or boards. The Commissioner said she knows they have room for improvement and has started on that process. The 2 supervisors at CMRCC in Augusta, have suggested revisions in their schedules so they can spread out the supervisory coverage. Director Wells' office will be moved directly into the secured Center.
- GOC: Sen. Trahan asked what the Commissioner was doing to address the need for more formalized training for staff.
- DPS: Commissioner Jordan said their formalized training is conducted by the PUC's E-9-1-1 Bureau. Some additional training had started late last fall for the newer dispatchers. Dispatchers are in line for the training but the Bureau only has so many seats available. She said the Department looked at the possibility of bringing in some standardized national training, but the cost for that would be \$300 per employee and the Department does not have that money in the budget. Commissioner Jordan said she has placed a call to Senator Hobbins because she understands from a hearing before the U&E Committee last week that the E-9-1-1 fund has a surplus. Since the E-9-1-1 Bureau is charged with training, she wanted to see if there may be opportunity to spend surplus funds on training. Commissioner Jordan said they do internal training within the Center itself that employees are required to go through every year, but the Department does not currently have the funding to send employees to training on best practices or customer services. Commissioner Jordan said in addition to the cost of the training, every time the Department sends someone to outside training, that slot has to be filled by overtime. At DPS that is a constant problem.
- GOC: Sen. Trahan asked if DPS had an education line in their budget.
- DPS: Commissioner Jordan said they can ask for it but it has to be approved as part of their rates by the PUC.
- GOC: Sen. Trahan said ultimately the Legislature oversees the PUC and will make that decision for them if necessary.
- GOC: Sen. McCormick said he understands the process the DPS has to go through regarding disciplining an employee, but he had concerns that in OPEGA's Report it states that "CMRCC management was not aware of the prevalence of call handling issues we observed". He understands the demands on supervisors and the lack of them and asked if the Department's supervisors rotated through the different shifts so that in a monthly period of time all employees were actually supervised for a period time.
- DPS: Commissioner Jordan said their current process has supervisors working 4 – 10 hour days, from 7:00 a.m. to 5 p.m., and the other supervisor works 1 to 11 p.m. She said that shift is being changed to 4 p.m. to 2:00 a.m. The Commissioner said the supervisors have to be there during regular business hours because of all the administrative duties they have. Those duties include responding to discovery requests for a transcript of a 911 call. State law does not allow them to release the call tape so a transcript has to be done and the supervisors are charged with getting the tape, going through and screening what can or cannot be released and then sending it forward for transcribing. A lot of that work has to be done during regular business hours to the extent that they are not out on the floor.

- GOC: Sen. McCormick asked how long it would take a supervisor to review the call log for a shift. Is it a continuous thing or would he only have to listen to 3 hours of recorded messages to review a 12 hour shift.
- DPS: Commissioner Jordan said if you have six operators on duty for an 8 hour shift and want to find the prevalence of it, you have to listen to the 8 hours for each desk. If it is a busy day, you have to listen to every single call. If it is a quiet day, you can move the tape forward to where there has been a 10 minute lapse in time and then you just jump to the next 10 minutes and go forward like that.
- GOC: Sen. McCormick asked if there was a protocol for a supervisor to actually review a certain procedure or find some of these things that were talked about in the Report.
- DPS: Commissioner Jordan said the Department's supervisors are required to listen to a certain number of calls for each operator, but they are not sitting there listening to the degree that other Centers are or to the optimum degree that they should be. Additionally the supervisors, because of staffing limitations, are often on the floor covering lunch or work breaks, or they are backfilling a shift. She said they cannot be doing supervisory duties while manning a station.
- GOC: Rep. Pendleton asked if the DPS had incident reports that are filed when something goes wrong.
- DPS: Commissioner Jordan said the Department does have that internal system because anytime someone is given oral instructions or reprimand, it is mandated that it all be documented. She said she would have to defer to one of her supervisors for more detailed information but she does know they do try to track these issues and meet with employees when they are not following policies. Commissioner Jordan noted that unfortunately people are not as diligent in their responsibilities as they should be when there is not a supervisor there.
- GOC: Sen. Nass noted mention in OPEGA's Report that staff are sometimes sent to outside training on such topics as domestic violence and suicide prevention. He asked why the training was focused on domestic violence and suicide prevention when the mistakes that appear to be happening, or at least that are making the press, have to do with things like not being able to find the right location to send responders to. He gave the example of Lincoln County not being able to find out where the bridge was. The dispatcher in Augusta sent them to Sagadahoc, and they had a false start to Knox County.
- DPS: Commissioner Jordan said that first, training on such things as suicide, domestic violence or child abuse is important because it allows the dispatcher to be better prepared dealing with calls of that nature. As regards to the Lincoln County incident Sen. Nass referred to, there is currently an investigation going on to determine what happened there. She noted that one of the problems that PSAP and Dispatch Centers statewide have is that when a cell phone call comes in, the ANI – ALI system does not give an exact location of the call. The best it can do is get information off the closest tower, and the tower could be 6, 7, or 10 miles away. The Department does have an internal key system for referencing place names that local residents use to describe the location. For example, Lower Village in Kennebunk. Everyone in town knows exactly where Lower Village is but if you are a call taker in Augusta, you don't know where Lower Village is. With this key system, the call taker types in Lower Village and it will tell the PSAP call taker where that is and what center the call needs to go to. It is not 100% foolproof. Another issue is training and persistence in getting necessary details.
- GOC: Rep. Burns asked the longevity and experience level was of the Department's current staff.
- DPS: Commissioner Jordan said the experience in staff ranges from employees hired within the last 2 months to some with 25+ years experience and it varies from Center to Center and from shift to shift. She noted that the training needs and other issues are not only related to experience level, but also the changes in technology. She said a real challenge at CMRCC is that when Kennebec County closed their Center on

- very short notice, DPS had to take over their dispatching responsibilities. DPS received no additional funding from the County for that and they also had to bring on Kennebec's CAD system. She believes they are the only PSAP in the State that has to operate 2 separate systems. With that you have increasing difficulties. As was previously discussed by Director Ashcroft and Mr. Miller, there is a wide variety of computer record systems across the State in police work and in dispatch centers. It would be a very expensive proposition to get everyone under the same system, even if the politics could be put aside.
- GOC: Rep. Burns asked if the staff complacency issue had to do more with people who have been there a long time and were not willing to change and keep up with the technology.
- DPS: Commissioner Jordan said the complacency is more attributable to longer term employees and she has not seen the complacency issues with new employees as much. She wanted to make it clear that she has some outstanding employees in the Centers and she does not want all employees brushed with this label and she fears that will happen.
- GOC: Sen. McCormick remarked that he had been part of requesting this review because of complaints he had heard from a variety of first responders in the towns he represents. He said it was not an attempt to embarrass or single out anybody as being at fault, it was to fix the system so it works and hopefully get the confidence level back in the users of the system.
- DPS: Commissioner Jordan commented on the complaints against CMRCC that had been publicly raised by the Kennebec County Sheriff. She said they addressed those complaints and found that some of his points were valid and some were not, but the Sheriff himself said things were much better because of their response. Commissioner Jordan said their goal is to continue to strive to move forward. Anytime there are new systems and you bring people into the new systems kicking and screaming, which is really what happened in Kennebec County, it is going to be more difficult than in other counties where the transition has been very smooth.
- GOC: Chair Hill asked if the Commissioner could give the average number of calls being taken in.
- DPS: Commissioner Jordan said it would depend on which Center, the time of day, what shift and actually what day of the week it is.
- GOC: Chair Hill asked if there was a range.
- DPS: Commissioner Jordan said that in the DPS' Centers, particularly Augusta, Orono and Gray, it is rare that there is 10 minutes between a call unless it is a very quiet night or is 4:00 in the morning on a snowy night where nobody is out. There are times when calls are lined up. Commissioner Jordan invited the GOC members to tour one of the Centers. She also noted that there are more than just 911 calls that are coming in. The CMRCC also answers administrative calls for the State Police, Fire Marshals, Warden Services, Marine Patrol, etc. She said it is more than answering 911 calls and dispatching an ambulance or a fire truck, it is delivering all the messages to support these State units.
- GOC: Chair Hill asked if there was a mechanism in the system that kicks the 911 call above the administrative call.
- DPS: Commissioner Jordan said there are separate lines for 911 calls and administrative calls so the non-emergency lines ring differently from the 911 lines and employees know that the 911 lines get priority. An example of an administrative call is when someone calls in with a message for a State Trooper.
- GOC: Chair Hill asked about the empty space at CMRCC.

DPS: Commissioner Jordan said the space at CMRCC is designed in a special way. It has raised floors with wiring underneath in order to protect the wiring, provide security and to protect it from any flooding or other problems. The Commissioner said the amount of vacant space in the Center was about the size of the State and Local Government Committee Room. She noted that the Lease at the time CMRCC was designed and built, there were discussions in the Legislature of combining the Centers. It was decided that there should be sufficient space at CMRCC to provide for that possibility. The Commissioner noted that CMRCC was also expected to serve as a back-up facility when needed. If there was an earthquake in Penobscot County or a hurricane came through and knocked out all the emergency communication centers in Cumberland County, they could bring their personnel to CMRCC and be ready to work. She also noted that CMRCC was a secured facility and because of the computer systems and other records stored there, it is not a space they can give just anyone access to.

GOC: Chair Hill asked how New Hampshire funds their PSAPs.

Matrix: Mr. Miller said New Hampshire uses surcharges, and other fees that are essentially surcharges. He said they may take some from property tax, on a local basis, to pay for part of the system.

Chair Hill thanked Commissioner Jordan for attending the meeting and providing answers to the GOC's questions. She asked if the Committee had questions for any of the other stakeholders at the meeting. Hearing none, Chair Hill asked Director Ashcroft to explain the next step of the Report process.

Director Ashcroft said that the public comment period on the Emergency Communications in Kennebec County Report had been scheduled and advertised for next Friday, February 26, 2010. At that time anyone is free to address the GOC about the Report and the recommendations made. The GOC then typically proceeds to a work session and decides whether to endorse the report and what particular actions the Committee might want to take on any of OPEGA's Recommendations. Director Ashcroft mentioned that this may be a situation where it would make sense for the GOC to introduce legislation. She noted that the Utilities and Energy Committee would be reviewing the PUC Study on February 24th and would be getting a briefing on OPEGA's Report in conjunction with that. The U&E Committee also has authority to issue legislation in connection with the PUC Report.

GOC: Sen. Nass asked if the GOC was involved with the U&E Committee meeting collectively.

GOC: Chair Hill said the GOC were all invited to attend the meeting.

GOC: Sen. Nass encouraged all the members who could attend the U&E Committee meeting on the 24th to do so.

GOC: Chair Hill said she would also encourage any GOC member to attend that meeting.

RECESS

The Government Oversight Committee recessed at 12:38 p.m. on the motion of Chair Hill.

RECONVENED

Chair Hill reconvened the meeting at 1:12 p.m.

Chair Hill opened the meeting up for discussion by the GOC as to what remaining agenda items they wanted to address and what might be carried over to next Friday's meeting.

The Committee discussed whether or not to have the Executive Session for the Personnel Matter at this meeting or waiting until next Friday's meeting. Following discussion, it was decided that the Executive Session would be held next Friday, February 26, 2010 at 8:00 a.m.

NEW BUSINESS

• Results From OPEGA's Special Project for AFA

Director Ashcroft said she went before the AFA Committee on February 10, 2010 and presented the results of OPEGA's Special Project on professional and administrative service contracts.

Director Ashcroft reported that she provided AFA with a list of certain contracted services that OPEGA thought could be considered for temporarily suspending in FY 11 as alternatives to other budget cuts they might not want to make. She emphasized to AFA that the services on the list should not be seen as a waste of taxpayer money or as unnecessary. While some are less directly impacting current and existing programs, they still have significant value in improving the State's programs and services. However, the State is in a difficult time right now, and there are choices to be made about what the State can afford to fund. OPEGA put the list of services forward to be considered as possible alternatives to other choices.

The Director briefly covered with the GOC the results of OPEGA's work that she had shared with AFA and she also described how she had selected which services might be considered for temporary suspension. She also mentioned that while working on this project she had noted several possible opportunities for reducing costs within Cooperative Agreements that the State has with the University of Maine System. Exploring those opportunities and quantifying the results would require a more typical review for OPEGA including additional analysis and working with the University system to understand how the Agreements are put together and why OPEGA is seeing what it is seeing in the budgets for them. She said for that reason, she told the AFA Committee she was bringing the idea of OPEGA doing a review of Cooperative Agreements back to the GOC. OPEGA made a similar recommendation in its 2008 Report on State Professional Services Contracting. At that time, the State Controller's Internal Audit Office had offered to do that review and they have started on it. However, the Director knew OPEGA was going into this special project for AFA, and had advised that they put that on hold as OPEGA's project would likely include some Cooperative Agreements. Director Ashcroft said she would like to talk with the GOC, if not this meeting, then the next about looking at those Cooperative Agreements.

GOC questions regarding the OPEGA presentation before the AFA Committee and the information furnished included:

GOC: Sen. Nass commented that he was interested to see that there was General Fund money associated with the Muskie School contracts. It has always been said that these contracts were all federal or other special revenue money so don't bother with it because there is no General Fund money. The information by OPEGA shows, at least in the group of nine noted, there was substantial General Fund money.

OPEGA: Director Ashcroft said the University of Maine contracts on the list are not all with the Muskie School. There is a significant amount of federal funding in most Muskie School contracts, but there is also General Fund money.

GOC: Sen. Nass asked what Director Ashcroft's reception was from the AFA Committee.

OPEGA: Director Ashcroft said her reception at the AFA Committee was mixed.

GOC: Sen. Nass said the contracts seem to be focused largely on the University system and there is 1 member on the AFA Committee, the House Chair, who probably reacted very negatively feeling the University system was being attacked.

- OPEGA: Director Ashcroft said she believed the Chair of AFA had good questions and they had some good discussion. The Director said she pointed out several times that OPEGA was not suggesting that work being done by the University was not good work, not effective work or that the State was not getting what it was paying for. Director Ashcroft said that when she was before the AFA Committee in December, 2009 and described for them OPEGA's methodology and current status of the project, she did point out to AFA at that time that a significant number of the contracts were related to the University. She specifically told them that because she was also looking for confirmation that they wanted her to keep proceeding as planned. If they felt they were not interested in considering Cooperative Agreements as part of this project then she didn't want to continue down that path. Director Ashcroft said she does recognize that there is a unique relationship between the State and the University and other states have the same kinds of relationships with universities in their states. It just so happens that a lot of the contracts that met the criteria for this project, i.e. professional services contracts that have General Fund money, happen to be agreements with the University. She said that AFA wanted her to continue the project as planned.
- GOC: Sen. Trahan noted that recently he was before the AFA Committee and the Chair was being tough about his Committee's budget recommendations and consolidation of the natural resource agencies. He wanted to note that that toughness needs to apply across the board and keep that in focus.
- OPEGA: Director Ashcroft said several members of AFA expressed wanting to think about how to do something with the results and getting more detail about the contracts. She has yet to hear back about that. Director Ashcroft said she sent a memo to the AFA Committee after that briefing in order to be clear about what her recommendations were for next steps. She did that because after she left the Committee meeting there was apparently conversation about whether she had properly put something before them to consider, so she wanted to make sure that her suggestions were clear.
- GOC: Chair Hill agreed with Sen. Trahan about the same standards have to be applied across the board and said it was good that AFA did direct Director Ashcroft to go forward.
- GOC: Sen. Nass said, if the Chairs agree, he'd like to know the next time that Director Ashcroft goes before the AFA Committee. He'd like the GOC to get notice, because he would like to attend. If these suggestions are being offered and they are not being received, then some of the GOC members need to be able to weigh in on that.
- GOC: Chair Hill requested that Director Ashcroft notify the GOC via email when she goes before the AFA Committee.
- GOC: Rep. Burns asked if these were suggestions that could be done without disrupting direct client services and if the next step was for Director Ashcroft to follow-up and give more detail to the AFA Committee.
- OPEGA: Director Ashcroft said she committed to getting the AFA Committee some updated information. Once OPEGA finishes its final discussions with DHHS on February 22nd she plans to provide an updated list to AFA so if there were any more services that fell in the category of gain versus maintain they could also be considered. It was her understanding that the AFA Committee may want to further consider the contracts identified and, if they do, she has expressed that OPEGA would be willing to provide them with the rest of the detail on the contracts.
- GOC: Rep. Burns said he wondered why the GOC and OPEGA went through the review of contracts if the AFA Committee is not going to further consider them. He is losing track of the value of all the work if they are going to just compartmentalize it and move on to other things. OPEGA has provided AFA with a lot of work, he does not know the intricacies of all the contracts, but from what he can see, none have anything to do with direct service.

- GOC: Sen. Nass asked whether AFA had specifically selected professional and administrative service contracts for OPEGA to work on. Was it their suggestion?
- OPEGA: Director Ashcroft said in July, 2009 she was asked to provide the AFA Committee with a list of areas for possible cost reductions that had come out of past reports. Professional services contracts was a topic she put forward based on the past review OPEGA had done on the procurement of professional services. The AFA Committee asked her to come back to a subsequent meeting with a prioritized list of those areas where it would be most likely to be able to get any savings for fiscal year 11. She had this topic on that prioritized list and it included what categories of contracts OPEGA may look at. She received word after that meeting through the OFPR Analyst that the Committee wanted OPEGA to proceed with looking at professional and administrative services contracts.
- GOC: Sen. Nass asked if at that time it was clear that the contracts were largely focused on University type contracts.
- OPEGA: Director Ashcroft said no.
- GOC: Sen. Nass said the focus of the University came up a couple of months after the request from the AFA Committee.
- OPEGA: Director Ashcroft said that the information that the category of contracts being focused on included many University contracts came up in December, 2009.
- GOC: Rep. Pendleton agreed with Rep. Burns prior comments. The AFA Committee asked for assistance and she hopes they will follow through with the information provided to them. She did not understand how the information OPEGA had provided could not be considered properly before the Committee if the Committee had asked for it.
- GOC: Chair Hill asked if there was a format to get the information properly before any committee.
- OPEGA: Director Ashcroft said she did not know.
- GOC: Chair Hill asked if Director Ashcroft would send a letter from the GOC Chairs asking how they would get something properly before the Committee stating the GOC wants to follow procedure and proper protocol.
- OPEGA: Director Ashcroft said she did not hear the conversation personally, but did call the Analyst of the AFA Committee to ask if she should follow up with a memo and the Analyst said she should.
- GOC: Chair Hill said the GOC needs to do things right if expecting others to, and it is fair and appropriate to ask questions.
- OPEGA: Director Ashcroft said she was going to talk with other non-partisan director counterparts to find this out.
- GOC: Chair Hill said for Director Ashcroft to go the route she feels comfortable with now and if she doesn't get the feedback to make the GOC feel comfortable they were handling things properly and giving Director Ashcroft the right direction, then the GOC will resort to a letter.
- GOC: Sen. Nass said he believes what happened is all pretty normal, it is part of the political struggle to figure out how to deal with \$438 million shortfall. AFA spent all summer and came up with \$30 million dollars and if you looked at the details of that savings it was not meaningful. The AFA Committee is struggling

and pushing back and forth trying to figure out how they are going to come up with the money. They are now waiting for revenue rejections, waiting for federal money to arrive and essentially doing nothing. He said that is why he would like to be at the next AFA Committee meeting.

GOC: Rep. Burns said it is pretty simple. If an agency comes in and asks to take your valuable time to do the studies, there should be a presumption that they are going to use the information to do something proactive.

GOC: Chair Hill said she does not know what will be done with the information, but thinks the AFA Committee needs some time since they are dealing with so much. She suggested the GOC wait until they see how it plays out. Chair Hill wants to protect the GOC and to make sure that if they were suppose to deliver something in the right format to the AFA Committee that in fact, OPEGA did.

UNFINISHED BUSINESS

- **Update on Status of Actions Taken on OPEGA's Report on Maine State Prison Management Issues**

Director Ashcroft referred the GOC to the status update on the Maine State Prison Strategic Action Plan provided by the Deputy Commissioner.

GOC: Chair Hill asked if there was any feedback from the Criminal Justice and Public Safety Committee and asked Rep. Burns, who is on the CJPS Committee, if they had looked at the update.

GOC: Rep. Burns said the Committee has seen the Department's Update information, but has not had the opportunity to formally address it.

REPORT FROM OPEGA DIRECTOR

- **Project Status Report**

GOC: Rep. Bickford asked about a timeframe for when the Maine Turnpike Authority review would be moved to "In Progress".

OPEGA: Director Ashcroft said OPEGA is at a point where other reviews are being wrapped up and will be ready to move forward on the Medical Services in the Correctional System as well as begin its preliminary research on the Maine Turnpike Authority. She wanted to revisit OPEGA's Work Plan given the GOC's conversations about OPEGA's Annual Performance Report, to discuss the topics currently "On Deck" and to decide whether they are still in line with the GOC expectations for what OPEGA should be focused on.

GOC: Rep. Burns asked for the cost of both OPEGA's Emergency Communications in Kennebec County Report and that done by the Public Utilities Commission.

GOC: Chair Hill said she was very impressed with Mr. Miller and that he had a tremendous command of the topic. She asked if he would be attending the U&E Committee meeting because she believes he would lend a lot of information, guidance and direction to them.

OPEGA: Director Ashcroft said she had asked that he attend and his schedule will allow him to be there.

Chair Hill said the February 26, 2010 GOC meeting agenda will include the public comment period on OPEGA's Emergency Communications in Kennebec County Report and the Committee will hold executive session on personnel matters.

Sen. Nass referred to an article written by Mike Brown at the Ellsworth American and said the reason he was pointing it out was because it addressed OPEGA's function, stating that the fact that this function exists and that the State departments can come under its review may be its largest contribution to State Government. Copies will be distributed to the GOC members.

- **Personnel Matters (Executive Session)**

Following Committee discussion it was decided that the Executive Session for next week's GOC meeting will be held at 8:00 a.m. and the public comment period on the Report would be held at 9:30.

Chair Hill referred to the NCSL and the National Legislative Program Evaluation Society report "Ensuring the Public Trust 2008" and said it was an excellent Report comparing all of the offices like OPEGA throughout the States. There are now 50 States that have Government Oversight-type Committees and OPEGA programs. Chair Hill suggested that members may want to review the Report prior to the next GOC meeting.

- **Follow-up on OPEGA's 2009 Annual Report on Activities and Performance**

Not discussed.

NEXT COMMITTEE MEETING

The next meeting was scheduled February 26, 2010.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 2:12 p.m. on the motion of Chair Hill, second by Rep. McLeod, unanimous.