



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

MAINE STATE LEGISLATURE GOVERNMENT OVERSIGHT COMMITTEE

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

MEETING SUMMARY August 19, 2010 Accepted September 23, 2010

CALL TO ORDER

The Chair, Rep. Hill, called the Government Oversight Committee to order at 9:44 a.m. in the Burton Cross Building.

ATTENDANCE

Senators: Sen. Brannigan, Sen. Nass, and Sen. McCormick
Absent: Sen. Simpson, Sen. Diamond, and Sen. Trahan

Representatives: Rep. Hill, Rep. McLeod, Rep. Pendleton, Rep. Burns, and Rep. Bickford
Absent: Rep. Rotundo

Legislative Officers and Staff: Beth Ashcroft, Director of OPEGA
Jennifer Henderson, Principal 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 JULY 14, 2010 GOC MEETING

Motion: That the Government Oversight Committee accept the July 14, 2010 Summary with the corrections noted by Rep. McLeod. (Motion by Sen. Nass, second by Sen. Brannigan, unanimous, 8-0).

NEW BUSINESS

- **OPEGA Recommendation on Consultant for Review of Medical Services in the Correctional System**

Director Ashcroft noted that the GOC's approved scope for this review now includes dental, pharmaceuticals and some mental health services so she changed the title of the Review from **Medical Services** to **Health Care Services**.

OPEGA issued an RFP to four firms seeking a consultant to complete the review of health care services in the correctional system. Director Ashcroft asked the firms to submit a proposal on the GOC's approved scope question of:

- How well does the Department of Corrections manage its contracts for medical, dental, pharmaceutical, and adult mental health services to ensure compliance with contract terms, conditions and expectations with regard to performance, quality and cost?

She also asked the firms to submit separately a proposal to address two additional questions:

- How well are the selected contractors complying with the contract terms and provisions most crucial to assuring inmates receive necessary and appropriate health care services in a timely manner?
- Are the selected contractors complying with relevant regulations, and adhering to appropriate and accepted procedures and practices, in delivering health care services to inmates?

The proposed cost submitted by the consultant OPEGA would prefer to retain is \$70,304 for a review of the first question and \$73,323 to review the additional two questions. The Director has checked with Rose Breton, Legislative Finance Director, and has confirmed that OPEGA has sufficient funds from past unencumbered balances to cover the cost of having all 3 questions answered.

Director Ashcroft's recommendations are to engage the consultant to answer all 3 questions for the following reasons:

- The Department of Corrections (DOC) has contracted with CMS since 2003 and Correct RX since 2007. Contracts with these entities are supported by General Fund resources and contracted amounts for FY09 were approximately \$12.5 million and \$2.8 million. It seems a prudent use of OPEGA's consulting budget, to confirm whether or not the State's funds are being well spent with these contractors before their contracts are renewed or re-bid.
- OPEGA has continued to receive complaints and concerns about the quality of care, including timeliness, provided by at least one of the contractors that is the focus of this review. There have also been two fairly recent inmate deaths at the Maine State Prison where the timeliness and quality of medical care received by those inmates have been publicly called into question. Those cases are under investigation. The additional questions will address more directly the contractors' actual practices, which could be putting inmates' health at risk and unnecessarily increasing the State's liability.
- There is potential for identifying cost savings associated with these health care contracts and services through this review. As part of their proposal, the bidders provided examples of the results of similar reviews they had done in other states. In the examples, the potential consultants had made suggestions for changes that could reduce the cost of inmate health care while maintaining or improving quality.
- A consultant that is familiar with a corrections environment, and with providing health care services in that unique environment, can more readily identify opportunities for reduced costs or improved quality than OPEGA could on its own. The State could also benefit from the perspectives of a consultant with national experience in this area.

Sen. Nass noted that all of the above have been concerns of the Criminal Justice and Public Safety Committee for many years.

In response to Chair Hill's question regarding the timeframe of the review, Director Ashcroft said the consultant will finish their work by the end of November and OPEGA will have a report to submit to the Legislature in January, which is prior to when DOC will begin the bidding for new contracts.

Rep. Burns asked for an estimate of hours that would be involved for DOC, the consultant and OPEGA. Director Ashcroft said the consultant anticipates spending 564 hours. She talked with Denise Lord, Associate Commissioner, DOC, and made her aware it may require a significant amount of their time at the beginning of the review and Ms. Lord said she and

another staff person will be gathering the requested information. OPEGA will be involved in making the introductions and then will be receiving weekly or bi-weekly updates from the consultant. The consultant described their approach as getting out into the facilities and talking with those who are more in charge of what is going on in each facility for medical care.

Senators Brannigan and Nass asked if the scope involved a review of the end of life care in the prisons. Director Ashcroft believes the consultant has the background to look at this area. She noted the topic appears to be of interest to the GOC and she will make a point to mention it to the consultant.

Motion: That the Government Oversight Committee approves the expansion of the previously approved scope and to engage the consultant as recommended by the Director. (Motion by Sen. Nass, second by Sen. Brannigan, unanimous, 9-0).

UNFINISHED BUSINESS

- **Consideration of Possible Enhancements to OPEGA/GOC Processes**

- **Process for Handling Request for OPEGA Reviews**

Director Ashcroft referred the GOC members to the revised draft of the Requests for OPEGA Reviews Process which she prepared by incorporating the Committee's comments and suggestions from the last meeting.

Chair Hill suggested the GOC discuss the Freedom of Access Act (FOAA) in regard to confidentiality of material given to a legislator first because that would affect the discussion of how to handle requests for reviews. The GOC's preference was to have requests for reviews come from legislators or legislative committees and anyone contacting OPEGA would be directed to a legislator to sponsor their request. The legislator would fill out the request form or send a letter on behalf of the individual to OPEGA.

Director Ashcroft learned from Linda Pistner, Chief Deputy Attorney General, that any documents provided to a legislator by an individual are subject to the FOAA, but documents in OPEGA's possession are protected under its statute as confidential working papers. The revised policy would work in situations where those individuals contacting a legislator do not care if they remain confidential. For those who did not want to be known, the advice would be that the person could talk with the legislator verbally, but not provide any documents that would be linked to them, including emails. The legislator would have to come to OPEGA, perhaps with the person, and the request form would have to be given directly to OPEGA as opposed to a legislator. Director Ashcroft thinks another step in the process would need to be added to make that clear. OPEGA can assist in writing the request up and discuss it with the legislator and it will remain confidential so long as the written information is not distributed to and kept by the legislator.

Chair Hill said she introduced a bill last session that addressed the issues of the confidentiality of emails from constituents to legislators. That bill was referred to the Judiciary Committee who decided it was complex and passed it on to the Right to Know Advisory Committee. That Committee has been working on the bill and will probably be reporting out their findings in September or October. If they vote that a bill is required to address the issues, that bill will go to the next Legislature. She said many people do not know that when emailing a legislator that email is subject to the FOAA and is not confidential.

Director Ashcroft noted that OPEGA should not be used as an avenue for a constituent to communicate with a legislator on an issue merely because it can maintain confidentiality. Topics brought to OPEGA whether by legislators or citizens should be ones that would be appropriate for an OPEGA review.

The GOC's discussion included:

- moving forward with the change that a person's request for a review come through a legislator;
- whether the FOAA allows a State agency to request information to identify the requestor or initiator;
- the whistle blower act;
- whether the whistle blower act relates to OPEGA or is only for the Department of Labor or Human Rights;

- whether the FOAA also included verbal communication between a legislator and constituent; and
- whether you can keep a whistle blower's identification confidential if they go to a legislator.

The GOC felt it would be advantageous for them to move forward with the change in the policy to require requests come through legislators, but it was crucial to get more information regarding confidentiality and the FOAA prior to moving forward on the revised policy.

Director Ashcroft will contact Chief Deputy Pistner for clarification on the matters the GOC had discussed.

The GOC continued its discussion of the Requests for OPEGA Reviews Process

GOC: Sen. Nass referred to the sentence "Requests submitted by legislative committees or groups of legislators will receive priority for consideration by the GOC" and said he is not certain they should have priority and asked if that is what the Committee wants.

OPEGA: Director Ashcroft said it may need to be reworded. Her intent was that if a letter is received from a legislative committee or a group of legislators, the process is that OPEGA will get it on the agenda for next GOC meeting rather than waiting until the quarterly list. Every request would go through the checklist regardless of where it came from.

GOC: Chair Hill's reaction to the sentence was the same as Sen. Nass and said perhaps additional language needs to be added referencing the GOC/OPEGA's mission and purpose.

GOC: Rep. Bickford thinks that the GOC, as a committee, decides what a priority is for OPEGA's Work Plan and what goes On Deck regardless of where it comes from.

OPEGA: Director Ashcroft thinks using the checklist will ensure that is carried through.

There were two other items the Director wanted to point out to the GOC. First, under the process as laid out now, OPEGA would be making the determination of whether the topic that is being requested fits within the GOC's mission, OPEGA's statute and falls within the policy. Does the GOC want OPEGA to make that decision as a screen in terms of what gets to them, or does the GOC want to make that decision? If requests are now coming through a legislator, does the Committee want to be making that determination itself as part of the checklist criteria.

GOC: Sen. Nass said he thinks OPEGA should continue to do it. The problem they are trying to address is identifying and moving projects forward that create greater results.

GOC: Chair Hill referred to the sentence "Generally, OPEGA will not present requests based on individualized complaints or allegations stemming from personal situations" and asked if they also deal with personnel, and if so, should both be eliminated.

OPEGA: Director Ashcroft thinks personal covers personnel if they apply the other statements contained in that section. If OPEGA received a personnel complaint, she would be asking if there is anything that might be a violation of law, are they alleging a violation of law or is gross misconduct going on or is the complaint more of a systematic problem. If the request meets either, she would bring it forward to the GOC to decide where the request falls after putting it through the checklist. If the request does not meet the intent of those statements, then OPEGA would not put it before the GOC for consideration.

GOC: Rep. Burns asked for an example of something that would not come forward under those circumstances.

OPEGA: Director Ashcroft gave the example of an employee having a complaint about not being pleased with the action management has taken in regards to their employment situation. They have filed grievances, or may have a grievance in the process and are not satisfied with the result of a grievance process. If the person had details

that showed gross incompetence or mismanagement that may cause her to bring it forward to the GOC for consideration, otherwise she would likely not.

GOC: Rep. Burns asked the Director what she would do with a request that an individual had stating the whole evaluation system was unfair.

OPEGA: Director Ashcroft said if she was not certain, she would be discussing it with the GOC Chairs and they will make the decision of whether to bring the request forward.

GOC: Chair Hill referred to the sentence “For Requests from Citizens and State Employees” saying she liked the fact that it gives the GOC some leeway and a requestor is not automatically turned away if the request does not fit into all of the categories in the policy.

GOC: Sen. Nass referred to the statement that OPEGA will acknowledge receipt of the Audit Request and asked who will they acknowledge receipt to.

OPEGA: Director Ashcroft said OPEGA would acknowledge receipt to the legislator and ask the legislator whether they would like OPEGA to keep the person that brought the request to the legislator abreast of what was going on as well. The Director will check with the AG’s Office to make sure that OPEGA’s email is a confidential work paper under the statute.

Director Ashcroft referred members to a section in the Policy that she had added. “d. Authorize OPEGA to Conduct Limited Research and Respond to Requestor – This option is for topics where minimal research or analysis (no more than 20 hours) may be sufficient to answer a limited question for a legislator or legislative committee. . .” She said requests that came before the GOC in this category were, for example, why DHHS was not drawing down federal funds related to a program that had been an audit finding from the USDA. It was a simple matter of talking with DHHS, gaining an understanding of what was going on, and then OPEGA could easily tell that legislator what the situation was. If it was a bigger problem, they could bring it forward as more of a request. She also gave the example of the request for a review of the Wallup-Breaux Program. The GOC considered it, but it did not rise to the level of priority, it was more that the legislator was looking for information about what were the parameters around what can be done with the federal funding, etc. That required just a bit of research by OPEGA.

GOC: Sen. McCormick asked if the Director would try to determine if it was just a matter of getting information from an agency.

OPEGA: Director Ashcroft said OPEGA typically asks the requestor if they are aware of information available, and many times it only requires someone to put all the different pieces of information together and explain it.

GOC: Sen. Nass thought 20 or 40 hours was a lot in that context, but the Director would know better what can be done in 20 hours.

OPEGA: Director Ashcroft said the GOC can set the hours they are comfortable with. She had suggested the 40 hours because that is how many hours OPEGA might use in helping the GOC process a request all the way through the proposed checklist to decide whether it was a priority that should go On Deck or not. Gathering the information the GOC might need for that decision-making could take 40 hours or more, so if a request could be satisfied in less time than that by just doing the work and responding to the requestor then that might be more efficient.

GOC: Sen. Nass is willing to go with the Director’s judgment on that, he is trying to keep his mind on the end point. The GOC/OPEGA needs to spend its resources on projects that result in noticeable benefits.

OPEGA: Director Ashcroft said the GOC does not have to agree to the suggestion of adding another option, but it would give them an avenue to use if there was some value to getting information on the matter, i.e. they know it is going to play into a piece of legislation, etc. and could be used instead of going through the whole rest of the decision-making process.

GOC: Sen. Brannigan asked if OPEGA has already been doing this.

OPEGA: Director Ashcroft said OPEGA has not been doing a lot of it, but there have been a couple of topics the GOC considered this year that were not a priority for a full review but it seemed there was still a desire for OPEGA to try to assist the requesting legislator in getting information.

GOC: Rep. Bickford asked when OPEGA does a limited research in response to a request, does that come before the GOC first.

OPEGA: Director Ashcroft said she would bring it to the GOC first.

Director Ashcroft referred the GOC to the draft checklist she prepared at their request that would give them structure when considering the topics for reviews. The first part deals with whether the GOC should even be considering the topic for an OPEGA review at that time. If the Committee wants to move forward to decide whether it should be added On Deck or to the Work Plan, they would move to part two of the checklist.

Committee comments and discussion included:

GOC: Sen. Nass thinks it would move the GOC collectively in a direction where they are aware of a financial or public impact situation as they start the project, and would get results that are more noticeable.

GOC: Chair Hill referred to the wording "has it recently been audited" and does not think that should exclude a topic.

OPEGA: Director Ashcroft agreed that even if the situation had been taken under consideration by someone else, it does not mean the relevant issues have been fully explored. Maybe it should be changed to "is the issue currently being satisfactorily covered". That would give the GOC a point to have the discussion about whether what has been done has been sufficient.

GOC: Sen. Nass noted that in the past the Controller's Office has said that they were going to be reviewing an issue brought up before the GOC and the Committee/OPEGA backs off and waits without knowing when that Office will do it.

GOC: Rep. McLeod had concerns with the notation on the checklist that said "Assume the On Deck list is a maximum of 20 topics and shall have no more than 5 topics associated with one department at a time". DHHS and the Department of Education expend approximately 80% of the State budget and there may be occasion for more than 5 topics from those departments to be On Deck. The GOC should not be restricted in their decisions of what reviews should be put On Deck or the Work Plan.

OPEGA: Director Ashcroft said if you were to look down through what is on the checklist, almost any topic from DHHS that comes before the GOC would get fairly high points because of the financial and public impact which means that you could end up with an On Deck list that are all DHHS topics. While that might be appropriate because that is where the money is, there are some considerations for the amount of time for the agency involved and by limiting the number per department it would force the GOC to look through what they have for each department, more of State government may get covered.

GOC: Chair Hill would suggest the sentence be changed so it was not so restrictive. She believes the GOC is looking for a policy and a structure, but does not want to have a strangle hold on their ability to make decisions based on each and asked the Director to be more flexible with the language.

Director Ashcroft will do a redraft of the checklist putting in flexibility for the next meeting.

The GOC agreed to start using the Requests for OPEGA Reviews Policy except that the two requests currently pending would not require a legislator as sponsor. However, the GOC would process them through the checklist as a trial run.

Motion: That the Government Oversight Committee accepts the Requests for OPEGA Reviews Policy that has been outlined together with the Committee's recommended changes noted at this meeting. (Motion by Rep. Bickford, second by Sen. Brannigan, unanimous, 8-0).

Motion: That the Government Oversight Committee exempts from the new Policy the two review requests currently pending with OPEGA and effective today all new review requests will conform to the new policy. (Motion by Sen. Nass, second by Rep. Bickford, unanimous, 8-0).

- OPEGA Review Selection Process

Director Ashcroft said she had not prepared any information for the Review Selection Process because that process depends on the GOC's decisions regarding the Request for Reviews Policy. She will incorporate the GOC's decisions into this process as appropriate for the next meeting.

She noted that the GOC had previously discussed whether they wanted to refine the GOC mission statement in order to bring some additional parameters to the decision of what was in bounds or out of bounds for topics. The GOC requested the Director to research what other States had for their oversight committee mission statements. Director Ashcroft reported that offices similar to OPEGA typically always have a mission statement, but there were only 3 states where the oversight committee had a mission statement for itself, and in all but one of those situations, the committee was the same as the office in terms of the structure set up in that State.

Chair Hill asked if the GOC wanted to discuss the matter further. The Committee did not and noted they were comfortable with the way it is.

• Follow-up on OPEGA Reports

- Follow-up on OPEGA's Fund for Healthy Maine Report **• Potential GOC Legislation**

Director Ashcroft referred members to the information in their notebook. Sen. Nass asked if the GOC wanted to do something more direct than setting up a study committee as opposed to just revising the budget process for Fund for Healthy Maine as recommended in OPEGA's Report. Director Ashcroft said the study committee recommendation was about reviewing what the Fund is being used for – which programs are getting allocations made to them and whether the funding is being spent supporting the State's current goals and strategies for preventive health. The recommendations dealing with budget matters were different than this.

Sen. Nass asked if the GOC then wanted to have a separate piece of legislation for the budget piece that established FHM as a separate Fund because that was part of the problem. It seemed the Administration was not taking the lead to do that.

Director Ashcroft explained that establishing FHM as its own Fund is something OPEGA recommended and would put with the budgetary piece in another bill if the GOC wanted to do two bills.

Sen. Brannigan asked if giving the Fund its own allocation is something that could be done within the present budgetary processes of the General Fund.

Director Ashcroft explained that presently the Fund is given the same accounting code in the accounting system as all other Special Revenue streams. Work has been done to try to show the allocations specific to FHM by creating

separate budgetary programs that are then allocated to. OPEGA has suggested that this method does not give a view of the overall budget that is helpful to legislators. OPEGA's purpose for suggesting the Fund have its own code in the budget system is because it would allow legislators to see what the funds are supporting in conjunction with other funds that are supporting the same efforts.

She had talked with Sen. Diamond about putting it together with the other budget pieces, and he felt that bill would find its way to the AFA Committee.

Chair Hill asked the Director if Sen. Diamond was comfortable with that approach.

Director Ashcroft said that they did not talk about separating it into two bills, but asked him if he thought legislation was the way to try to get this implemented and did he think it was worth going forward with. He said yes to both. She would like direction from the GOC of whether they wanted the legislation regarding the Fund for a Healthy Maine in two bills and if they still wanted the proposed legislation to include all of the issues previously discussed.

Motion: That the Government Oversight Committee accepts the Director's Outline of Legislation to Implement Recommendations from OPEGA's Report on Fund for Healthy Maine Programs and that it be broken into two bills. (Motion by Rep. Bickford, second by Sen. Brannigan).

Prior to the vote, Rep. Pendleton wanted to clarify that the two bills will be brought back to the GOC for the Committee to give approval before anything is done. Director Ashcroft said that was her plan. Rep. McLeod asked if the Fund for Healthy Maine came from tobacco money only. Director Ashcroft said there is dedicated revenue that comes into the Fund for Healthy Maine from the Racino money but is dedicated to drugs for the elderly.

Vote: The above motion passed by a unanimous vote, 8-0.

- **Follow-up on OPEGA's State Contracting for Professional Services Report**

In this report, OPEGA had made recommendations on strengthening the State's policies for justifications for sole source contracts and for amendments and renewals of contracts. Director Ashcroft reported to the GOC that there were 3 action items that the Bureau of Purchases was going to undertake and said they have completed all 3. As a result, the State has a revised policy for sole sourced contracting that requires stronger justification. There was also a new policy on contract renewals and amendments that will give the Bureau of Purchases more support in dealing with departments on whether they should continue to keep renewing contracts as opposed to rebidding them. OPEGA has reviewed both of these new policies and finds them to be more prescriptive than past policies. Purchases also reported that they brought the Executive Order pertaining to purchasing in line with the statute in terms of when things had to go out to bid and who was going to be reviewing them. Previously, there were inconsistencies among the three governing documents about purchasing and they have now issued a new Executive Order to take care of the inconsistencies.

One remaining recommendation in the Report that has only had limited action taken on it is on OPEGA's recommendation that a more detailed review of Cooperative Agreements be conducted. These agreements are typically with the University of Maine System or the Maine Community College System. At the time OPEGA issued its Report, the State Controller's Office said they would do the review of Cooperative Agreements and the GOC asked that they do it. The Controller's Office did start the review, but did not get into it very far when OPEGA began its work for the AFA Committee around contracts. OPEGA knew that Cooperative Agreements were part of the population of contracts it would be looking at so the Director suggested that the Controller's Office may want to wait until OPEGA had done that work. OPEGA's work for AFA did result in a suggestion that it might be worth looking at whether there was potential for cost savings in Cooperative Agreements because of items noted when OPEGA reviewed the professional services agreements.

If the GOC would like to do more with this recommendation, Director Ashcroft will get more detail about OPEGA's observations on Cooperative Agreement for the next meeting. She said the Committee could also decide they do not want to take any further action, and she will close out the follow up on this Review.

The GOC agreed that they would like the Director to put together more information and report back at the next meeting.

- Follow-up on OPEGA's State Administration Staffing Report

The goal of this review was to try to identify whether there were any potential savings in reducing upper level administrative type positions in State government. OPEGA tried to do an analysis of how many of those positions there were, but in the end, could not do the work it wanted to do because the State did not have any consistent standardized organizational charts for all agencies that would allow OPEGA to look at layers and spans of control in an objective manner.

One of the recommendations was that the Legislature require, in conjunction with the budget, that state agencies supply such charts and that they all be consistent. Since that time, the Administration has gone through the effort of doing an initial run at creating such charts. They were provided to the AFA Committee last session and there are some limitations with regard to them. To Director Ashcroft's knowledge nothing further has been done with them.

The other observation noted in this report is that there had been a shift in the types of positions in State government and, in particular, that the percentage of "confidential" positions had increased significantly. This was potentially important because for a number of the confidential type positions in certain administrative categories, the State was contributing a portion of what would normally be the employee's responsibility towards their retirement. Whether this was a positive or negative for the State financially depends on how salaries and benefits for these positions compare to other organizations in the employment market. Further analysis would have to be done to determine whether it made sense for the State to consider changing this arrangement. The Administration also did a salary market survey, but she does not believe the results have been used to do the analysis described.

The Administration has done its piece to make some of the information OPEGA recommended available to the Legislature. So, the question is whether the Committee feels this is enough or whether it wants OPEGA, or somebody, to be directed to do further work on evaluating spans of controls, and/or management layers.

Sen. Brannigan believes the pension issue is going to be talked about in the next year or so and it should be left to the new Administration and the Legislature for action, but thinks some of what OPEGA has looked at will be helpful to that process.

Before the GOC decides how it will proceed they will review the Report and discuss it further at their September meeting.

- Follow-up on Bureau of Rehabilitation Services Case Referred to the Attorney General's Office

OPEGA had found a number of issues in the way the Bureau was procuring goods and services for clients. The Department of Labor took a number of comprehensive actions on this when the Report was released and have completed the action items. The Director has some evidence that they are continuing those efforts and have done their piece.

The only outstanding actions related to cases that went to the Attorney General's Office as a result of OPEGA's review. There were two cases involving two different employees and she believes both had left State employment shortly after OPEGA completed its review. The AG's office reported that its investigation into one case had produced enough information to issue an indictment, but they discovered that the previous employee had passed away. Therefore, the indictment was not issued and the case is closed. The second case is now back on somebody's plate after the AG discovered that it had fallen through the cracks for a time. It was originally assigned to an investigator in the AG's Office who left that Office and when that happened it was assigned to an investigator with the Sheriff's Office. That person ended up leaving before completing the work and the AG's Office was not made aware of that, so it did not get reassigned. They are now aware of it and have reassigned it to someone in the Sheriff's Office. Director Ashcroft will report to the GOC as updates are received.

- Follow-up on OPEGA's State Boards, Committees, Commissions and Councils Report

This report was released in February, 2008. The goal of the review was to identify places where there might be savings. The Report contained 7 different fiscal opportunities related to reducing the number of boards and commissions or cutting

their expenses. OPEGA also made several general recommendations regarding managing the number of boards, committees, commissions and councils that State Government has.

Director Ashcroft said one of the recommendations has been implemented. Legislation was passed to make changes to Title 5 to give the Secretary of State's Office more authority in the types of information it collects about the boards, committees, commissions and councils so that the Legislature could have a better view of when some had outlived their useful life. Each biennium the Secretary of State's Office reports to the State and Local Government (SLG) Committee on boards that have not had any activity and should be considered for elimination. In addition, OPEGA recommended that the Legislature consider exploring the 7 fiscal opportunities laid out in the Report. The SLG Committee did reach out to the other policy committees and asked for their thoughts about combining some of the boards and commissions OPEGA had pointed out that appeared to have similar scopes of subject matter that they dealt with. She said it was the intention of the SLG Committee to take up the rest of what was contained in the Report, but she does not think the SLG Committee had the opportunity to do that. Consequently, the fiscal opportunities in the Report have not been fully considered.

OPEGA also recommended that the Legislature consider implementing Sunrise and Sunset processes for boards, committees, commissions and councils and that has not been discussed.

Chair Hill referred to the fiscal opportunity of \$190,000 and asked if it was a one time cost or was it continuing savings. She also noted the 4,000 employee hours involved in the boards and committees. The Director said it was an ongoing annual cost.

The GOC noted that the money for boards, committees, commissions and councils likely came from dedicated revenue. Director Ashcroft said that is possible. OPEGA did not want to burden all the boards and commissions with providing OPEGA information on what type of funding they received so that information was not collected during the review. She said some is definitely dedicated revenue from licensing fees. Even if it is licensing revenues, however, cutting down the cost should provide an opportunity to reduce the license fees or use the savings for some other expense in the department. Efficiency would still be a benefit to someone. This may be one of the reasons it has been hard to give it priority in the current budget situations because it is not certain how much would impact the General Fund versus some other revenue stream.

Sen. Nass asked if this discussion could be continued to the next meeting because Sen. Simpson, Chair of the SLG Committee, may have some insight of what should be done.

Chair Hill asked if the information for all the boards, committees, commissions and councils were in one place. Director Ashcroft said Title 5 is supposed to contain a list all of the statutorily created boards, committees, commissions and councils and it also provides parameters around the per diem rates, etc. However, OPEGA found some boards and commissions did not get listed in Title 5. The Secretary of States Office was given responsibility for collecting a certain amount of annual information for those that are in Title 5.

Director Ashcroft was asked by the GOC to find out where the Secretary of State's Office kept its findings and information on the boards, committees, etc. The GOC needs input from the Secretary of State's Office on if there is a way the GOC can make it better.

This matter was continued to the September GOC meeting for further discussion and action.

- **Using Government Evaluation Act as a Basis for Developing OPEGA Work Plans**

Director Ashcroft said when the GOC was discussing the GEA's effectiveness and efficiency in general, it was noted that it appeared the SLG Committee was to review it in 2010. She thinks Sen. Simpson spoke with the OPLA Analyst for that Committee and the GEA will be an agenda item for their meeting in September, but at this time that has not been confirmed.

The OPLA Analyst did discover in the Law and Legislative Reference Library a report on a review that SLG Committee had done on the GEA in 2000. Director Ashcroft said that Report discussed a number of the same concerns the GOC

members had about that process and there were findings and recommendations that were made by the SLG Committee about the GEA process back in 2000. She thinks the SLG Committee is going to review the GEA, and she will monitor for the GOC what action that Committee takes.

It was decided that before the GOC took any action on the GEA they would get information from Sen. Simpson on what action the SLG Committee intended to take.

This item was tabled until the September GOC meeting.

REPORT FROM OPEGA DIRECTOR

• Project Status Report

Health Care Services in the Correctional System had been discussed earlier in the meeting. The GOC agreed to expanding the scope and OPEGA will move forward with hiring the consultant.

Maine Turnpike Authority is progressing. Director Ashcroft has evaluated where OPEGA is in terms of the work plan and based on that, she anticipates that OPEGA will be ready to release the report at the end of November. She did contract with a firm to provide expertise regarding the bond resolution questions.

Governor's Training Initiative – the GOC approved this review at its last meeting. Director Ashcroft has notified the agencies and the relevant Joint Standing Committees that OPEGA has this review on its work plan and intends to start work as soon as some of its resources free up. She has asked the members of the BRED, Labor and AFA Committees to let the Office know if they had any concerns or context that they thought OPEGA should be aware of.

• Action Items From Last Meeting

As requested by the GOC, Director Ashcroft sent a memo to the CJPS Committee regarding Inmate requests for OPEGA reviews.

Director Ashcroft will bring back to the GOC further information about the requests for reviews regarding the Maine Arts Commission.

OTHER BUSINESS

None.

NEXT COMMITTEE MEETING

The next Committee meeting was scheduled for September 23, 2010 at 9:30 a.m.

The Committee also discussed possible meeting dates for October and November. Ms. Begin will poll Committee members for their availability to attend a meeting on October 27, 28, or 29 and November 22 or 23.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 12:28 p.m. on the motion of Rep. Bickford, second by Sen. Brannigan, unanimous.