



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

MEMBERS:

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

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
March 31, 2008

CALL TO ORDER

The Chair, Rep. Canavan, called the Government Oversight Committee to order at 2:09 p.m. in the Burton Cross Building.

ATTENDANCE

Senators:

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

Representatives:

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

Legislative Officers and Staff:

Beth Ashcroft, Director of OPEGA
Jennifer Reichenbach, Senior Analyst, OPEGA
Etta Begin, Adm. Secretary, OPEGA

Executive Branch Officers
and Staff:

Timothy Poulin, Director, Division of Corporations, UCC and
Commissions
Cynthia Bertocci, Executive Analyst, Department of Environmental
Protection
Catherine Renault, Director, Department of Economic and
Community Development
Jill Duson, Director, Bureau of Rehabilitation Services
Penny Plourde, Director, Division of Vocational Rehabilitation
John McMahon, Director, Division of the Blind & Visually Impaired

INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS

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

COMMITTEE VOTE ON OPEGA FINAL REPORT

State Boards, Committees, Commissions, and Councils

Director Ashcroft referred Committee members to material in their notebooks that included OPEGA's Summary of agency comments and written letters and memos it received as public comments on the report. Listed below is the information received:

- **Maine State Board of Nursing** – comments provided by Myra Broadway, JD, MS, RN, Executive Director, Maine State Board of Nursing;
- **Motor Vehicle Franchise Board** – comments provided by John McCury, Esq., Board Chair;
- **Court Alternative Dispute Resolution Service Committee** – Judiciary – comments provided by Diane Kenty, Esq., Director, Office of Court Alternative Dispute Resolution, Maine Administrative Office of the Courts;
- **Division of Deafness Advisory Council** – comments provided by John Shattuck, Director, Division of Deafness, Maine Department of Labor;
- **Maine Lobster Promotion Council** – comments provided by Dane Somers, Executive Director, Maine Lobster Promotion Council;
- **Archives Advisory Board, Maine Library Commission, Maine State Museum Commission, Maine Arts Commission, Maine Humanities Council, Maine Historic Preservation Commission, Cultural Affairs Council, and Maine Historical Records Advisory Board** – comments provided by John Rohman, Chair, Maine State Cultural Affairs Council;
- **Blaine House Commission** – comments provided by Earle Shettleworth, Chair, Blaine House Commission;
- **Board of Emergency Municipal Finance and Board of Trustees, Mining Excise Tax Trust Fund** – comments provided by Jerome Gerard, Acting State Tax Assessor, Maine Revenue Services;
- **Maine Labor Relations Board** – comments provided by Peter Dawson, Chair;
- **Maine Pilotage Commission** – comments provided by Captain Robert Peacock, Quoddy Pilots USA, Captain Charles Weeks, Jr., Chairman, Maine Pilotage Commission, Captain David Gelinis, President, Penobscot Bay & River Pilots Association and Captain Gerald Morrison, Eastport Pilots, USA.

- Public Comment Period

Chair Canavan asked if there were public comments on the above Report to be heard at this meeting.

Attending and presenting public comment on the Report were:

- Timothy Poulin, Director, Division of Corporations, UCC and Commissions, comments included:
 - The Secretary of State's comments are included at the end of OPEGA's State Boards, Committees, Commissions, and Councils Report. Director Poulin's Division manages all the data relating to over 275 boards and commissions listed in Title 5, Chapter 379.
 - Director Poulin has been working with the State and Local Government Committee who has addressed some issues that are included in the Report. Last week the Committee reported out a bill relating to an amendment to Title 5 as it relates to boards and commissions reporting certain activity. A number of elements are being added to the section of the law that requires them to report. In addition to what they are reporting now, they would also report the number of hours spent by the board clerk working to support the board, provide information relating to compensation that includes not only per diem and expenses reimbursed to members but any member who receives a stipend; and

report the expenses of the board relating to facility costs, refreshment costs, and expenses related to public hearings or other expenses not otherwise classified. The bill also requests the source of their funding so the Secretary of State can articulate that in its report which will be helpful to the Legislature when looking at the information. In December, Director Poulin's Department will begin to collect a brief summary of the activity of the boards relating to their statutory missions. If the State and Local Government Committee's legislation passes, the Secretary of State's Office will be requesting the information listed above for boards, committees, commissions and councils.

- OPEGA hit many of the items on the head.
- Much more needs to be done. Director Poulin's office spends an enormous amount of time working with boards and the appointing authority to get appointments done correctly.
- The Secretary of State's Office does not have problems when appointments are made by the Governor or legislative leadership but does have problems when appointments are made by non-government agencies or commissioners.
- Believes the new reporting requirement will help legislators better understand the impact the boards have on State government in both what they spend and what their missions are.
- Director Poulin's office over the last three years has created a data base and put it into an environment that everyone has access to so that legislators and the public can get information on members of boards and commissions and when appointments need to be made.

Questions and comments of the Government Oversight Committee included:

- Does any State department have a list of what each board's functions are or a description of the areas each board is under? Although a board may be similar in name, its functions may not and it would be helpful to have that information.

Director Poulin said in statute, Chapter 379, each of the boards are listed in a unique group. He does not think there is a condensed list. The Secretary of State's data base does have references to authorizing statutes but have never put together a comprehensive list because it is not within their range of responsibility. He offered that he could easily provide a list of all the boards and what their statutory references are.

- Is there an agency that summarizes the duties of commissions in any kind of detail so it could be determined whether there was overlap and if not, would that information be helpful?

Director Poulin said he was not aware of any agency that had such information. It would be helpful to the Legislature when trying to decide whether a board should stay in existence. Some have similar names but clearly have different functions under federal requirements. Although his office has the data, he does not believe his office has the resources to pull the information together.

The GOC members thanked Director Poulin for the information he provided.

- William Norbert, Governmental Affairs and Communication Manager, FAME spoke on the **Advisory Committee on Medical Education, Advisory Committee on Dental Education, Advisory Committee on College Savings, Advisory Committee on Family Development Accounts, Fund Insurance Review Board, Kim Wallace Adaptive Equipment Loan Program and Maine Engineers Recruitment and Retention Advisory Committee**. Mr. Norbert's comments included:
 - FAME benefits greatly from the advisory committees and boards and the expertise that the members bring to meetings.
 - The only committee not active is the **Maine Engineers Recruitment and Retention Advisory Committee**. It was statutorily created but was never funded by the Legislature.
 - For future legislative improvement he suggested that agencies like FAME be allowed to create ad hoc advisory committees rather than making them statutorily mandated.

Questions and comments of the Government Oversight Committee included:

- There appears to be committees that report to other parts of State government that have similar duties and asked if Mr. Norbert could speak to that.

Mr. Norbert said he believes there may be some overlap but thinks the FAME-related boards and committees are most knowledgeable about FAME's programs. FAME does not believe there are other Committees listed that have the same purpose as the ones listed above, but said the Legislature did separately create the **Advisory Committee on Dental Education** and the **Advisory Committee on Medical Education** and they could be merged.

The Committee thanked Mr. Norbert for the information he provided.

- Cynthia Bertocci, Executive Analyst, Board of Environmental Protection said the Board does provide a very detail accounting of the work it does and reports to the Joint Standing Committee on Natural Resources. Ms. Bertocci will provide copies of the Board's Report to GOC members.

The Committee thanked Ms. Bertocci for the information provided.

Hearing no other response for public comment from those attending the meeting, Chair Canavan moved to the Committee work session on the Report.

- **Committee Work Session**

The Committee Work Session was postponed until the next meeting.

- **Committee Vote**

The Committee Vote was postponed until the next meeting.