



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
January 16, 2009
Accepted January 30, 2009
With Changes

CALL TO ORDER

The Chair, Senator Simpson, called the Government Oversight Committee to order at 9:40 a.m. in the Burton Cross Building.

ATTENDANCE

Senators: Sen. Simpson, Sen. Nass, Sen. McCormick, and Sen. Trahan
Joining the meeting in progress: Sen. Brannigan
Absent: Sen. Diamond

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

Legislative Officers and Staff: Beth Ashcroft, Director of OPEGA
Jennifer Reichenbach, Principal Analyst, OPEGA
Wendy Cherubini, Senior Analyst, OPEGA
Scott Farwell, Analyst, OPEGA
Matthew Kruk, Analyst, OPEGA
Susan Reynolds, Analyst, OPEGA
Etta Begin, Adm. Secretary, OPEGA

INTRODUCTION OF GOVERNMENT OVERSIGHT COMMITTEE MEMBERS

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

INTRODUCTION OF THE OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY STAFF

Director Ashcroft introduced the OPEGA staff.

ORIENTATION OF NEW MEMBERS

Review of Functions, Roles and Duties – GOC and OPEGA

Discussion ensued following an overview from Director Ashcroft regarding the functions, roles and duties of the GOC and OPEGA. As a result:

- The Director will let the GOC know if it asks OPEGA to review an area that is outside OPEGA's jurisdiction as per statute.
- The Director will consult with Linda Pistner, Chief Deputy Attorney General, whether the following would be under OPEGA's purview:
 - the Maine Turnpike Authority;
 - Maine Health Access Foundation (MEHAF);
 - University of Maine System: free tuition;
 - Muskie School at USM: contracts and whether it is self-supporting; and
 - University of Maine at Fort Kent: facility on the Allagash and whether other groups besides the students are using the facility and for what purpose.
- Director Ashcroft will provide the GOC with performance review forms that may be appropriate for the GOC to use in evaluating the OPEGA Director's performance.
- Director Ashcroft will contact the Attorney General's Office for advice on the process the GOC would use if it wished to use its statutory authorities to subpoena or to examine witnesses.
- The Director will provide the GOC with a previous memo she had received from the Chief Deputy Attorney General regarding when Executive Session could be used and the process for going into Executive Session.

Review of Key Processes:

- **How Topics are Selected**

Director Ashcroft reviewed for the GOC how topics are selected for an OPEGA review. During Committee discussion, the following points were made:

- The GOC directs what OPEGA will review and it is up to the Legislature to implement the savings.
- Agencies sometimes begin addressing topic areas discussed by the GOC or that are on OPEGA's Work Plan prior to OPEGA conducting any review. There are also instances where agencies take action to resolve problems identified by OPEGA before the final report is released. In these situations, OPEGA may be indirectly contributing to improvements and savings that are not formally recognized.

The Committee also questioned the Director about:

- How many projects OPEGA can have in progress at one time and whether there is a dollar amount allotted for each project;
- OPEGA's consulting budget; and
- whether there is a formal appeals process if the Committee votes to take no action on a requested review.

RECESS

The Government Oversight Committee recessed at 10:45 a.m. on the motion of Chair Simpson.

RECONVENED

Chair Hill reconvened the meeting at 10:55 a.m.

Director Ashcroft said that there are 49 States that have legislative offices like OPEGA that do performance evaluation work. OPEGA belongs to an association that is a subgroup of the National Conference of State Legislatures, the National Legislative Program Evaluation Society and referred Committee members to the Booklet in their packet called "Ensuring the Public Trust 2008" which includes information on all of the legislative performance evaluation offices across the country.

• How Reviews are Conducted

Director Ashcroft summarized the steps OPEGA takes in reviews conducted. Committee discussion included the following topics:

- Conflicts of Interest: OPEGA's Conflict of Interest Statement for OPEGA staff, situations where staff have had a conflict and whether Committee members have to be concerned about conflict of interest as well when voting. Director Ashcroft will provide members with a copy of the Statement staff completes.
- GOC input to OPEGA reviews in progress: OPEGA always welcomes input from GOC members at any point, but cannot share with any legislators what is going on in a review that is underway.
- OPEGA's relationship to the Legislative Council.
- OPEGA and the GOC should be sensitive to the amount of time an agency will need to devote to requests for information during OPEGA reviews. But it is important that agencies not use this as an automatic justification to slow the review process down or influence the Committee on what reviews they direct OPEGA to do.

• How Reports are Received

Director Ashcroft went over how OPEGA reports are received by the Committee and the different actions the Committee may take when voting on a report.

• Review of Other GOC/OPEGA Processes

The Director referred the members to the information in their packet regarding the process for handling requests for OPEGA audits.

- **Description of GOC/OPEGA Website**

Director Ashcroft informed the Committee of what information could be found on the website maintained by OPEGA. She also noted that each of the Legislature's non-partisan offices maintains its own website and that Susan Reynolds, one of the OPEGA analysts, is OPEGA's webmaster and designed the current website.

REVIEW AND ADOPT COMMITTEE RULES

Chair Simpson said the GOC is scheduled to meet the second and fourth Friday of each month. Members agreed that the meetings will begin at 9:30 a.m. and will follow the schedule until June and then decide the meeting schedule during the interim.

The Chairs will suspend the rules regarding the consumption of food in the Committee Room when the Committee has a working lunch.

Motion: That the Government Oversight Committee adopts the Committee Rules for the 124th Maine Legislature as proposed. (Motion by Sen. Nass, second by Sen. Brannigan, unanimous, 9-0-3).

Committee members will have a separate notebook that will be kept in the GOC Chairs' Office, Room 203 in the Cross Building, and the information from each meeting will be put into those notebooks for each member. Director Ashcroft will make the necessary arrangements to have Room 203 added to the GOC members' access card so they will be able to have access to their information at any time.

REPORT ON STATUS OF CURRENT OPEGA WORK IN PROGRESS

Director Ashcroft explained the format for progress reports she makes to the Committee on OPEGA's Work Plan. Following Committee discussion it was decided that the project topics in "Suspended", "Planned – First Level Priority" and "Planned – Second Level Priority" categories be included in the information the Director prepares for the next GOC meeting for the Committee's discussion on topics for OPEGA reviews.

The Director said that OPEGA also tracks the hours spent by OPEGA staff on reviews and studies. She can share that information with the Committee as part of the regular progress report or when requested.

RECESS

The Government Oversight Committee recessed at 11:55 a.m. on the motion of Chair Simpson.

RECONVENED

Chair Simpson reconvened the meeting at 12:40 p.m.

Director Ashcroft continued with the status of OPEGA reviews and gave a brief summary of the reviews in progress.

- **Children's Mental Health: Outpatient Services** – is in fieldwork. The GOC approved the specific scope for this review on October 7, 2008 after consideration of OPEGA's Recommendation for Project Direction. OPEGA is planning to issue the final report to the GOC at its February 27, 2009 meeting.
- **Durable Medical Equipment and Medical Supplies Purchased Through MaineCare** - is in fieldwork. The specific scope for review was also approved by the GOC on October 7, 2008 after consideration of OPEGA's Recommendation for Project Direction. OPEGA is planning to issue the final report to the GOC in March, 2009.

- **Fund for Healthy Maine: Programs, Allocations and Expenditures** – is in fieldwork. On October 7, 2008, GOC approved a request from the Health and Human Services Joint Standing Committee for an OPEGA review of certain areas related to the Fund for Healthy Maine. The GOC added it to OPEGA's work plan at that time with the goal of having information for the Legislature in the early part of the upcoming session. Currently, OPEGA plans to issue an Information Brief to the GOC at its February 27, 2009 meeting that addresses the comparison of Maine to other states as regards to spending of tobacco settlement monies. That will also include any other information gathered about FFHM programs that may be useful for legislators during consideration of the Biennial Budget. The Brief is meant to provide summarized information only and will not include any conclusions, findings or recommendations related to the FFHM. The full performance audit required to address the other portion of the HHS Committee's request is in progress and OPEGA expects to issue the final report on that audit in the 2nd Quarter of 2009.

GOC REVIEW OF OPEGA DRAFT STRATEGIC PLAN

OPEGA under statute is required to issue a report on its activities to the GOC and the Legislature annually by January 15. The Director has included the Draft Strategic Plan in OPEGA's Draft Annual Report that the GOC has in its materials today. The Director is seeking the GOC's feedback and approval of the Plan.

The Legislation past last year related to OPEGA requires the Director to report to the GOC on performance measures for the Office and the Plan fulfills that requirement. The 123rd GOC was not involved in this Strategic Plan. OPEGA was to work with the 124th GOC as to what it will do going forward. The Director wants to include the Strategic Plan in the Annual Report so that it will be known that OPEGA has a plan and a strategy for going forward.

Committee discussion followed regarding the difference between the GOC and OPEGA. The Strategic Plan is in regards to OPEGA's goals, objectives, performance measures and targets. OPEGA wants to make sure this Plan is in sync with what the GOC expects from the Office. The Director would appreciate the Committee's thoughtful consideration of what is being proposed as OPEGA's goals, objectives, and strategies.

PRESENTATION OF OPEGA'S ANNUAL REPORT DRAFT INCLUDING REPORT ON STATUS OF ACTIONS ON PAST OPEGA REPORTS

Director Ashcroft then referred members to OPEGA's Draft Annual Report that she will be releasing shortly as final. It will be distributed to the GOC, will be presented to the Legislative Council, and she will notify the full Legislature that the Report is available. If the Committee approves the Strategic Plan today then the Annual Report will be issued with the finalized Plan in it. Otherwise the strategic plan included in the Annual Report will be referred to as a DRAFT. The Committee decided it would be more comfortable with having the Strategic Plan in the Annual Report as a DRAFT so that it could have more time to provide input.

The Director noted that OPEGA had not set goals and objectives for 2006 – 2008. In reporting on its performance for that period in this Annual Report, the Director has used the same performance measures included in its Draft Strategic Plan. The Director then briefly covered the information in the Performance Report section of the Annual Plan.

Motion: That the Government Oversight Committee receives OPEGA's Annual Report including the Draft Strategic Plan and thanked Director Ashcroft for her work on the Report and Strategic Plan. (Motion by Sen. Nass, second by Sen. Trahan, unanimous, 9-0-3).

The Director also pointed out that the Annual Report also contains highlights of each of the eight performance audits, two analytical studies and two fiscal opportunities studies that OPEGA issued in 2006 – 2008. The analytical and fiscal opportunity studies differed from the performance audits in that their primary purposes were only to produce new information that the Legislature could use in its decision-making or to identify opportunities to reduce costs respectively.

OPEGA's reports provide legislators and administrators with objective, credible information about the current state of government operations as well as ideas that can be used to:

- reduce the risk of negative consequences to the State and its residents;
- improve the functioning of State government;
- enhance services to citizens; and
- save taxpayer dollars.

Detailed information regarding the potential fiscal impact and key actions taken as a result of each report is included in OPEGA's 2008 Annual Report on Activities and Performance.

Following the overview of the report, the Director responded to a variety of questions from the Committee regarding:

- the estimates of fiscal impact and how those are developed; and
- follow-up on recommendations made by OPEGA and processes for holding agencies accountable to take action.

Committee discussion ensued about the less quantifiable benefits that occur from OPEGA's work and ways to improve follow-up and promote action on OPEGA reports.

Committee members also discussed the GOC's role in selecting topics for review and promoting follow-up, exploring how they might interact with policy committees in those efforts.

DISCUSSION OF HOW BEST TO USE OPEGA RESOURCES DURING SESSION

Not discussed.

BRAINSTORM AND DISCUSSION OF POSSIBLE TOPICS FOR OPEGA WORK PLAN

This item was tabled until the January 30, 2009 GOC meeting so the Committee can receive and review the following information:

- prior reports issued by OPEGA;
- a list of current "On-Deck" topics;
- savings ideas considered by the Appropriations Committee during its Streamlining Initiative; and
- the Employee Suggestion Report received by Director Ashcroft.

The Director will get these materials to the Committee prior to the next meeting.

The Chairs asked that any members who have received requests for review to forward that information to Director Ashcroft so she can include it in the information of topics.

FINALIZE NEXT GOC MEETING

The next GOC meeting is scheduled for January 30, 2009 at 9:30 a.m.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 2:25 p.m. (Motion by Chair Simpson, unanimous).

