



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
REP. PHILIP A. CURTIS

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
February 13, 2009
Accepted February 27, 2009

CALL TO ORDER

The Chair, Rep. Hill, called the Government Oversight Committee to order at 9:34 a.m. in the Burton Cross Building.

ATTENDANCE

Senators:	Sen. Brannigan, Sen. Nass, Sen. McCormick and Sen. Trahan Joining the meeting in progress: Sen. Simpson and Sen. Diamond
Representatives:	Rep. Hill, Rep. Pendleton, Rep. Curtis and Rep. Bickford Joining the meeting in progress: Rep. Rotundo Absent: Rep. Burns
Legislative Officers and Staff:	Beth Ashcroft, Director of OPEGA Jennifer Reichenbach, Principal Analyst, OPEGA Etta Begin, Adm. Secretary, OPEGA
Other Officers And Staff Providing Information to the Committee:	Neria Douglass, State Auditor, Department of Audit Carol Lehto, CPA, CIA, Single Audit Coordinator, Department of Audit Edward Karass, State Controller, Office of the State Controller

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 30, 2009 MEETING

Chair Hill asked if there were any changes or comments to the Meeting Summary of January 30, 2009. None were made.

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UNFINISHED BUSINESS

• Briefing by State Auditor on Topic Suggestions for GOC Consideration

The Committee welcomed State Auditor Neria Douglass. State Auditor Douglass introduced Carol Lehto, Director of Single Audit Section of the State Auditor's Office.

State Auditor Douglass provided each Committee member with the Department of Audit's Single Audit Report for FY Ending June 30, 2007 and the State of Maine Management Letter For the Year Ended June 30, 2007. In response to questions from Sen. Nass, she briefly described the Single Audit's purpose, related federal requirements, the State Auditor's process in conducting the Single Audit and the State Auditor's jurisdiction in general.

State Auditor Douglass also distributed to the GOC Topics for Consideration from Maine Department of Audit that listed topics from Single Audit Report, Fiscal Year 2007 where Audit thought there may be savings to the General Fund. Ms. Lehto explained each topic on the list which were all related to Medicaid Findings from the 2007 Single Audit. Those findings were:

- ♦ **Medicaid MR Waiver** – Finding # 07-71 Finding # 07-74 – Amounts paid to providers exceeded authorized amounts. DHHS has not had an effective means to limit, track and compare actual paid costs for clients to those authorized.
- ♦ **Medicaid MR Waiver** – Finding # 07-74 – Payment rates to providers in the Home and Community-Based Services Program were not supported, varied widely and included unallowable costs.
- ♦ **Medicaid** – Finding # 07-72 - Rates paid to Medicaid providers are not adequately supported. For example, provider rate bases are not documented for certain policy areas; rates are based on budgeted amounts not actual audited costs; rates are based on weekly or monthly units of service that do not correlate to actual units provided; and provider specific rates used for day treatment services do not comply with required average cost methodology for the waiver.
- ♦ **Medicaid** – Finding # 07-67 - Third party liability data for Medicaid claims is incomplete and as a result cost avoidance and recovery are not maximized.

State Auditor Douglass and Ms. Lehto noted that these findings represent areas where it appears the State is paying more than necessary for the services obtained. Since a portion of Medicaid is funded with General Fund, these represent areas where General Fund expenses might be reduced.

Chair Hill commented on DHHS' response to some of the findings as written in the Single Audit report noting that the response indicated some of the issues would not be fully resolved until 2010 - two years after the Single Audit report. Chair Hill asked when Audit could be reviewing these particular issues again and would they be able to see if DHHS was working towards compliance. State Auditor Douglass said they are currently doing that in the next round of the Single Audit but that is not likely to be completed until the end of June 2009. She said that if the GOC has interest in a particular program, the Department of Audit can certainly look at how far along the compliance audit of that particular program is.

Sen. Nass referred to a list of topics from the State Auditor provided by Chair Simpson at the last meeting. He thanked State Auditor Douglass for bringing to the GOC's attention the concern that there may be excess reserves available in Risk Management and believes it may be an area of concern that the GOC would want to look at.

The Government Oversight Committee thanked State Auditor Douglass and Ms. Lehto for attending the GOC meeting and providing information and answering members' questions.

The GOC welcomed Edward Karass, State Controller, to discuss the excess reserves mentioned by Sen. Nass. Controller Karass said he does not believe the State has excess risk management reserves which are earmarked for catastrophic loss. The reserve amount is reviewed by an actuary to make sure it is adequate. In addition, any area where the State chooses to keep reserves has to be negotiated with the federal government. The State has a negotiated plan with the federal government that recognizes the need for the reserves being carried in the risk management fund.

Sen. Nass asked how much money was in the reserves and Controller Karass said the total fund is \$8 million. Over the last 28 years, the fund typically has carried a balance of approximately \$6 to \$8 million on average.

Chair Hill asked if the reserves were in investments or cash and if there was a federal or state standard for the amount of reserves that are kept for Medicaid reserves. Controller Karass said they are in liquid cash which is invested through the Treasurer's cash pool and are not Medicaid reserves, they are general liability reserves.

The GOC thanked State Controller Karass for the information he provided.

Director Ashcroft asked the Committee to go back to the Meeting Summary of January 30, 2009 for clarification of the Committee's action on it. Following a brief discussion the GOC agreed that less detail in the summaries was preferred, but would accept the Summary as written for January 30th.

Motion: That the Meeting Summary of January 30, 2009 be accepted as printed. (Motion by Sen. Nass, second by Sen. Brannigan, PASSED 9-0).

- **Prioritizing Topics for Audit/Research**
 - **developing criteria and procedure; and**
 - **addressing legislative requests including proposed legislation affecting OPEGA resources.**

Chair Hill said the GOC had previously discussed the need to prioritize topics and develop criteria and procedures for doing so. She asked Director Ashcroft for information or suggestions she may have. The Director provided a list of considerations that prior GOCs or OPEGA had used in selecting and prioritizing topics for review. Chair Hill asked Director Ashcroft to give a brief overview of what happens at the OPEGA level when a request for a review is received. Director Ashcroft referred the GOC to the information in their notebooks regarding the procedure.

Director Ashcroft said requestors are told they must put the request in writing either on the Audit Request form or in a letter, and when received by OPEGA, it is processed using some of the considerations on the list provided to the GOC. For example, OPEGA does look at whether the topic is in the jurisdiction of OPEGA or the GOC. If the answer is no, the Director contacts the requestor and suggests other appropriate avenues. OPEGA also looks to see whether the topic is one that another entity, like the State Auditor's Office or Attorney General's Office, would more typically deal with. If so, she contacts the appropriate office to get a better understanding of whether the request should be referred to that Office. Another consideration is whether there are other State efforts going on that address the topic. OPEGA tries to ascertain this in order to be able to let the GOC know about those efforts. OPEGA also does some brief research to make sure it understands the key issues that are being raised and what areas a review might focus on. OPEGA also tries to understand a little of the context of where the issue came from and strives to be able to give the GOC a sense of whether it would be worth pursuing. Ultimately, all requests that are received by OPEGA are added to a quarterly list that comes before the GOC for consideration. The topics are usually more general in nature although OPEGA tries to clearly define possible areas of focus. The Committee may want more information on a topic before it makes its decision and sometimes asks OPEGA to do more research and report back to the GOC.

Policy Committees that want an OPEGA review of a particular subject topic usually write letters to the GOC requesting the reviews. Those requests come directly to the GOC for its consideration. Also, any GOC member may introduce a topic at any meeting for the Committee to consider.

Committee discussion continued regarding requests for reviews. It was asked how the initial contact to OPEGA was made, how OPEGA determined it was a topic they should spend even initial time on and at what point a request becomes a formal concern that is brought before the GOC. It was also noted that queries of urgency should not have to wait for the quarterly report presentation to the GOC.

Director Ashcroft said that the process she described is one that has been used for requests received after OPEGA already has an established work plan approved by the GOC. Right now the GOC is trying to determine what will be on OPEGA's next work plan and that process may be different than what she just described.

Sen. Nass agreed with the process and saw no reason to change it. Rep. Pendleton said the process worked well for the Committee last session and supported it. Director Ashcroft said OPEGA tries to de-personalize, de-sensationalize and approach a topic in an objective way when it is presented to the GOC. Even though requests are in writing, the GOC does not receive the written document, and that is the reason for the quarterly form. Director Ashcroft reminded members that the process includes a procedure for the GOC to be informed of topics that may need immediate attention. If OPEGA receives a request that involves allegations of a serious nature, it is brought to the attention of the Chairs and Leads who will then make a decision about whether to convene the Committee to deal with the topic immediately. Director Ashcroft referred members to #8 of the process.

Chair Simpson questioned whether legislators, whose job it is to work on behalf of the public, should be able to ask to have their identities held confidential when making a request for a review and wanted to know how the statute addressed that matter. Director Ashcroft referred to the portion of the statute that deals with confidential identities noting that statutory language is general and does not speak specifically to whether the individual is a legislator or not. Because the language is general, the Director has considered legislators to be within the group of people it would otherwise anticipate protecting. Chair Simpson believes that legislators are subject to Freedom of Access laws in their behavior and suggested that the Committee may want clarification from Chief Deputy Attorney General Pistner for an opinion of whether it is allowable to keep a legislator's identify confidential in this request process.

Sen. Nass said legislators already have some confidentiality when they submit bills and sees the OPEGA process as a more important reason for confidentiality.

Chair Hill said members had valid questions regarding the confidentiality of legislators and perhaps should ask Chief Deputy Pistner for a written opinion, or if she could attend the meeting, to address members' concerns regarding the language about confidential sources in OPEGA's statute.

Director Ashcroft said another criteria for selecting topics in the past was the source of the request and whether the GOC wanted to give priority to a request that was received from a policy committee versus some other sources.

Rep. Pendleton said that when necessary new topics were put on an agenda to be discussed and OPEGA's work plan was revisited and reprioritized by the GOC if appropriate. The work plan is revisited by the GOC as often as necessary to add, change the order of priority or delete topics.

Chair Simpson asked why the Leased Office Space review had been suspended and Director Ashcroft said it was part of an effort to have OPEGA working on topics of high interest to the Legislature for the first part of this session. The topics that had clearly come up in conversations with legislators were more around MaineCare. The action to suspend the Leased Office Space Review was driven at the time by desiring to produce something in the early part of this session that would be seen as relevant and valuable. Director Ashcroft believes the GOC was still interested in Leased Office Space, but felt that could be suspended and the 124th GOC could consider whether to take it up again.

Motion: That the Government Oversight Committee adopt the selection and prioritization criteria provided by the Director with two additional criteria being added: consideration of whether the topic is time sensitive and the source of the requests. (Motion by Sen. Nass, second by Sen. Brannigan, PASSED, 9-0).

- **Consideration of OPEGA's Draft Strategic Plan**

Director Ashcroft reminded members that OPEGA had presented the draft Strategic Plan in combination with its annual report at an earlier meeting. She was looking for feedback from the GOC about whether the Plan lined up with what the Committee thought OPEGA should be doing, focused on and how it should be measuring its performance.

Motion: That the Government Oversight Committee adopts OPEGA's Strategic Plan. (Motion by Sen. Nass, second by Chair Simpson, PASSED, 9-0).

NEW BUSINESS

- **Briefing on Meeting of the Appropriations and Financial Affairs Committee and GOC Chairs and Leads**

Chair Hill said that the Chairs and Leads of GOC and AFA, met with Director Ashcroft, Director Pennoyer, and Rep. Rotundo also participating. Chair Hill told AFA that the GOC was working on OPEGA's work plan and was interested in knowing if AFA believed OPEGA could be assisting the Committee with budget-related reviews. She noted there was discussion, but no conclusion was reached. AFA planned to meet separately and talk about it with the full committee. The GOC told AFA to let them know if there was something they needed OPEGA to be looking at sooner rather than later. Sen. Nass had been worried that AFA thought they could tap directly into OPEGA's function and offer work items directly, and said that was not what happened. Essentially, AFA is going to generate some ideas and deliver them to the GOC. Director Ashcroft believed it was a good discussion, got back to basics about what OPEGA can do to be of value. Also discussed looking at programs in the terms of why they exist and how they are being implemented versus going directly after cost savings.

Rep. Rotundo said AFA had not yet discussed the ideas it may want OPEGA to work on so she had spoken with Chair Hill about having some flexibility in OPEGA's schedule that would allow OPEGA to work on issues that could be helpful to AFA with the budget.

- **Review of Past OPEGA Reports and Status of Action on Each**

Director Ashcroft referred the GOC to the Listing of Available OPEGA Reports by Date Issued in their notebooks. She said the purpose of this discussion was to make the GOC aware of what actions had been taken on each report to date. She wanted to know whether the GOC itself wanted to take further action on any report recommendations. She also wanted the GOC's direction on whether OPEGA should continue follow-up activities on these reports. She noted that four reports on the list needed no further action because the level of findings in the report were not concerning and/or appropriate actions have already been taken. These four were:

- Urban-Rural Initiative Program;
- Highway Fund Eligibility at the Department of Public Safety;
- Bed Capacity at Riverview Psychiatric Center; and
- Review of MECMS Stabilization Reporting.

Discussion then ensued about the remaining reports with the following results:

- Title IV-E Adoption Assistance Compliance Efforts – Director Ashcroft will check with the State Auditor to see if they are experiencing the same kinds of issues with the Program that they have had in the past. If the answer is no, there will be no further action needed.
- State-wide Planning and Management of Information Technology - Director Ashcroft will brief the State and Local Government Committee to inform the Committee what responsibilities had been assigned to it from the Legislature and ask that they report back to the GOC on what actions have been taken.

RECESS

The Government Oversight Committee recessed at 12:03 p.m. on the motion of Chair Hill.

RECONVENED

Chair Hill reconvened the meeting at 12:45 p.m.

Director Ashcroft said Chief Deputy Attorney General Pistner was at the meeting to answer the GOC's earlier questions related to whether it was technically allowed and/or appropriate for legislators to keep their identity confidential when requesting an OPEGA review.

The GOC welcomed Chief Deputy Pistner to the meeting. Chief Deputy Pistner said the GOC's question is highlighting the intersection between OPEGA's law and the Freedom of Access Law of whether legislators can make confidential submissions to the OPEGA staff concerning matters within potential reviews. Clearly OPEGA's statute does not distinguish between who is making submission when it talks about confidential sources. Anyone who submits information to OPEGA has the option of being a confidential source. So a legislator could choose to be confidential or not confidential pursuant to that statute. The potential issue to watch for is that GOC members wanting confidentiality would need to be acting as individual legislators and not be engaging in Committee business in requesting the review because the Freedom of Access Law contemplates that Committee business is done in the Committee Room with notice to the public so the public can observe the work. Some folks monitoring Freedom of Access issues might challenge a GOC member remaining confidential if it is perceived that the GOC member was actually doing Committee business when requesting the review.

Sen. Nass asked if the legislator was not a GOC member, would the Chief Deputy's answer be the same. Chief Deputy Pistner said it was actually easier with respect to individual legislators who are not members of the GOC because there is not the potential for argument that they are conducting Committee business. Individual legislators are not subject to the meetings part of the Freedom of Access law. For example, if you sit down with constituents or people who want to meet with you about a bill, or potential bill, that is not a meeting that the public gets to join. However, a legislator is a State official, and if a legislator receives an email from a constituent in their capacity as a legislator, either on the legislative email site or home computer, that is still the business of the State and subject to a Freedom of Access request. Unless there is some particular confidentiality provision that can be applied to some part of the email, then those emails and other documents that are received from constituents, or that the legislator submits back to them, would be public.

Chair Hill was concerned that constituents writing to GOC members might assume their correspondence was confidential because of the type of committee the GOC is. She asked if members of the GOC should be putting constituents on notice that the correspondence was subject to Freedom of Access laws and not confidential. Chief Deputy Pistner said she thought that certainly could be useful and members may want to consider doing that.

Rep. Bickford asked whether notices on the constituents email stating that the email was intended to be confidential had any bearing on whether it was considered public document. Chief Deputy Pistner said the reason it is public is because the Freedom of Access Law defines everything a public official, or an elected legislator, receives or generates in the transaction of public business as being a public record unless there is some statutory confidentiality that applies to it. Constituents may not know that, especially if they are emailing a legislator at a home address. The Court has not ruled on that and there is nothing in the definition of public records that says it matters where it is, whether it is your home computer or your computer at the State House.

Chair Hill suggested legislators put constituents on notice regarding confidentiality law.

Sen. McCormick asked if there was any requirement to maintain or keep the communications. Chief Deputy Pistner said that to the best of her knowledge, the Legislature did not have a record retention policy, but any discarding of emails or paper records should be done in a consistent manner.

The GOC thanked Chief Deputy Pistner for the information given to the Committee.

• **Review of Past OPEGA Reports and Status of Action on Each Con't**

- Riverview Psychiatric Center: An Analysis of Requests for Admission – The Government Oversight Committee agreed that no further action or follow-up was required.
- State Administration Staffing – Rep. Rotundo believes that the work is in progress by the Administration and their results will go back to AFA so the GOC does not need to take any further action at this point. Rep. Bickford said the review should not be taken off the follow-up list and the information should also come back to the GOC. This Review will stay on the list until OPEGA has received the required documentation from Commissioner Low.
- Guardians *ad litem* for Children in Child Protection Cases – the Judicial Department has not yet reported back to the Joint Standing Committee on Judiciary so the Review cannot be closed out at this time. Chair Simpson asked if Director Ashcroft could draft a letter from the GOC Chairs to the Judiciary Committee with their concerns. Director Ashcroft will draft a letter for the Chairs' signature.
- Economic Development Programs in Maine – unanswered yet is whether the independent evaluation contracted by DECD will speak to individual programs in a way that will answer all the Committee's questions or all of the issues that were raised in the Report. The proposed date for the evaluation report to be released to the Legislature is March 12, 2009. This review will stay on the follow-up list. OPEGA will review the evaluation report and flag any remaining issues for the GOC's attention.
- Bureau of Rehabilitation Services: Procurements for Consumers – Director Ashcroft asked the GOC if OPEGA should go back to the Bureau of Rehabilitation Services to make sure that changes were implemented as intended and assure that BRS now has effective controls in place. It was agreed that Director Ashcroft will contact the State Auditor to see if the State Audit Department would be able to verify effective implementation during the current Single Audit. When the GOC receives the information back from the State Audit Department, it will decide if it would like OPEGA to conduct further follow-up.
- State Boards, Committees, Commissions and Councils – Chair Simpson will schedule Director Ashcroft to brief the State and Local Government Committee on the findings and recommendations of the Report.
- DHHS Contracting for Cost Shared Non-MaineCare Human Services – Director Ashcroft will check with DHHS with regard to what actions they have taken regarding the recommendations and will report back to the GOC at its next meeting.
- State Contracting for Professional Services: Procurement Process – DAFS Division of Purchases and the State Controller's Internal Audit Office had committed to a couple of management action items that are not due until June and July, 2009. OPEGA will revisit this report with the GOC then.

Sen. Brannigan suggested that on a number of the above Reports, Director Ashcroft does not have to continue to list the Report and planned actions, but would simply have to report to the GOC that the required actions have been taken. The Committee agreed.

- **Workplan Development – Discussion of Potential Topics**

- Further discussion of topics reviewed at last meeting.
- New topics from GOC members.
- New topics from other sources.
- Tapping into reports and results from other reviews and studies.

Director Ashcroft referred members to the information in their notebooks regarding OPEGA Reviews – Topics for Consideration and Reconsideration. She reminded the Committee that at the last GOC meeting she had suggested there were topics that could be taken off the “On Deck” list. The topics were listed in Section G of the current list before the Committee.

Topics included in Section G are:

- Bureau of Motor Vehicles Branch Offices;
- Bureau of Motor Vehicles Computer Migration Project;
- Division of Market and Production Development-Agriculture;
- Employment Services Activity (Bureau of);
- Fleet Management;
- Support and Learning Systems;
- Remediation and Waste Management (Bureau of);
- Public Safety Administration; and
- Vacant Positions.

Motion: That the Government Oversight Committee moves to eliminate Section G from the Topics for Consideration and Reconsideration for OPEGA Reviews. (Motion by Sen. Brannigan, second by Rep. Bickford, PASSED, 9-0).

Director Ashcroft said the second category talked about at the last GOC meeting were topics on the list that are very broad and would need to be scoped down. Director Ashcroft said she thinks many of the topics are areas of interest for various legislators and are important topics, however, they are currently so broad they might remain on the list for a long time even if OPEGA does some targeted reviews within the broad area. These topics are listed in Section F of the current document and include:

- State Licensing Activities;
- Higher Education;
- Child Mental Health Services;
- Criminal Justice: Juvenile;
- Criminal Justice: Adult;
- State-funded Grants;
- MaineCare (Medicaid and Non-Medicaid); and
- Child Protective Services.

Motion: That the Government Oversight Committee moves to eliminate Section F from the Topics for Consideration and Reconsideration for OPEGA Reviews. (Motion by Sen. Nass, second by Sen. Brannigan, PASSED, 9-0).

Director Ashcroft said the topics in Sections A-E are still up for the GOC’s consideration. It was noted at the last GOC meeting that some of the topics had been addressed by the Appropriations and Financial Affairs Committee either through their streamlining exercise or in the budget process. These topics were:

- #17 – Electronic Devices Used by Employees;
- #20 – Pharmaceuticals (Prescription Drugs and Medicaid Drug Rebate);
- #22 – State Travel; and
- #25 – Wireless Phone Services.

Motion: That the Government Oversight Committee remove topic numbers 17, 20, 22 and 25. (Motion by Rep. Bickford).

Further Committee discussion followed regarding topic #20, Pharmaceuticals (Prescription Drugs and Medicaid Drug Rebate). The GOC may want to look at the efforts that had been taken to try to contain costs and see whether they had produced the desired results. Members were reminded that some measures may have been taken on some of the topics listed, but there is still a question of whether those measures have had the desired result.

Sen. Brannigan moved to amend Rep. Bickford's motion.

Motion: That the Government Oversight Committee remove topic numbers 17, 22 and 25 from the Topics for Consideration and Reconsideration for OPEGA Reviews. (Motion by Sen. Brannigan, second by Rep. Bickford, PASSED, 10-0).

Sen. Nass moved to Section E and the topic of the Maine Military Authority: Maine Readiness Sustainment Maintenance Center (Rehab of Equipment). Sen. Nass requested that the topic be left on the list. Director Ashcroft was asked by the Committee to call General Libby about what was being done with salvage materials there and report back at the next GOC meeting.

Rep. Pendleton requested that a topic be added to the list. The topic involves the Medicaid rates paid to nursing homes and residential care facilities. The review would involve looking for a better way to compute rates and looking for duplication of procedures and other waste. Chair Simpson would add ensuring that the patients are getting the best care for the dollar. Sen. Trahan believed nursing homes should be added to the list with a broader scope. The GOC moved to add Nursing Homes to the list and asked Director Ashcroft to define possible areas of focus for a review.

Committee discussion continued regarding what questions should be asked on each topic. The nature of the questions would determine what the GOC's action would be regarding whether a topic should stay on the list, be taken off, be referred to the policy committee, or have the department or agency respond to the GOC.

The remaining topics in Section A-E on the document before the GOC were considered with the following results:

- Leased Office Space – the questions OPEGA was focusing on when this review was suspended were: (1) is the State leasing office space at the best possible price given agency needs, State policies and standards? (2) Is the State using leased office space as efficiently as possible, i.e. is currently leased space fully utilized? Chair Simpson asked if Chip Gavin, Director, Bureau of General Services, would be able to provide the GOC with the answer to question 2. Director Ashcroft said the GOC could ask Director Gavin and the Committee could decide whether it was comfortable with his answer. But if OPEGA goes out and looks at the space to see what was utilized or not, OPEGA would be able to provide the Committee with a different level of verification from an objective perspective. Director Ashcroft noted that this is what the GOC needs to determine – where is it that an OPEGA review, one done from an outside and objective perspective, would be worthwhile to the GOC and the Legislature.

Rep. Bickford noted that there had been a lot of references during the discussion about referring topics back to committees of jurisdiction and having them do the oversight. The committees of jurisdiction will look and research their areas of expertise a different way than OPEGA does. Members on committees of jurisdiction will hear from department heads that are going to tell the committee members what they want them to believe. But, if OPEGA does a review, things may be uncovered that departments are not eager to share with the committees of jurisdiction.

There was also discussion about whether OPEGA should look at the question of lease vs. own for State office space. Director Ashcroft said the question had come up in previous GOC discussions and it was not one that OPEGA recommended to the GOC be included in this review. The reason is that OPEGA did some research of

similar studies done and found the answer to lease vs. own is highly dependent on a particular situation, i.e. it depends. Consequently, she did not feel OPEGA could add value in focusing on this question unless it was asked about a particular property or agency.

The GOC agreed Leased Office Space will remain on the list.

- MDOT Operations and Maintenance – **Motion:** That this topic be taken off the list. (Motion by Sen. Brannigan, second by Sen. Nass, PASSED, 8-1).
- Contracted Evaluations for Healthy Maine Partnerships – Director Ashcroft noted that this topic may be covered by the review of Fund for Healthy Maine that is currently in progress. **Motion:** That this topic be taken off the list. (Motion by Rep. Rotundo, second by Chair Hill, PASSED, 9-0).
- Revenue Collected Through the Courts – Members of the Committee had different areas that they may want OPEGA to look into regarding this topic which included: money on the books that has not been collected for various reasons; situations like lost paperwork on fines where the Court does not process the paperwork and therefore does not collect money; and the disconnect between the Secretary of State’s Office, the Courts and the collection units with regard to fines on motor vehicle violations. This topic will remain on the list.
- New Technology to Reduce Oil Consumption in State Buildings – at this time there may be a more efficient way to have this done. Sen. Trahan will provide Chair Simpson more information on the topic that she will bring before the State and Local Government Committee. The topic will remain on the list for now.
- Division of Financial and Personnel Services (Service Centers) – The topic will remain on the list.
- State Lottery – OPEGA would be looking for places where it could either help the Lottery reduce their expenses, bring the money in more quickly, and/or otherwise maximize the revenue the State receives from the lottery. The topic will remain on the list.
- State Publications – GOC members believe there are several different directions to go to save money on publications. The topic will remain on the list.
- ASPIRE Program - Director Ashcroft will check with the State Auditor regarding any concerns noted with this program during the Single Audit and report back to the GOC. The topic will remain on the list.
- Emergency Rooms Stays for Persons in Mental Health Crisis – Sen. Brannigan mentioned that there had been changes to the delivery structure – using Spring Harbor and Acadia – that should have improved this situation. He will check with DHHS with regard to what they are tracking emergency room utilization. This topic will remain on the list for now.
- Maine Center for Disease Control and Prevention (formerly Bureau of Health) – Director Ashcroft mentioned that a number of CDCP programs receive some funding from Fund for Healthy Maine and may get covered in that review. The GOC agreed to take the topic off the list and if there is an issue when OPEGA has completed the Review on the Fund for Healthy Maine, the topic can be brought back to the GOC.
- Medicaid Waiver – Mental Retardation – The State Auditor had included this topic on her list of Single Audit findings that might also have General Fund savings. Director Ashcroft will draft a letter to the Health and Human Services Committee from the GOC to ask that they inquire of DHHS if the areas of concern have been addressed and corrected. The GOC will decide if it needs to take further action based on the response. This topic will remain on the list for now.
- Spurwink - **Motion:** That this topic be taken off the list. (Motion by Sen.Brannigan, second by Rep. Bickford, PASSED, 7-0).

The following topics will remain on the list for now as per the earlier discussions about follow up that remains to be done on these reports.

- Economic Development Programs;
- State Boards, Committees, Commissions and Councils; and
- State Administration Staffing.

- Education – Health Care Plans – Director Ashcroft did not think this was a topic for OPEGA unless the GOC wanted to hire someone to do an actuarial assessment. **Motion:** That this topic be taken off the list. (Motion by Rep. Pendleton, second by Rep. Bickford, PASSED, 7-0).

- Employee Retirements – Director Ashcroft said she was not sure what OPEGA could do in this area other than validate what has been done by DAFS. **Motion:** That this topic be taken off the list. (Motion by Sen. Nass, second by Chair Hill, PASSED, 7-0).

- K-12 Education-Administrative and Operating Costs – GOC members felt that with other activities going on in education presently, a review in this area could possibly be redundant. **Motion:** That this topic be taken off the list. (Motion by Rep. Bickford, second by Sen. Nass, PASSED, 7-0).

- Public Health Labs – Several State Departments perform testing and use different labs. There may be savings in this area. This topic will remain on the list.

- Tax Collection (income, sales, use, fuel, cigarette) – The GOC would have to decide which tax streams it would want OPEGA to look at and look at one at a time. This topic will remain on the list.

- Use of Bond Money - **Motion:** That this topic be taken off the list. (Motion by Sen. Nass, second by Rep. Rotundo, PASSED, 7-0).

- Access to Services for MaineCare Members – Director Ashcroft has not heard back from the Legislator who was interested in this. This topic will remain on the list until she hears back from the Legislator.

- Animal Welfare Department – Director Ashcroft said the requestor believes it is a topic of concern and was going to work with the constituent to fill out the form and get more specific information.

- Audit Division of the Maine Revenue Services – the Legislator that mentioned this did not have a lot of specifics and did not feel there was enough information to put forward a written request at this time. **Motion:** That this topic be taken off the list. (Motion by Rep. Bickford, second by Chair Simpson, PASSED, 7-0).

- Lottery Commission - the Legislator that mentioned this did not have a lot of specifics and did not feel there was enough information to put forward a written request at this time. **Motion:** That this topic be taken off the list. (Motion by Rep. Bickford, second by Chair Simpson, PASSED, 7-0).

- Use of Federal Funds Available to State for Training – This topic will remain on the list.

- Personal Use of State Assets recreational vehicles (ATVs, boats, snowmobiles, etc.); airplanes and helicopters; houses and camps – This topic will remain on the list until OPEGA has had the opportunity to review the information they received from their requests for information to State Departments and will report back to the GOC.

REPORT FROM OPEGA DIRECTOR

- **Project Status Report**

Not discussed.

- **Status of Action Items From Last Meeting**

Not discussed

NEXT COMMITTEE MEETING

February 27, 2009 at 9:30 a.m.

ADJOURNMENT

The Government Oversight Committee meeting was adjourned at 3:32 p.m. (Motion by Chair Simpson, unanimous).