



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. ANNE-MARIE MASTRACCIO, HOUSE CHAIR

MEMBERS:

SEN. JILL C. DUSON
SEN. BRADLEE T. FARRIN
SEN. STACEY GUERIN
SEN. JEFF TIMBERLAKE
SEN. MIKE TIPPING
REP. JOHN M. EDER
REP. ADAM LEE
REP. MICHAEL H. LEMELIN
REP. CHAD PERKINS
REP. HOLLY B. STOVER

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
October 15, 2025

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:39 a.m.

ATTENDANCE

Senators:	Senator Hickman, Senator Farrin, Senator Guerin, and Senator Timberlake Absent: Senator Duson, Senator Tipping
Representatives:	Representative Mastraccio, Representative Eder, Representative Lee, Representative Lemelin, Representative Matlack, and Representative Perkins
Legislative Staff:	Peter Schleck, Director, OPEGA Jennifer Henderson, OPEGA Senior Analyst Kari Hojara, OPEGA Senior Analyst Jennifer Greiner, OPEGA Administrative Secretary/GOC Clerk

Introduction of Committee Members

The members of the Committee introduced themselves.

New Business

(To watch this meeting - the recorded Live Stream can be viewed here: [October 15, 2025 GOC Meeting](#))

Meeting Summary – September 17, 2025

(A copy of this Meeting Summary can be found here: [September 17, 2025 GOC Meeting Summary](#))

The Committee accepted and approved this meeting summary.

Annual Tax Expenditure Review Categorization & Scheduling Process

Sen. Hickman next invited OPEGA Senior Analyst Kari Hojara to walk the Committee through the GOC's Annual Tax Expenditure Categorization & Scheduling Process as required by statute, noting that this matter will require a Committee vote.

Ms. Hojara stated the Annual Tax Expenditure Review Categorization & Scheduling Process is a statutorily-required process the Committee votes on annually to set the schedule for OPEGA to conduct tax expenditure reviews.

Ms. Hojara referenced a memo sent to the Committee from OPEGA staff which explained the Categorization & Scheduling Process as well as the Committee Process. That memo may be found here: [MEMO to GOC from OPEGA Staff](#)

Ms. Hojara noted the statute which guides this process is [3 M.R.S. § 998](#).

Ms. Hojara next went over OPEGA's recommended adjustments to the Tax Expenditure Review Assignments. Those recommendations may be found here: [Proposed Adjustments to Review Category Assignments](#)

Ms. Hojara stated that OPEGA did not have recommended additions or removals to the Full Evaluation Category, however OPEGA does recommend the delay of the evaluation of the Major Food Processing and Manufacturing Facilities Expansion Credit until at least 2028 to allow time for the effects of recent legislation to be realized. Further information on this program and the recommended delay may be found here: [Credit for Major Food Processing & Manufacturing Facilities Expansion](#)

Ms. Hojara noted that as of October 3, 2025, the Department of Economic and Community Development, DECD, has issued one Certificate of Completion for the Major Food Processing and Manufacturing Facility Expansion Program, which may be found here: [Certificate of Completion](#)

Ms. Hojara next went over the proposed Tax Expenditure Review Schedule for full evaluations which may be found here: [Proposed Tax Expenditure Review Schedule for Full Evaluations](#)

Ms. Hojara stated another consideration for the schedule is that Sen. Grohoski, Chair of the Tax Committee, informed OPEGA that her top priority for the near term is a review of the Affordable Housing Income Tax Credit which has a sunset date in 2028 and asked if this Review could be done by March of 2027. Ms. Hojara noted that if the Committee does want to ensure that this Credit is reviewed with enough time for information to be considered before the sunset date, it makes sense to move it forward in the schedule, suggesting it be moved to before or after the Earned Income Credit Review.

Ms. Hojara noted, referencing the Proposed Adjustments to Review Category Assignments document, that the recommended changes to Category C will not result in any schedule changes but it allows OPEGA to keep track of all the Tax Expenditures for the Committee. Ms. Hojara also stated that the Income Subtraction Modification for Gain on Sale of Business to Cooperative Affordable Housing Corporation is also recommended for No Review. Ms. Hojara stated this expenditure does meet the criteria in statute for a Full review, however OPEGA still recommends no review in this case due to the fiscal note of \$76,000 which is smaller than every other item on the Full Evaluation list. Ms. Hojara added that OPEGA will follow this expenditure and bring it back to the Committee for consideration if the fiscal note increases.

Ms. Hojara stated part of the Annual Tax Expenditure Review Categorization & Scheduling Process is consultation with the Tax Committee, noting in the previous couple of Legislative Sessions the GOC had handled this part of the process after the Committee vote to see if there is any input the Tax Committee would like to provide before the schedule is considered final.

Ms. Hojara stated the Committee can vote to accept these changes as proposed or make any changes the Committee wishes.

Rep. Perkins asked if the Committee votes on the Schedule by individual expenditures or if the vote is on the schedule as a whole.

Sen. Hickman stated the Committee would be voting whether to accept the proposals as a whole, with perhaps the amendment to move the Affordable Housing Tax Credit up the schedule to before the Earned Income Tax Credit at the recommendation of the Chair of the Tax Committee.

Motion and Committee Vote

With no further questions from the Committee Members, Sen. Hickman stated the Chair would entertain a motion.

Rep. Mastraccio made a motion to accept the categorization changes as recommended by OPEGA and accept the proposed schedule with the following amendment – that the Credit for Affordable Housing be moved forward in the review schedule to ensure that review is completed by March 2027.

The motion was seconded by Rep. Lee.

Following Committee Members discussion, the vote was taken.

The motion was approved unanimously by all Committee Members who voted. (Nine members were present for the vote and one member later voted by absentee vote as allowed by Committee Rules.)

Sen. Hickman next put the Committee at ease until 10:00am.

Public Hearing on OPEGA Report: Office of Cannabis Policy: Identification and Management of Conflicts of Interest in Procurement

Sen. Hickman next opened the Public Hearing on OPEGA's most recent report entitled: *Office of Cannabis Policy: Identification and Management of Conflicts of Interest in Procurement*

The first to testify was Matthew Bayliss from Cumberland, Maine. Mr. Bayliss stated he owns and operates a medical cannabis cultivation facility in South Portland for the past 10 years, and opened a medical cannabis store in Portland last year. Mr. Bayliss stated he was one of the original adult-use licensees in 2020 and the original operator to onboard METRIC Track and Trace system in the State of Maine, however he states that his business was being destroyed by overregulation and oppressive excise tax that cost his business \$15,000 to \$20,000 a month. Mr. Bayliss thanked Rep. Boyer for bringing forth his concerns to the Committee, the Committee for its consideration of these concerns, and Director Schleck and his team for a comprehensive and thorough report. Mr. Bayliss stated he is part of a group of stakeholders engaged with the Office of Cannabis Policy (OCP) in what started as good faith negotiation and relationship building less than two months after OCP's inception in 2019. Mr. Bayliss stated the erosion of good faith started almost a year later when OCP had a chance to first amend its adult use rules. Mr. Bayliss stated as original stakeholders, his group was promised that their feedback would be taken in earnest and that there would be some serious pullbacks of regulation, however that promise was not delivered. Mr. Bayliss stated that in the last four years the relations went from bad to worse, especially under Director Hudak's leadership. Mr. Bayliss stated there are countless examples since then of OCP abusing its power, retaliating against stakeholders that speak out, all while pushing a regulatory framework that crushes small grassroots operators in Maine. Mr. Bayliss stated the those very operators created a \$500 million industry, employ close to 10,000 Mainers and generate tens of millions of dollars in tax revenue. Mr. Bayliss stated he is providing these details and backstories for some context of how this ended up here, because the mistrust and bad faith warrants the inquiry. Mr. Bayliss stated that something stinks to high heaven and unfortunately the findings of the OPEGA Report has not subdued that stench, not only for stakeholders but for the many lawmakers that sponsor their bills and vote in the affirmative of grassroots industry in floor votes. Mr. Bayliss stated that perhaps OPEGA is not the proper venue to adjudicate his concerns as the State has so many dire needs and issues that take precedence over Cannabis, but stakeholders are running out of options. Mr. Bayliss stated that stakeholders for years on their own time and money have worked with legislators to draft, introduce, and pass legislation only to have OCP disregard legislative intent. Mr. Bayliss stated he watched the METRC bill, which he as a stakeholder and other stakeholders put forth, go through the legislative process for over two years. Mr. Bayliss stated Commissioner Figueroa's testimony last month on this subject was disturbing including the Commissioner's pushback on OPEGA's mild suggestions for a little bit more transparency and accountability.

Sen. Hickman thanked Mr. Bayliss, noting that Mr. Bayliss' time was up. Sen. Hickman asked if there were any questions from the Committee.

Sen. Hickman asked Mr. Bayliss if there was any part of what was revealed in the OPEGA Report that satisfies the notion that there are no conflicts of interest in procurement in OCP.

Mr. Bayliss stated that unfortunately the answer to that question is no, adding that speaking with industry, they feel that without some subpoena power into corporate structures and without going further into financial records, that there are still a lot of open questions around the relationships between the OCP Director and friends of the Director that push METRC in this State.

There were no further questions from the Committee for Mr. Bayliss

Next to testify was Rep. David Boyer from Poland. Rep. Boyer thanked the Committee for looking into this matter, and Director Scheck for OPEGA's good work on the Report. Rep. Boyer stated he would echo a lot of what Mr. Bayliss said. Rep. Boyer stated that he hoped out of this Report, the Maine Department of Administrative and Financial Services, DAFS, and OCP look at their policies regarding conflicts of interest, noting that having formal written policies make sense and should be in place throughout State Government. Rep. Boyer stated the idea that someone can just verbally let a manager know about a conflict of interest with no further documentation makes the public wonder. Rep. Boyer stated that with such low confidence in government at the State and National level, he believes it is incumbent on the government to do everything they can to be as transparent and accountable as possible. Rep. Boyer stated that Commissioner Figueroa's statements at the last meeting were disappointing, adding that not everything has to be antagonistic and saying "we could have done better" does not mean you are guilty. Rep. Boyer again thanked the Committee for looking into this matter, and Director Schleck's good work, however Rep. Boyer does not believe this Report will do anything to improve relationships.

Sen. Hickman thanked Rep. Boyer and asked if there were any questions from the Committee.

Sen. Hickman asked Rep. Boyer if he saw anything in the Report that the Legislature might consider regarding the definitions of conflict of interest in statute.

Rep. Boyer stated he believes there is room to explore the current statute and what the terms mean, specifically personal relationships. Rep. Boyer stated that he would not be convinced there is not an appearance of a conflict of interest when someone is negotiating with a former business partner on the other side of the negotiation table, noting that our State Law talks about the appearance of a conflict of interest. Rep. Boyer also stated that it was disappointing to hear some members on the Committee say at the last meeting that they would vote that day on the matter if they could, noting that there is a process for a reason.

Rep. Mastraccio stated that in regards to the appearance of a conflict of interest, she agrees that the conflict of interest statute could be better defined, however she added that she has been contacted by individuals who stated that the appearance of conflict of interest can even be legislators who are involved in the business serving on the committee that writes the statutes that affect cannabis policy. Rep. Mastraccio asked Rep. Boyer if he agreed that the OPEGA Report addressed the issue of the conflict of interest of the OCP Director, which according to that independent review the OCP Director did not have a conflict of interest.

Rep. Boyer stated he agreed with Mr. Bayliss comments. Rep. Boyer also stated that Maine has a citizen legislature and all members have different jobs and vote on different things. Rep. Boyer stated that he is not in the cannabis industry.

Rep. Mastraccio stated she is talking about the subjective use of the phrase appearance of conflict of interest and how it can apply to legislators, as well.

Rep. Boyer stated he hoped this Committee can clear this matter up and that the appearance of a conflict of interest should not be subjective, adding that there should be clear protocols and guidelines when it is dealt with. Rep. Boyer stated that he is not invested in the cannabis industry, and does not have any business dealings in the industry.

There were no further questions for Rep. Boyer.

With no other people wanting to testify on this matter, Sen. Hickman closed the Public Hearing. Sen. Hickman also stated that the next step is that Committee can have a work session on the OPEGA Report where the members can vote to accept the Report, accept the Report in part, reject the Report, or have amendments to the Report, as well as policy considerations the Committee might want to recommend to the committee of oversight regarding conflict of interest in procurement.

Response to Cost of Mr. Ryan Michael's FOAA Request of DHHS

Sen Hickman next turned to the agenda item concerning the Freedom of Access Act, FOAA, and a particular request for records by Mr. Ryan Michaels from the Department of Health and Human Services, DHHS. DHHS advised the Committee that Commissioner Sara Gagné-Holmes was not available to come to the Committee for today's meeting, but they have shared a letter with the Committee. The Department asked that the Committee review the letter and if there are still questions, they are prepared to appear and discuss this further.

The letter from DHHS may be found here: [MEMO from DHHS Regarding FOAA Request](#)

Sen. Hickman asked the members if there were any comments on the letter or the matter generally at this time.

Sen. Farrin stated he had reviewed the letter from DHHS however he was a little disappointed as it seemed like there were a lot of reasons why the request grew, and why they couldn't do it as opposed to trying to find a way forward for Mr. Michaels to get the information. Sen. Farrin stated he believes the Committee should have further conversations when the Commissioner is available to address some of the specifics on this issue.

Sen. Timberlake stated he read the letter from DHHS, and agrees with Sen. Farrin. Sen. Timberlake stated the letter from DHHS had lots of reasons to justify the \$50,000, however he would have liked to have seen a response of how they could fulfill the request or help to find a solution. Sen. Timberlake stated he would like to try come up with a way to stop having such high fees on FOAA requests. Sen. Timberlake stated he believes DHHS could have done much better in their letter to the Committee and he does not believe it is a fair answer to the issue.

Sen. Farrin asked Director Schleck if the letter received from DHHS, which was in the format of a memo, was a typical format for how the different Commissioners or departments interact with the GOC.

Director Schleck stated that, generally speaking, when a letter is written to the Commissioner, it seems reasonable to expect a letter back, however, Director Schleck added he has seen memos come back informally.

Rep. Lee stated that there seems to be a theme with the FOAA requests that the Committee has seen with what feels like excessive amounts of money on the line and excessive amounts of time that it will take to produce the documents, that theme being that the communication between the Department and the individual who has made the request doesn't end with a narrowing of the request. Rep. Lee stated that perhaps something the Right to Know Advisory Committee should consider the obligation of the Department in their communications with individuals who have made their request to narrow the scope of the request.

Director Schleck stated that so far, the Committee has not sent a formal communication to the Right to Know Advisory Committee, noting the outreach has involved the Public Access Ombudsman, who has shared with the Committee some perspective. Director Schleck stated the Public Access Ombudsman has stated there is a framework for responding to FOAA requests, and the letter from DHHS states they are following that framework in this matter.

Director Schleck shared with the Committee the information Sen. Hickman requested at the previous meeting on LD 1683, *An Act to Make a Freedom of Access Act Request Free of Charge Upon Petition*, including the Bill Analysis prepared by OPLA, and the written testimony from the public hearing on this Bill. Director Schleck stated the Bill Analysis does contain the concerns raised in testimony during the public hearing. Director Schleck stated LD 1683 was voted unanimously Ought Not to Pass in committee.

This information may be found here:

[OPLA Bill Analysis on LD 1683](#)
[LD 1683 and Public Hearing Testimony](#)

Director Schleck stated there were a number of Bills concerning FOAA during the last session. Director Schleck added that, as he stated at the last meeting, the Public Access Ombudsman has stated, before this Committee, the high costs of some FOAA requests is a problem, however the difficult part is to determine what happens next.

Rep. Lee stated he also serves on the Judiciary Committee and remembers LD 1683, adding that he believes a big problem with that bill was that it advantaged those who are already in an advantageous position to be able to collect 150 signatures on a petition to then get a free, large volume request. Rep. Lee stated the Judiciary Committee's representative to the Right to Know Advisory Committee, RTKAC, is Rep. Henderson, adding that he knows she is aware of the issue with FOAA, as discussed today, and has worked through some legislation on this issue. Rep. Lee stated he believes that this Committee should have contact with the Right to Know Advisory Committee regarding this issue, noting it is a problem the Committee keeps seeing, which is the Department not working with people to narrow the requests.

Rep. Perkins stated he is not satisfied with the Memo from DHHS, and he is concerned that the Committee has been presented repeat concerns regarding FOAA and the time and costs involved in the FOAA requests being fulfilled. Rep. Perkins stated that 15,000 emails with 8GB of data means the emails contain large attachments, which is eight to ten times the amount of data that would normally be in 15,000 emails. Rep.

Perkins also noted that the estimate for Mr. Michael's FOAA request also stated the emails were on average two pages in length, noting that emails are typically short containing a few lines or a paragraph. Rep. Perkins stated that emails usually contain headers, and disclaimers on the bottom which he stated does not have to be redacted or reviewed which should cut down the length of the emails and time involved in reviewing them in the FOAA cost estimate, adding this should be addressed by the Ombudsman or the RTKAC.

Sen. Hickman stated that FOAA, and the fact that that it is burdensome to provide the information requested, is in conflict. Sen. Hickman also stated that he does not understand why there cannot be an upper limit on the cost of a FOAA, even for a voluminous request, if it is in fact available to the public through FOAA. Sen. Hickman stated that in Mr. Michael's case, not all documents are available to the public via FOAA because they contain confidential information in child protection records. Sen. Hickman also noted that Mr. Michaels has filed a new FOAA which probably has a narrower scope and the Committee will see how the Department responds.

Sen. Hickman stated that there is some interest from the Committee, that at a future meeting, the Committee would like to ask for the Commissioner or her designee to come before this Committee to explain why, in these instances, with this particular agency the costs for the FOAA requests are so high, adding the Memo from DHHS did not convince him the costs should be so high.

Sen. Hickman also stated that he would like to know more about the process, mentioned in the Memo, of an individual requesting to review Department records, in-person, pertaining to themselves or a case that involves them, adding that it is unclear from the Memo if Mr. Michaels made this request of the Department.

Director Schleck shared with the Committee a Memo prepared for the Judiciary Committee by OPLA which describes the current FOAA process including related statutes, and an appeal process. That Memo may be found here: [MEMO from OPLA to Judiciary re: Overview of Current Law Relating to Public Records Requests](#)

Sen. Hickman noted that in Mr. Michael's situation, the FOAA was not denied so there is no appeal process available in this case, however the cost was so high that it is cost prohibitive and there is nothing in statute that allows someone to appeal the cost of a FOAA request. Sen. Hickman stated that government is supposed to be transparent, and if people make a FOAA request for information but it is cost prohibitive to obtain, then what is the point of the public's right to know.

Rep. Lemelin stated his concern is that any Department could make a FOAA request cost prohibitive, and how could an individual prove the Department wrong. Rep. Lemelin stated he is concerned that Departments could use high costs of FOAA to cover up wrongdoing or mistakes made.

Rep. Mastraccio stated she agrees that some aspect of information that is able to be requested should be free, however also noted that the other side of this issue is an increasing number of FOAA requests that are not about the actual information but about disrupting the work of Government, State and Local, noting this needs to be kept in mind. Rep. Mastraccio also stated she would like to hear from the RTKAC about this issue. Rep. Mastraccio stated there needs to be a way for people to get the records they want or need without

requesting a large number of documents which can keep an office involved and from being able to do their work.

Sen. Timberlake stated he is concerned with the responses to FOAA requests by Departments, and that the way for someone to not get the information requested is to send them a bill for an amount they cannot afford. Sen. Timberlake stated he agrees with Sen. Hickman that Government is supposed to be transparent, and information that can be public should be accessible, however in the case of Mr. Michael's request, he believes how the Department came up with a cost of \$50,000 is ridiculous. Sen. Timberlake stated that he hears over and over again, and not just with DHHS, very high costs with FOAA requests, noting records should be available to the public if they are requested, and it should not cost an exorbitant amount to get that information. Sen. Timberlake also stated he believes the technology is available to review, redact and make information available quickly, adding that the State spends hundreds of millions of dollars on IT and the State should have the technology available to full requests quickly and easily.

Sen Hickman stated he wonders if Artificial Intelligence, AI, could be an effective tool to compile requested information as well as redact specific information, adding he does not understand why the Government is not incorporating AI into some of these FOAA requests, which he noted might require legislation or rule making. Sen. Hickman stated that the notion of FOAA requests being too burdensome to fulfill is no longer credible to him when AI exists. Sen. Hickman would like to know if the RTKAC and the Judiciary Committee are looking into ways to use AI to make this kind of record retrieval more efficient and less burdensome.

Sen. Farrin stated he thinks part of the problems with FOAA requests are cultural, adding that if it is true that constituents and taxpayers in the State of Maine have a right to information, then instead of receiving a Memo from DHHS listing all the reasons for their cost and time estimate for Mr. Michael's FOAA request, the Department would find a way with Mr. Michaels to solve the problem.

Rep. Perkins stated that heavy technology solutions, such as AI, are not necessarily needed, but that it comes down the people who work in the Department making sure requestors get what they need, adding that he completely agrees with Sen. Farrin's statement.

Sen. Guerin stated that having served on Judiciary for six years, back when that committee first looked at processing FOAA electronically, the departments brought up the use of FOAA requests to harass the departments. Sen. Guerin stated that now that there is AI and different computer possibilities, it would be good to go back and look at the current process for handling FOAA requests, and possibly with today's technology there is a way to process those requests more efficiently.

Rep. Matlack stated she agrees with Sen. Guerin and Rep. Mastraccio that other side of these large bills to fulfill FOAA requests are the people who are harassing municipalities, county government, and state employees. Rep. Matlack stated that she agrees that the process for handling FOAA requests should be looked at, and how former legislation can be impacted by AI, and how AI, for better or worse, can be used to help with the issues seen with FOAA requests.

Motion and Committee Vote

Sen. Hickman asked the Committee if any member would like the Committee to take any particular action at this time.

Rep. Mastraccio stated she would like to know if the Judiciary Committee and the RTKAC have some thoughts on this matter to share with this Committee or if those committees have anything in process regarding this, adding that this Committee could put a bill in, but she would like to do that in the most efficient way.

Rep. Lee stated he does not serve on the RTKAC but he does serve on the Judiciary Committee. Rep. Lee stated his understanding is that the RTKAC does have a work plan, based on the suggestions from the Judiciary Committee or other individuals. Rep. Lee stated it would be useful for this Committee to have a communication of the things the RTKAC is working on, and perhaps an invitation to a meeting to discuss those items and how the conversation around FOAA that this Committee has had fits in with the RTKAC's work plan.

Rep. Perkins made a motion to A. have OPEGA staff draft a letter, for GOC Chairs signature, to be sent to the Right to Know Advisory Committee, requesting information on any RTKAC initiatives concerning agency responses of Freedom of Access Act requests, including when significant costs are quoted back to the requestor, and whether Artificial Intelligence might play a role in mitigation cost of responding; and B. to renew the Committee's request that the DHHS Commissioner appear at the next or a future GOC meeting, in this case to discuss the agency's memo to the Committee concerning a FOAA request by Mr. Ryan Michaels.

The motion was seconded by Rep. Matlack.

With no further discussion on the motion, the vote was taken.

The motion was approved unanimously by all Committee Members who voted. (Ten members were present for the vote and one member later voted by absentee vote as allowed by Committee Rules.)

Request by Judiciary Committee for Review of Maine Seed Potato Certification Program

Sen. Hickman next turned to the agenda item of the request by the Judiciary Committee for a review of the Maine Seed Potato Certification Program, and invited Director Schleck to share with the Committee if there are any further considerations the Committee may wish to factor into the deliberations on this and the next couple of agenda items.

Sen. Hickman stated that at the last meeting, September 17, 2025, the Chairs of the Judiciary Committee presented their request for a review by OPEGA of the Seed Potato Certification Program.

The letter from the chairs of the Judiciary Committee, which was presented at the September 17, 2025 GOC meeting, may be found here: [Letter from Judiciary Committee to GOC RE: Inspections by the Maine Seed Potato Certification Program](#)

Sen. Hickman asked Director Schleck if he wanted to share anything with the Committee on this matter.

Director Schleck stated, as always, it is completely up to the Committee to direct what matters OPEGA reviews by a majority vote of the Committee. Director Schleck stated OPEGA is willing and able to take this matter on, adding this request fits all the parameters of a systematic program review. Director Schleck also stated that he can review what the chairs of the Judiciary stated during their presentation and, at the next meeting, if the Committee voted to put this review on the work plan, come back with a proposed scope for the review.

Sen. Hickman stated that seeing the two lawsuits, in the last two years, discussed by the Judiciary Committee, that it seems to him there is not an understanding among the participants in the Seed Potato Program about what to expect, which means to him that this program needs some review.

Sen. Timberlake stated that a representative of the Maine Potato Board was present in the meeting and asked if she might have the ability to speak to the Committee about the program.

Sen. Hickman stated that he appreciated Sen. Timberlake's request and does not want to disrespect the member of the Maine Potato Board who was present, but Sen. Hickman stated he believes the Committee, at this point, has enough information to make the decision about whether to direct OPEGA to do an evaluation. Sen. Hickman added that if the Committee votes to have the evaluation done, once the report comes back to the Committee there will be a public hearing on that report, and added the representative of the Potato Board may even be involved in the evaluation.

Rep. Mastraccio stated she also appreciates that the representative of the Maine Potato Board is present, however, she did not believe the Committee needed to hear from them at this time.

Motion and Committee Vote

Rep. Mastraccio made the motion to direct OPEGA to perform a review of the Seed Potato Inspection Program, including, as an initial matter, presenting a proposed scope for Committee review and approval at the next or a future GOC meeting.

The motion was seconded by Sen. Timberlake

With no further discussion on the motion, the vote was taken.

The motion was approved unanimously by all Committee Members who voted. (Ten members were present for the vote and one member later voted by absentee vote as allowed by Committee Rules.)

Request by Representative Lemelin for a Case File Review of DHHS Handling of Chelsea Foster/Kinship Placement

Sen. Hickman next turned to the request of Rep. Lemelin concerning fatalities in Chelsea involving a kinship placement. Sen. Hickman noted that Director Schleck may have some additional information for the Committee to consider as it decides how to proceed.

Director Schleck stated that OPEGA remains ready and willing conduct this review should the Committee vote to do so. Director Schleck stated that there are a couple of matters in terms of defining expectations with this request that are distinct with this situation. Director Schleck stated there is the fact that there is a special provision in statute that when the death is the child in State care, and when someone is charged with that death, is prosecuted to a conclusion and then the Attorney General and the Commissioner make a special determination under Title 22, this allows for much more of the record to come out. Director Schleck stated the distinction with this matter is the homicide victims are not the child in State care, therefore it is not clear that OPEGA will benefit from this statute if there is a prosecution and a conclusion and there could be a challenge in terms of how much information could be publicly reported.

Director Schleck spoke of the prior situation with the terrible cases involving Marissa Kennedy and Kendall Chick, where the Committee at that time determined that OPEGA immediately try to conduct some kind of review. Director Schleck added that the OPEGA review of these two cases are more like what OPEGA can do for this matter where there is a reduced amount of the details that are able to be public but OPEGA would try to find a way to tell the Committee what OPEGA reviews and how.

Director Schleck stated another distinction with this matter is, at this time, adding that he has no individualized knowledge about this case, but that it is apparently a juvenile who has been identified to be charged in the juvenile justice system. Director Schleck also stated that there is process in Title 15, the Juvenile Code, where the State, through the Attorney General's office which has the exclusive role in prosecuting homicides in the State, can move for what is called a bind-over hearing, which is a legal proceeding where the court determines whether to transfer a juvenile to adult criminal court for prosecution. Director Schleck stated he has no information today that a bind-over hearing in this situation has happened, but if the juvenile was prosecuted in an adult criminal court it could allow more information to be public.

Director Schleck stated that OPEGA will find a way to do as much as we can to get to some kind of analysis, adding that OPEGA will be able to review all the confidential information, very carefully coordinated with all appropriate officials who are responsible for confidentiality to make sure that whatever OPEGA proposes to say publicly about this matter does not inadvertently release confidential information, or do anything that would impair the prosecution if there is someone to be prosecuted and there is some justice to be done.

Director Schleck stated another step OPEGA would take in this process is to reach out to the Deputy Attorney General in charge of the Criminal Division and make sure that if OPEGA needs to wait to move forward we will, but will at some point arrive at a point where analysis of this matter can be done.

Sen. Hickman stated he appreciated Director Schleck's input so the Committee can understand what OPEGA may have to deal with in the process of a review of this matter. Sen. Hickman added that the scope

of the request from Rep. Lemelin is very narrow, which is how the Department handle this particular person who is in their custody, adding that he believes this is something that OPEGA can investigate and evaluate.

Sen. Timberlake stated he would like to know whether the Department could have prevented the homicides from happening, and what could be done differently to make sure situations like this do not happen in the future, not about the criminal prosecution. Sen. Timberlake also stated he would like to know if the Department had a writing that stated how the individual was going to murder these people, and why the Department didn't tell the Foster parents about problems that this individual had.

Rep. Perkins stated his concern was also how to stop this situation from happening again, not about the criminal prosecution. Rep. Perkins stated he believes this is a very serious matter and understanding the limitations that might come before the Committee, that he has complete faith in the Director's team and made the following motion.

Motion and Committee Vote

Rep. Perkins made the motion to direct OPEGA to perform a review of the child protective case file in the matter of a Chelsea kinship placement in order to gather facts necessary to determine whether the performance of the Office of Child and Family Services was adequate and appropriate in the matter.

The motion was seconded by Sen. Timberlake.

Rep. Lemelin stated his concern is the same as Sen. Timberlake and Rep. Perkins, the fact that it looks to him that there were a lot of red flags prior to the homicides and he is not sure those red flags were addressed properly, adding that he would like the facts to make sure this situation does not happen again.

Rep. Perkins stated that he and his wife were foster parents for many years, including having foster children in his home that were considered high-risk at times along with other children in the home. Rep. Perkins stated that as unfortunate as the Chelsea matter is, he is grateful there were no other children hurt during this incident. Rep. Perkins stated that it is very important that the Committee looks into this matter so it does not happen again.

Rep. Lee stated he appreciates the scope of the request, adding that he does want to be conscious that with a criminal prosecution that is potentially fully confidential as a consequence of it involving a juvenile, the Committee does need to be realistic as to when the OPEGA investigation can actually occur, adding it may be quite some time before OPEGA can do anything on this that would be effective.

Sen. Hickman stated that the motion on this matter made him emotional and the tragedy that unfolded disturbs him greatly, noting it happened to a family in the district he represents and the pain of the survivors is very real.

With no further discussion on the motion, the vote was taken.

The motion was approved unanimously by all Committee Members who voted. (Ten members were present for the vote and one member later voted by absentee vote as allowed by Committee Rules.)

OPEGA Director's Report

Sen. Hickman next invited Director Schleck to provide the Committee with his report and any other matters or items for consideration at this time.

Director Schleck stated that OPEGA looks forward to taking on all new matters the Committee has assigned as well as OPEGA's current body of work.

Director Schleck next addressed the matter of the Riverview Psychiatric Center and Dorothea Dix Psychiatric Center which OPEGA had done a Special Project on earlier this year, and the Committee members had tours of Riverview over the summer. Director Schleck stated he wanted to check in with the Committee as to what the will of the Committee is on this matter, whether the Committee is satisfied at this time or has further interest.

Rep. Mastraccio stated, though the Committee did not fully discuss this matter at the last meeting, for her the tour of Riverview was very informative and believes both hospitals are doing a good job and is fully satisfied.

Rep. Matlack stated she also attended a tour of Riverview, noting the concern the Committee had was about staff safety at these facilities, adding that she did not sense any tension. Rep. Matlack stated that she was sure there are times when there are incidents, but knows the facility has a program to deal with those incidents and reviewing the personnel matters at both facilities increased the awareness of the leadership and brought about positive changes.

Rep. Lee stated during his tour he was able focus on the context of employees and staff and whether or not the issues they had voiced were being heard. Rep. Lee stated he asked staff questions during his tour and did hear that there is a history of issues, but that history is being addressed in the best way by having contact with staff and staff being able to voice their concerns.

Sen. Hickman stated he toured the facility and found it informative, noting that he was unable to ask questions of staff. Sen. Hickman stated that the Committee does not have to take action on this matter today as he would like to hear from Sen. Tipping, who brought this matter to the Committee, at a future meeting.

Next Director Schleck shared with the Committee additional information that provides the distribution of the Student Loan Repayment Tax Credit and incomes of those who receive the credit provided by MRS (Dr. Allen) regarding the discussion at the previous meeting, which can be found here:

[Additional information regarding SLRTC](#)

Director Schleck next noted that at the last meeting, Sen. Duson had asked if the Committee could receive a summary of a joint meeting with the Office of Child and Family Services and the Child Welfare Action Network. Director Schleck stated he has reached out to request this, however at this time has not received information back. Once he does he will bring it to the Committee.

Director Schleck next shared with the Committee the future proposed Committee meeting dates are November 19th and December 17th of 2025.

Director Schleck stated OPEGA will have the report on the Tax Credit for Major Business Headquarters Expansion for the Committee at the November 19th meeting.

Sen. Hickman stated there are a couple of outstanding matters which were not on today's agenda that will be addressed at a future meeting.

Adjourn

Sen. Hickman adjourned the Government Oversight Committee, without objection, at approximately 11:17 am.

