



SEN. JUSTIN CHENETTE, SENATE CHAIR
REP. ANNE-MARIE MASTRACCIO, HOUSE CHAIR

MEMBERS:

SEN. PAUL T. DAVIS, SR.
SEN. LISA KEIM
SEN. NATHAN LIBBY
SEN. LINDA SANBORN
SEN. JEFFREY TIMBERLAKE
REP. KATHLEEN R.J. DILLINGHAM
REP. AMY ARATA
REP. JENNIFER DECHANT
REP. H. SAWIN MILLETT, JR.
REP. MARGARET O'NEIL

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

**MEETING SUMMARY
January 18, 2019
Approved February 8, 2019**

Call to Order

The Chair, Sen. Chenette, called the Government Oversight Committee to order at 9:03 a.m. in the Burton Cross Building.

ATTENDANCE

Senators: Sen. Chenette, Sen. Davis, Sen. Libby, Sen. Sanborn and Sen. Timberlake
Absent: Sen. Keim

Representatives: Rep. Mastraccio, Rep. Dillingham, Rep. Arata, Rep. DeChant, Rep. Millett and Rep. O'Neil

Legislative Officers and Staff: Danielle Fox, Director of OPEGA
Matthew Kruk, Principal Analyst, OPEGA
Scott Farwell, Senior Analyst, OPEGA
Jennifer Henderson, Senior Analyst, OPEGA
Amy Gagne, Analyst, OPEGA
Kari Hojara, Analyst, OPEGA
Joel Lee, Analyst, OPEGA
Ariel Ricci, Analyst, OPEGA
Etta Connors, Adm. Secretary, OPEGA

Introduction of Committee Members

The members of the Government Oversight Committee introduced themselves.

Introduction of the Office of Program Evaluation and Government Accountability Staff

Director Fox introduced OPEGA staff.

Committee Orientation

- **Statutory duties and responsibilities of the Government Oversight Committee and OPEGA GOC and OPEGA Mission Statements**
- **Summary of GOC Key Processes:**
 - Review selection process**
 - Flow chart**
 - Check list tool**
 - How review requests are made**
 - Overview of the review process**
 - Receipt of OPEGA reports**
 - Post report actions**
- **Description of GOC/OPEGA Website**
- **Additional reference documents**

Director Fox summarized Committee orientation documents. The comments or questions from Committee members included:

Sen. Chenette asked if the GOC assessed review requests based on the review request check list for the reviews on the On Deck list. Does OPEGA automatically take topics off the On Deck list when their Work Plan starts to get reduced or does the GOC have to take a topic off the On Deck list and move it to the Work Plan? Director Fox said the GOC has to vote to take topics off the On Deck list. Nothing gets added to the Work Plan, from the On Deck list or a new review request, without a vote from the GOC. Sen. Chenette asked if the On Deck list is a list of topics for further GOC consideration. Director Fox said it is and is a way to ensure that there are always topics that are being evaluated and worked on and that the Committee is always actively engaged.

Sen. Chenette explained the report presentation process. OPEGA will make a report presentation at a GOC meeting and then a separate meeting will be scheduled for public comment on the report. Following the public comment period the GOC will have a work session on the report. Director Fox said the public comment period can be held on the same Committee day and the GOC can hold as many work sessions as they want to discuss the report.

Sen. Chenette wanted to clarify that an endorsement of the report does not mean that the GOC is not taking additional steps in terms of meeting some of the recommendations within the report. For example, reporting out a bill from the Committee to address some of the concerns is a separate vote from the endorsement of the report. Director Fox agreed.

Review of Committee Rules of Procedure

Director Fox said the GOC's Rules generally follow the model committee rules except that the GOC is unique in terms that they do not hold public hearings and work session on LDs. The specific elements of the model committee rules that deal with holding public hearings and work sessions on LDs are not necessary to include in the GOC's Rules in the same way they are for the policy committees. Another difference is the requirement for at least one Senate member to be present for a Committee quorum of 7. The GOC cannot have a quorum without a Senator because of the way the Committee is divided up with six members from the House and six from the Senate and is the reason that issue is not included in the GOC Rules.

Rep. Mastraccio wanted to make the Committee members aware that the GOC co-chairs may permit the consumption of food and beverages in the Committee room.

Rep. Arata asked for an explanation on absentee voting. Director Fox said absentee voting required advanced approval from the Presiding Officers. If you knew that you were going to be absent and knew there was a particular vote coming up you could request permission to vote in advance and would have to show that you have the permission of the Presiding Officers. She said, from her experience, that happens very rarely and is not something that staff gets involved with. The Chairs, the Committee member and the Presiding Officers need to talk about it.

Rep. Mastraccio recalled that the GOC had some absentee votes when topics were being added to OPEGA's Work Plan and the Committee did not know the results of the vote at the meeting. That was the only time she remembered. Sen. Davis agreed. Rep. Mastraccio thought the only time members voted who were not at a meeting was when the Committee was voting to put topics on the Work Plan, but said, as Chairs, they might want to clarify that issue. Director Fox said it can be made specific in the Committee Rules that that is the only circumstance under which that is allowed and see what the Presiding Officers say as well.

Rep. Mastraccio suggested that the GOC wait to vote on the Rules until their next meeting in order to get clarification on the absentee voting for the GOC. Committee members agreed.

Rep. Millett referred to "6 C. (2) and (3)" of the Rules and asked if Committee members would be allowed coffee during meetings. Sen. Chenette said members were allowed to have coffee and said it is Rep. Mastraccio's and his intent to be very open ended with what the Committee wants to do regarding food and beverages in the Committee Room. Director Fox noted from Rep. Millett's question that the "and" in "6. C. (2)" should be changed to an "or".

Rep. Arata referred to "11. Participation in the Budget Process:" noting that there were three members of the GOC on the Appropriations and Financial Affairs (AFA) Committee and asked if that was going to be an issue. Director Fox said unlike policy committees there is rarely an opportunity for the GOC to go before AFA Committee for a budget subcommittee. Sen. Chenette said during the budget process the GOC would have a say in OPEGA's budget line. Director Fox agreed. Rep. Mastraccio said Director Fox will go before the Legislative Council for OPEGA's budget and for the last session, Senate Chair, Roger Katz, and she went before the Legislative Council with the OPEGA Director. Director Fox said OPEGA and the Law and Reference Library are separate lines in the Legislature's budget, but still go through an approval process with the Legislative Council's Budget Subcommittee and then by the full Legislative Council.

Suggested changes to the GOC's Rules will be made and the Rules will be on the next meeting agenda for consideration and vote.

Report From Director

Status of projects in process

Director Fox said the GOC will get an updated Work Plan every meeting, noting that there may be times when there are no changes to the Work Plan and she will let the members know that. If there are changes, she will let the GOC know that as well.

Director Fox referred to the "Phase" column of the Work Plan and said, for example, the **ReEmployME System** topic is a review added to the work plan last year and is in the Preliminary Research phase. OPEGA is hoping that within the next several weeks to bring the Committee a report on their preliminary research and have the GOC determine where they should go from there based on the information provided by OPEGA. If the Committee recommends going forward with a full evaluation then OPEGA will be asking that the GOC provide them with their comments on the scope and direction of the review or whether they do not want any further action taken. The Director said that will be coming before the Committee within the next few weeks.

The **Child Protective Perspective Special Project** is a two part review. After the information brief on the death of two children was presented to the GOC last year, and after several work sessions and comments from the public and Department, the GOC tasked OPEGA with looking at two issues. One was to gain perspective from front line child protective workers who are in the field, or office, making decisions about child safety. That part of the Special Project is in the reporting phase and the GOC will be receiving that report in early February. The second part of this review was to evaluate where the Administration was on their own initiatives. One of the things that DHHS presented in response to the report was that they had decided, amongst themselves, what they were going to do to improve the child protective service systems and OPEGA was going to check on how those were being implemented. OPEGA is in the preliminary research phase on that part of the review and because of the recent change in Administration is not clear whether the new Administration will be going forward with the initiatives that were identified by the previous Administration.

Employment Tax Increment Financing (ETIF) is in the reporting phase and will be presented to the GOC at the January 25th meeting. The **Maine Capital Investment Credit** is another full evaluation tax review that is in the planning phase and OPEGA is doing fieldwork on **BETE and BETR**.

Maine Citizen Initiative Process has evolved a little over time. When it was originally put forward it was related to the York County Casino question and then evolved into a broader review of the direct initiative process. Rep. Dillingham asked when the original request for the review was made. Rep. Mastraccio said the first request of a review of the York County Casino was by Sen. Katz in 2017. The second request to review the process was requested by Rep. Pierce in October and approved in November, 2017. At the time Rep. Pierce's request for the review was approved there were other topics on OPEGA's Work Plan and the Committee's vote on the review request included that the other reviews in progress needed to be worked on first and then the Child Protective and Sales of Timber review requests came up and the GOC discussed and agreed where OPEGA would focus their work.

Sen. Chenette referred to the "Planned" section of the Work Plan and asked if that was referencing On Deck or is it still part of the Work Plan. Does "Planned" mean the GOC directed the topic to be put on the back bench. Director Fox said she would have to get back to the Committee regarding that question and would like the opportunity to research it rather than speak out of turn. Rep. Mastraccio said over the past four years issues come up that take precedence over other things because of the immediacy of some of the matters. She said some of the topics on the On Deck list have been on the list for four or five years and some of the issues have been resolved in other ways so the previous Committee went through the On Deck list and voted many topics off the list. The GOC will, in discussion of their Work Plan and On Deck list, see that progression and where they ended up. The Committee evaluates the Work Plan every two years and review of the topics will be done with more information provided regarding the GOC's current projects.

Rep. Dillingham referred to the "#" column of the Work Plan and asked if it was by priority or is it how they ended up on the plan. She referred to the Maine Citizen Initiative Process noting that review was in the preliminary research phase and asked if it was still ongoing or is it in a holding pattern. Is there still preliminary research being conducted and then the review will move to the next phase when complete. Director Fox said there was a point where OPEGA had a little bit of a lull in their work so began working on the review. Then other projects were assigned as a priority and OPEGA Analysts were assigned to reviews that were further along or identified as priority. When those reviews are complete and OPEGA resources are freed up, without any direction from the GOC, OPEGA would continue on with where they left off in their work on the Maine Citizen Initiative Process. Director Fox said the numbers have nothing to do with priority of the review and do not represent anything.

Rep. Millett asked if the Completed projects were those that were authorized and undertaken during the 128th Legislative Session only. Director Fox thought it would be helpful to have the date the review was reported. She would welcome Committee members' input on what information would be helpful to add to the Work Plan. She will add the information of when the review was reported to the Work Plan. Rep. Millett said he

was interested in the 128th because remembered some of the issues and thought a disposition column or action taken column would also be helpful to know. Director Fox said she will add that information.

Rep. Mastraccio thought Rep. Millett's suggestions were excellent and said the date a review began might also be helpful information to add because it would give people a better picture of how long the process takes in reviews.

Sen. Chenette said the GOC will be having another discussion regarding the Work Plan and setting their priorities as a Committee at a future meeting.

Director Fox explained that the topics on the On Deck list are not planned reviews, but are topics for the GOC to consider adding to the Work Plan. The topics had been brought before the GOC and OPEGA has done some initial research on them. The information related to each topic will give the new Committee members an idea of the initial information OPEGA will provide to give them ideas to discuss if the topics were to be moved on to the Work Plan.

Update on certain action items from 128th GOC

Director Fox referred members to the two letters from the 128th GOC. At the end of the 128th the Committee received the Temporary Assistance for Needy Families (TANF) report and the information brief on the Sales of Timber From Public Lands and recognizing that it was the end of the Legislature and wanted their recommendations and what they found to go somewhere so decided to write letters to the 129th Agriculture, Conservation and Forestry Committee and Health and Human Services Committee regarding the reports. She wanted to make the GOC aware of the correspondence.

Status of OPEGA budget

Director Fox said she wanted the members of the Committee to have the information for OPEGA's budget so they could have the opportunity to review it for discussion at a future meeting.

Director Fox referred to the report provided to the GOC from the 128th Joint Standing Committee on Taxation. It is their Tax Expenditure Review required by statute and is prepared on an annual basis every December. The GOC/OPEGA provides the Taxation Committee expedited reviews of certain tax expenditures. The Taxation Committee reviews those expenditures and makes recommendations about whether they should continue, if the objectives are being met, etc.

Sen. Chenette asked whose responsibility it is to act on the recommendations in the report, is it the Taxation Committee or the GOC. Director Fox said the Taxation Committee is authorized to report out legislation based on the report. Every July the GOC provides the Taxation Committee an updated list of expedited tax expenditures, which is a briefer review of what the expenditures do, and then the Taxation Committee looks at them in more depth. They are usually broken down by what the objective of what that tax expenditure program is or the rationale. The GOC receives these reports from the Taxation Committee based on what information the GOC gave them in July. Rep. Mastraccio noted that the GOC can report out legislation at any time based on the work the GOC Committee is doing.

Unfinished Business

None

Planning for Upcoming Meetings

January 25th – presentation of Employment Tax Increment Financing Program Report
Development of annual work plan (for discussion on 2/8)

Next GOC meeting date

The next GOC meeting is scheduled for Friday, January 25, 2019 at 9:00 a.m.

Sen. Chenette said the GOC is scheduled to meet every other Friday noting that January is unique because of Committee orientation. The Committee will be meeting February 8 and 22 and March 8 and 22. Rep. Mastraccio noted that later in the session and during the interim, the Chairs will work with Committee members' schedules when scheduling meetings.

Adjourn

The Chair, Sen. Chenette, adjourned the GOC meeting at 10:53 a.m. on the motion of Sen. Davis, second by Rep. Arata, unanimous.