



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

MEMBERS:

SEN. JAMES HAMPER  
SEN. LISA KEIM  
SEN. NATHAN LIBBY  
SEN. LINDA SANBORN  
SEN. JEFFREY TIMBERLAKE  
REP. KATHLEEN R.J. DILLINGHAM  
REP. AMY ARATA  
REP. THOM HARNETT  
REP. H. SAWIN MILLETT, JR.  
REP. TERESA PIERCE

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

**MEETING SUMMARY**  
**February 28, 2020**

**Call to Order**

The Chair, Sen. Chenette, called the Government Oversight Committee meeting to order at 9:05 a.m. in the Cross Office Building.

**Attendance**

Senators: Sen. Chenette, Sen. Hamper, Sen. Keim and Sen. Sanborn  
Joining the meeting in progress: Sen. Timberlake  
Absent: Sen. Libby

Representatives: Rep. Mastraccio, Rep. Millett, Rep. Harnett, and Rep. Pierce  
Joining the meeting in progress: Rep. Arata  
Absent: Rep. Dillingham

Legislative Officers and Staff: Jennifer Henderson, Sr. Analyst, OPEGA  
Amy Gagne, Analyst, OPEGA  
Kari Hojara, Analyst, OPEGA  
Joel Lee, Analyst, OPEGA  
Etta Connors, Adm. Secretary, OPEGA

Legislators: Chairs and Leads Sen. Gratwick, Rep. Hymanson, Sen. Moore and Rep. O'Connor  
of Health and Human Services  
Committee:

**Introduction of Committee Members**

The members of the Government Oversight Committee introduced themselves.

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## New Business

### • Child Welfare System Improvements—Coordination of Oversight

#### - Discussion with Chairs and Leads of HHS and JUD Committees/progress reports

The Chairs and Leads of the Health and Human Services (HHS) Committee introduced themselves.

Sen. Chenette recognized Sen. Craven, Rep. Perry and Rep. Griffin, members of HHS Committee who were at the meeting. He said the Chairs and Leads from the Judiciary (JUD) Committee had also been invited to the meeting and noted that Sen. Keim and Rep. Harnett are also members of the JUD Committee.

Sen. Chenette said the purpose for this meeting is a follow-up from the GOC's October 2019 meeting that focused on coordination of oversight efforts regarding the systemic changes and reforms necessary for child protective services. He referred to the Child protection system improvements – oversight coordination/tracking document, Office of Child and Family Services' (OCFS) Focus on Outcomes and Action items identified at 10/15/19 meeting of the GOC with Chairs and Leads of JUD/HHS Committees. (Copies of the documents are attached to the Meeting Summary.)

Sen. Chenette read the 8 action items identified at the October 15<sup>th</sup> GOC meeting. He asked if there were any items on the list that the HHS Committee has addressed and can be checked off the list.

Rep. Hymanson referred to items 1 and 5 and said Dr. Landry, Director, OCFS, did a power point presentation to the JUD and HHS Committees and the Children's Caucus. To address action item 5, for legislative action, the HHS Committee has had a number of bills come before them that were quick tracked and ready to go to the Governor. The bills include a change in the background checks that dovetails with the Families First legislation. The Committee has also streamlined the RFP process so contracts can be made with providers in a quicker timeframe.

Sen. Chenette asked what had been done in developing a plan to facilitate ongoing communication between the HHS and JUD Committees. He asked what coordination, or communication, has occurred between the Chairs since October?

Rep. Hymanson said she was at the JUD Committee for Dr. Landry's presentation. The JUD Committee has not been to a HHS Committee meeting, but did combine forces around Dr. Landry's presentation.

Sen. Chenette asked if there has been any ongoing communication between the two Committees outside of Dr. Landry's presentation.

Rep. O'Connor said some JUD Committee members give a report to their caucus every Tuesday about what is going on and often it is regarding these issues related to child welfare.

Sen. Gratwick said there has been relatively little communication between the HHS and JUD Committees and thinks it comes back to the structure of the way committees work and is not just between these two Committees. He thinks, at some point, you need to step back and look at the larger issue of how committees are working together on common issues. They have had some remarkably good discussions within DHHS and bringing stakeholders together, but thinks, as legislators, they have to work on better communication as there are no easy avenues to come up with actual action plans.

Rep. Mastraccio referred to action item 7 and thinks developing a plan to facilitate communication between committees is something that could be used for a lot of the policy committees. Committees need to institutionalize a plan for communication and, although she is not sure how to do that, would like to hear any suggestions on how it can happen. She agreed with what Sen. Gratwick said.

Rep. O'Connor agreed and said it is difficult. Once we have had these conversation, communications breakdown and does not continue outside the room. There are great ideas and it would be helpful to have some roundtable discussions about issues and what is happening. She knows committees are swamped with work and the last thing they want to do is pile more difficult issues on the table.

Sen. Moore said the HHS Committees receives reports, for example the Ombudsman's report, and realized the JUD Committee had not seen it even though Dr. Landry's presentation covered a lot of the points that were in the report. She is not sure what steps they need to take to make sure the JUD Committee receives the same reports that the HHS Committee receives that also come under their jurisdiction.

Rep. Mastraccio said when Ms. Alberi, Director, Ombudsman Program, came before the GOC there was a recommendation in the report that could only be addressed by the Education and Cultural Affairs (EDU) Committee so a request was made that she also does a report presentation before that committee. Maybe the GOC should have included the JUD Committee to that request. Sen. Keim remembered a presentation by Ms. Alberi, but had to remember if it was from a GOC or JUD meeting. Rep. Harnett, thinks the JUD Committee did hear from Ms. Alberi and members received a copy of the Ombudsman's report.

Rep. Hymanson said Rep. Bailey, Chair, JUD Committee, sits in front of her in the House Chamber and they have ad hoc conversations. She also hears things in a lot of different places that may not be in a structured setting. She did not want to over structure a meeting between everyone that takes those kinds of conversations away, but on the other hand, thinks it is a good idea to touch base in a particular place. Maybe the Child's Ombudsman report presentation should be given to all the Committees at once where they are all in the room together at the same time Ms. Alberi is presenting it. She knows those meetings are difficult to arrange. Rep. Hymanson said a brainstorming session is needed with the goal being how to have conversations between JUD and HHS structurally put in place.

Sen. Keim agreed that having the JUD and HHS Committees together to hear reports would be good because JUD has had meetings recently where other committees have been there and recognized that hearing the perspectives of the broader group was helpful. She thinks it is a great idea for some of the reports that are significant to the different committees be heard together and that way we hear each other's conversations. She added that when meetings are planned it tends to be the chairs that discuss it and the leads are left out. She thinks it is important that the leads be a part of planning those discussions because that is going to create the best outcomes for what the GOC is trying to do.

Rep. Mastraccio said sometimes there may be an article in the newspaper, for example, the issue of overtime and the need for overtime pay for child welfare workers. If you read it in the newspaper does that mean it is happening everywhere, or did it happen to one person.

Rep. Hymanson said the number of kids who are at risk have increased in the foster care system, likely because of the substance use disorder problem, and is why there is an increased number of requests in the supplemental budget for additional child protective workers. She thinks OCFS has done its diligence in number counting, sees the data and tells the Committee how they are responding to those numbers. That is for the children's part. The HHS Committee has heard that the child protective workers morale improved along with their work load because of the increased number of people who have been hired. Hiring has been difficult because of the workforce shortage, but thinks the Committee has heard that all the positions have

now been filled, including supervisory. She hears from the Senate Chair of the JUD Committee, who works directly with children, that he is impressed by the trend, but there are still problems and a lot of work to do.

Sen. Gratwick thinks some committees overlap well. HHS works a lot with Health Coverage, Insurance and Financial Services and EDUC and a little with JUD Committees, but are quite distant from Marine. Each of the committees have their particular pattern, but the problem is it is a three dimensional diagram. It gets more complicated because then you have the Executive Departments, outside groups, etc. and that is where a lot of the communications get lost. He thinks, for those legislators returning next session, specifically members of the GOC, that discussions about how to organize joint committee meetings with the GOC is going to be very important.

Sen. Gratwick said he is extraordinarily impressed with what DHHS has done over the past year in giving the Legislature insight and that the communication level with the Committee is remarkably well. Rep. Hymanson and he meet once a week with Commissioner Lambrew and they get a lot information. DHHS' liaison person, Molly Boggart, is superb and it has made an enormous difference in being able to reach out so they are doing much better in working together. He thinks the root of communication is different than what it was in the past. Sen. Gratwick said communication depends on persons, as opposed to structure, and although there are currently very open people in the Department that allow communications, the question is how can you institutionalize that communication in the future.

Rep. Hymanson said another important thing the HHS Committee has been doing is reviewing reports. Previous to this session, it was hard to keep up with the reports received and there was no structure for reviewing them. The Committee has set up "book reports" and have now gone over more than 100 reports. Members of the Committee assign themselves to reports based on their interest and then one day a week, members talk about the report at a meeting.

Sen. Moore said when looking at the increase numbers of cases we get concerned, but the reason for the increase is because of the loss of the two children. It has made more people come forward to say we do need to do something. She tries not to get discouraged when she sees the increase in numbers and the number of children in foster care. As a committee, HHS has made some changes to help with the inspection of foster homes not having to be inspected by a fire marshal and that has opened up the opportunity for more foster homes. They have heard lots of positive responses to that change. The Committee has done some things that will have the numbers go up, but it is not in a bad way, because we are now taking care of the children that need the care.

Sen. Chenette referred to action item 7 and asked what would be helpful to improve the communication between JUD and HHS Committees. He asked if the organized structured joint meetings with HHS, JUD and GOC Committees is the best approach to having that line of communication as check ins. He likes the idea of "book reports" for the report side and that could be the progress report for who is working on what. You would want enough time elapsed between those conversations to officially get some work done in order to have something to report. He asked if the structured meetings would be helpful to have with various policy committees, or did they think there needs to be something more specific between HHS and JUD on an ongoing basis.

Rep. Hymanson thinks the joint meeting the HHS Committee had with the JUD Committee to hear Dr. Landry's presentation was good. They should structurally have those types of meetings with the two Committees and the Director of OCFS each year of the 2 year session. Also, the Ombudsman's report presentation should be at a joint presentation, and for that presentation, perhaps the GOC should be included. Sen. Moore agreed.

Sen. Chenette said it has been suggested that at least 1 joint meeting between JUD and HHS Committees with the Director of OCFS and then another meeting for the Ombudsman's report presentation. At least 2 check in meeting presentations each session.

Rep. Hymanson liked the HHS Committees check in meetings with the GOC. She was not sure other Committee members agree, so suggested a Chairs and Leads meeting with the GOC once a year to see how things are going until a process is institutionalized. Sen. Chenette said it has now been suggested there be at least 3 meetings during a session year.

Rep. Millett suggested a GOC role may be to serve as the convener at the end of the session, or fiscal year, to bring together the Chairs and Leads in a meeting forum and tie together action items 3, 4, 5 and 6. We would all benefit in knowing how the system has moved forward in the year, the Judicial System impact plus Dr. Landry's updates since he has been on board, the data dashboard, and to see how, after the fact, we receded for the rest of the session on funding. He thought if the Chairs and Leads of HHS and JUD Committees were invited to a GOC meeting with a focus on having Dr. Landry update them on the outcomes accomplished a year into his tenure, using both the outcome strategy plan, as well as, our elongated GOC oversight role.

Sen. Chenette asked if Rep. Millett was suggesting that the Chairs and Leads of the GOC, JUD and HHS Committees meet, not a full meeting. Rep. Millett agreed that was his suggestion.

Rep. Harnett said as a member of the JUD Committee, who is neither a Chair or a Lead, thinks it would be helpful to at least invite the other members of those Committees to participate because communication, as it goes down the line, can sometimes be difficult. He knows a lot of Committee members are very concerned about these issues and have been very impressed with Dr. Landry's presentations. If possible, he would have the meetings for more than the Chairs and Leads.

Rep. Mastraccio said if meetings were held on a yearly basis, agendas could change because it would be based on where they were in the process. She thought Rep. Millett's suggestion was a good idea because she always thought the GOC could do a better job being a facilitator for oversight for all the joint standing committees. She is always concerned that it is such a big learning curve and we do not have transition when a new Legislature comes in and thinks that meeting might provide that. Rep. Millett agreed with Rep. Mastraccio and also with Rep. Harnett's suggestion of inviting all the HHS and JUD Committees members and not just the Chairs and Leads. He is a first time member of the GOC, but does not want to lose sight of the important role that they have been given to monitor and make sure that what happened a year and a half ago never happens again. They need to be on track with what progress has been made and what next steps need to be taken.

Sen. Gratwick said the most important thing for him is asking the right questions. If it is the decision to have the combined meetings, having the right questions before them to answer is pivotal. That any member of any committee, any legislator, knows that they can write in questions, which can then be collated by the Chairs and Leads so you come up with a doable project. So, here is the question and here is what we are going to do in response and would go to Sen. Chenette's suggestion of coming up with action items. He thinks this is a fairly good plan. It is not perfect because we are not going to come up with yes or no answers, but we want to have something that is going to allow us to move forward and say here is where we have done well and here is where we have not.

Rep. Pierce wanted to clarify the meetings discussed. Is it a meeting with the Chairs and Leads of the mentioned Committees, is it a GOC meeting with the Chairs and Leads of the HHS and JUD Committees, or a GOC meeting with an invitation to the other members of those two Committees?

Sen. Chenette said it is going to have to be an official meeting of the GOC with Chairs and Leads from the HHS and JUD Committees and then any member of the Legislature can be invited, but specifically members to those two policy committees.

Rep. Mastraccio thought the meeting should be held after the session has ended. Other members agreed.

Sen. Chenette asked if there were any other ideas, or suggestions, to add to the plan. He recapped the discussion thus far. Action item 7 is checked off and is:

We are going to have at least four meetings in a calendar year. One meeting will at least be between the HHS and JUD Committees specifically with the OCFS Director. Another meeting between HHS and JUD Committees with the Ombudsman's Office. Those can be presentations, discussions, engagements, etc. There will be another meeting as a check in with the Chairs and Leads of JUD and HHS Committees, as is being done at this meeting, with a full meeting of the GOC at some point in the session schedule. Once session has ended, could be late summer or early fall, past the fiscal year, the GOC will convene another official meeting to specifically discuss the status of the action items, funding post-budgets and department level updates. Again, with the Chairs and Leads from JUD and HHS Committees, but all members of those Committees will be invited to that meeting to hear the discussions and, as Sen. Gratwick suggested, to gather questions ahead of time so the conversation is focused around checking off additional action items and figuring out what additional homework assignments we will have coming out of that meeting.

Sen. Chenette asked if that was a good recap of what is being aimed for with regard to that communication plan. He asked if there was anything else to add, adjust, or subtract from it. Hearing no response, action item 7 is complete.

Sen. Chenette asked if there were any other things regarding the action items list before moving on to the tracking document.

Rep. Hymanson said the HHS Committee talks a lot about pilot programs and thinks these meetings are kind of a pilot for other opportunities to cross into another committee's work. For example, childhood education and daycare with the EDU Committee because those are no longer separate. Sen. Chenette agreed and said this process could be a model.

Sen. Chenette referred to the child protection system improvements – oversight coordination/tracking document noting that everything highlighted in yellow are the updates since October, 2019. A summary for the information highlighted in yellow can be found at the end of the document.

Sen. Chenette said in Strategy 3 Enhance Assessment Processes, the GOC flagged the Ombudsman's report recommendations this year is to provide ongoing training and support for OCFS' staff. Obviously, we have been talking a lot this session and last session around staffing levels, but it seems there is a need for ongoing training for existing staff in making the decision of whether a child is safe when doing the initial assessment or investigation, and also, in making the decision of whether a child will be safe in a home if reunified with parents. He asked if that was something the HHS Committee had flagged as something to act on or to have further conversations around this session?

Rep. Hymanson said, in general, the Ombudsman now has a part-time associate so that has expanded the Ombudsman's abilities, in a lot of different ways, and Ms. Alberi feels her work is going better. She was not zeroing in on anything specifically the HHS Committee did, as a committee, about the training, but noted there are now more supervisors. She thinks child protective workers and their supervisors are the core of producing a safe system for the kids so whatever we can make more effective for the child protective workers, Maine's system will be better. There is now more time to get to the kids, to circle back to them, and to spend

time with their cases to understand what is going on, to be able to decompress and have people they can do that with is very important because it is a difficult job.

Rep. Hymanson said the HHS Committee's work included discussions about how many cases each child protective worker should have and noted that OCFS provided a report regarding Child Welfare Caseload and Workload Analysis dated January 31, 2020. OCFS now has a tool to determine what the caseload should be and a map of the State that shows how many caseworkers there are in the different districts and how many need to be there. A few districts have a few more workers than they need and a few need more workers than what they have. OCFS has been very number data based and will continue to refine the workload analytic tool with the next report to the HHS Committee to be presented by 1/31/21. She said it is important to do everything we can to improve the caseworker experience because that is the true protection for the kids.

Sen. Gratwick said the Ombudsman's report was remarkably good. The Office of the Ombudsman has a fairly narrow focus and his impression is that they are a much better resource for people, but there is only 1 and a half people and has the need for more. Second, he thinks the HHS Committee is an Ombudsman of itself. They hear about these issues, as Rep. Hymanson said, and is a place where many people come to report so the Committee tries to get information out to different departments. He thinks the Ombudsman has done remarkably well, but thinks the State's system is not doing well enough. They have made marked changes over the past year, but has much further to go.

Sen. Chenette asked if there were other questions, comments or concerns regarding the tracking document. A lot of what was mentioned was the Ombudsman's report, but also the supplemental budget, as Rep. Hymanson had suggested, regarding the potential of adding positions and the increased reimbursement for foster families. He asked if anyone wanted to mention the increase in reimbursement to foster families and why that is critical.

Rep. Hymanson said they have many more kids who need foster care placement so we need families to step up to that difficult position and the HHS Committee took steps to help. Sen. Moore talked earlier about windows in homes being a problem and the fire department wanting them replaced. She didn't want anyone to think the Committee did not want the homes to be safe or fire inspected, but decided after hearing from DHHS and their ability to do the home inspections, that they could do a good job and to let the Department have oversight of home inspections. As a result, more foster homes have opened up.

Sen. Moore thinks because of the increased number of children in foster care OCFS needs additional funding to be able to pay foster families. Also, because of the increase in caseloads, DHHS requested an additional 20 positions. The HHS Committee did question DHHS about their budget request and, as Rep. Hymanson noted, OCFS has identified pockets of need.

Rep. Pierce said she is familiar with OCFS's request in the Supplemental budget and asked if there was discussion at the HHS Committee regarding the upstream need for some things. The HHS Committee members said there was a lot of discussions regarding that.

Sen. Moore said the HHS Committee received a couple of task force reports and, as a result of those reports, are reporting out a couple of legislative bills. One is looking at what can be done for early prevention in order to prevent the situations, and the other is regarding substance use disorder.

Rep. Hymanson said prevention is really about out-patient behavioral health and preventing kids from adverse childhood experiences. How you do that is with early childhood education, how you structure that and, who does it involve. Once you identify a child is at risk and before they enter child protection, you have to then give them some type of treatment. The fidelity programs work, but you have to do the whole program or they

do not work. Those programs are expensive, but less expensive than the foster care system and less emotional to the child. She said that request is coming through the Supplemental budget and is extraordinarily important.

Rep. Moore said the HHS Committee is also talking about the new computer replacement system. The money has already been approved and now DHHS is ready to draw that amount and is included in the Supplemental budget just as a note that they want that money now.

Sen. Gratwick gave a specific example of the kinds of decisions that he thinks the Legislature should be making. Yesterday the HHS Committee had someone report to them about homelessness with the individual having major psychiatric difficulties. The person was in foster care for a good deal of his young life and the wrap around services are about \$10,000 per year, but he failed out of it and consequently, has cost the judicial system \$150,000. So, basically it cost the State 10 times more when it fails a person in the system and the Legislature needs to be cognizant of the larger picture.

Rep. Arata referred to the recent article in the Press Herald where the State almost rushed to judgment and took a boy from his family. She said they have to be mindful that they are not putting a lot of pressure on OCFS to get more kids into the system. If you read the article you will be horrified in the breakdown of the assessment process. She didn't know what caused the situation, whether it is a lack of staff, or lack of experience, but is something that has to be kept in mind. She will forward the article to the GOC and HHS Committees.

Sen. Chenette said Dr. Landry will be at the next GOC meeting on March 13<sup>th</sup> and thinks Rep. Arata's comments will be a center piece of the discussion, in addition, to his updates and initiatives.

Sen. Gratwick said it swings the pendulum of how to get it right because he had someone contact him with exactly the opposite complaint and thought the child was not being treated appropriately. So, there needs to be that feedback of is it the Ombudsman that feeds back to OCFS or how do you get that information where it needs to be and the constant need for balance. He thinks one of the things this Committee can do is to make sure we have the access to get that feedback because he trusts staff to make good judgments if they have the proper feedback.

Rep. Hymanson thought it would be good to have Sen. Carpenter here for that discussion because that is his world and could give good comments.

Sen. Chenette said that leads to action item 8 of do we need folks from NCSL to examine the structure that he thinks the GOC and HHS Committee have arrived at today regarding the communication plan between multiple committee jurisdictions to make sure we are following best practices. They might have suggestions for that. The Legislature works with NCSL staff frequently so he is sure we can get their feedback on that structure. Hopefully, the Committee will be able to check off item 8 in the next month.

Sen. Chenette asked if there were any other comments, concerns, or questions from either Committee regarding the tracking document, the action items list or any of the reports that the Committees have heard in the last couple of months that they would like to discuss. Hearing none, he thanked the Chairs and Leads from the HHS Committee for participating in the OCFS discussion. Other members of the GOC thanked the HHS Committee as well.

## **RECESS**

The Chair, Sen. Chenette, recessed the Government Oversight Committee at 10:07 a.m.



## RECONVENED

The Chair, Sen. Chenette, reconvened the GOC meeting at 10:20 a.m.

- **OPEGA Report on Business Equipment Tax Reimbursement (BETR) & Business Equipment Tax Exemption (BETE)**

- **Public Comment Period**

**Kate Foye**, Legislative Liaison for the Department of Economic and Community Development. Ms. Foye presented the testimony of Heather Johnson, Commissioner, DECD.

Sen. Chenette said it sounds like DECD is going to be on top of OPEGA's report and reviewing individual tax credits and breaks and asked if Ms. Foye had a timeline for that review. Ms. Foye did not know the date that the statute requires DECD to do that work. DECD will be going out for RFP, so it will be an outside entity that will come in and look at all of the programs to see what works, what needs improvement, what they can be doing better, what is going well, what businesses are utilizing the programs and how DECD can package them better, if they need to do that.

Sen. Chenette asked if Ms. Foye had a list of incentive programs that are going to be under review. As far as she knows, it is going to be all of their incentive programs.

Rep. Mastraccio said there is now a long range strategic plan for economic development and that will be the lens through which DECD will evaluate the programs. That has not happened in the past because the State did not have a plan. Ms. Foye agreed.

**Daniel D'Alessandro**, Attorney, Office of Tax Policy, Department of Administrative and Financial Services. He presented the testimony of Michael Allen, Associate Commissioner for Tax Policy.

Sen. Chenette referred to the implementation of the new computer system at Maine Revenue Services (MRS), specifically replacing the manual process and asked the timeline for that implementation. Mr. D'Alessandro said it is going to be over the next 3 to 5 years, with the smaller programs that are not on the system going first, such as this one. He does not have the exact order that they are going to go, but noted that there are a lot of small taxes that are not yet on the computer system. That tax information will be added first and then MRS will switch to the more significant taxes.

Sen. Chenette referred to OPEGA's recommendation that the \$2 application reimbursement to municipalities is not sufficient and that Mr. D'Alessandro mentioned not hearing from municipalities suggesting that number should increase from when it was first instituted. Mr. D'Alessandro said he has not heard that municipalities have contacted MRS, but if a municipality came to MRS and said their costs were higher than what they were being reimbursed, MRS would listen to that. They also see that number come through the budget process, and is eventually set by the Legislature in the budget. During the Legislature's process there are public hearings that municipalities could go through. He said MRS does agree with OPEGA's recommendation on the reimbursement amount.

Sen. Timberlake said comments he gets about the BETR/BETE program is that the application process for small businesses is cumbersome and you need an accountant on staff. It is not that he is against the program because he thinks it does some good things in helping big business and moving new industry into the State of Maine, but asked how can we get it so smaller entities would qualify for the programs. If you review the list of businesses there are not many small entities that are involved. Mr. D'Alessandro said there are a couple of

things that make the application process complicated. The taxation of personal property is complicated and you have to know what property to tax. That process continues, but then there is a reimbursement based on BETR. The exemption still needs to be assessed so MRS knows how much to reimburse municipalities and that is a complicating factor. The other thing that can make it complicated is that there are guidelines around what is in the program and what is not and, in some cases, those can also be complicated.

Sen. Timberlake asked if we could find a way for the program to help small businesses along with the large businesses. His complaint is that small local businesses are being run over by some of the corporate businesses because they don't qualify for the programs. The corporate businesses are getting a better tax break than the local mom and pop businesses that have been there for generations. He is looking for a recommendation of how do we get more of our smaller mom and pop operations involved. Mr. D'Alessandro said they can look into what the statutory issues are that make it difficult for somebody to get into the tax program or to comply with the program. The program is open to large and small businesses, but as Sen. Timberlake said, if you do not have an accountant on staff, the program can be more difficult to access.

Sen. Keim referred to the part of the NCSL report that was in MRS' testimony and reading through the testimony said her first experience, or knowledge about taxing personal property in businesses, was when visiting local businesses, a metal working shop said basically anytime they buy new equipment the Town comes in and does a walk through of the facility and then assesses them at a higher property tax because they purchased more equipment. She thought that to be counterproductive and wondered if it was something that MRS/DAFS would consider should be looked at rather than trying to apply a State band aid with the BETR/BETE programs. Mr. D'Alessandro's said BETE, which is the program for most new equipment, exempts most new business property from taxation. The complicating factor is that the Constitution requires the State to reimburse the municipalities for the lost revenues due to these new exemptions, like BETE. So, that property still needs to be assessed so the State knows how much to reimburse the municipalities and he thinks that is the complicating factor.

Sen. Keim wanted to clarify that Mr. D'Alessandro was saying that we cannot address the whole aspect of taxing business property at the State level because it is a municipal decision? He said the State can address it, but if municipalities do not collect tax on the personal property because of a state program, the State has to reimburse the municipality for that lost revenue. It is complicated, and a lot of thought has gone into how to simplify the program, but it is complicated by the Constitution.

Rep. Mastraccio referred to page 4 of MRS's testimony about the task force, PL 2013, Ch. 368 which had five recommendations and asked if any legislation actually came out that directly related to BETR/BETE. Mr. D'Alessandro said there was legislation proposed by the previous Administration to phase property out of BETR and into BETE. Rep. Mastraccio noted that was seen in the report that because BETR was a direct reimbursement from the State to the business owner was a dollar-to-dollar, but in the exemption piece, BETE, the State does not reimburse at a full 100% so it ends up costing the municipalities a lot more. She asked what were the five recommendations because the task force did not just address BETR and BETE. Mr. D'Alessandro did not have that information with him, but will provide it to the GOC. Rep. Mastraccio was specifically interested in what legislation came out that actually related to BETR and BETE and if the only thing was to shift the cost to the municipalities. She agreed with Sen. Keim, that maybe they need to look at the bigger tax issue. He said as those proposals progressed, the way it would impact the municipal budget, was looked at, and later proposals did a better job of keeping that in mind. He will get the Committee the five recommendations.

Rep. Harnett said prior to serving as a legislator, he served as the Mayor of Gardiner. He loved when investment came into the community because there are benefits beyond the revenue that comes directly to the municipality. But, every time a municipality is reimbursed less than what they are losing, in terms of revenue, you have very few choices about what to do. The primary decision is usually to pass it on to the

property tax payer, so he is very interested in the five recommendations from the earlier task force because it is a double edge sword for municipalities.

Sen. Chenette noted that the GOC has one request to MRS for the task force's five recommendations.

**Linda Caprara**, Maine State Chamber of Commerce.

Sen. Chenette asked Ms. Caprara about the opposition of the entirety of the BETR/BETE report from the State Chamber of Commerce because it seems like the report is just trying to articulate ways to improve the programs. He asked what her oppositions were to improving existing programs. Ms. Caprara said they take issue with the report stating that programs have limited influence on capital investment decisions. Another point she wanted to make was goal number 2, and that OPEGA stated that goals and intended outcomes against which BETR and BETE are to be evaluated are unclear. Public policy is for the welfare of the people of the State of Maine. We are talking about the dollars spent in this State and the multiplier effect. That impacts the people and welfare of the State of Maine and she did not understand how you can't determine that.

Sen. Chenette said they are also dealing with reality and heard from a number of businesses, other folks who have reached out throughout the process and Sen. Timberlake's point of there is an issue that small businesses are disproportionately not utilizing the program as effectively as larger businesses. He asked if Ms. Caprara had any suggestions for addressing the difficulties for the small businesses. Ms. Caprara said she was glad Sen. Chenette asked that question because the BETR/BETE programs are really aimed at capital intensive industries. To the extent that you invest in equipment that is capital intensive, and for a lot of companies around Maine, the market is driving this. They have to invest continually to upgrade their facilities in terms of productivity, quality of products, etc. and companies have to pay attention to that with respect to investment. She had asked OPEGA staff who they interviewed for this particular report, was it small, medium or large businesses. The response she got was they did interview some larger businesses, but the majority was the small and medium size businesses. She guessed, the determination as to whether or not it is impactful to your company, is how much capital investment you make. For a lot of these companies it depends on the capital investment and, to the extent that it is not administratively friendly, we need to look at that for the smaller businesses, but it is really going to depend on what they are putting in place for equipment.

Sen. Keim said, again going back to the NCSL report, it stated that several states have eliminated the tax on personal property and many states have limited the scope and simplified administration. She said there are Chambers in every state and asked if the Maine Chamber of Commerce has ever considered looking at what is happening in other States because it does seem if other states have been able to eliminate such programs, maybe Maine can as well. Ms. Caprara said the Chamber has looked at what has happened in the Northeast and she can try to get some data for the GOC of what is happening across the country. It is a question of whether or not, the Legislature wanted the municipalities to receive some reimbursement and is what the Legislature wanted at the time.

Sen. Keim knows she can get more information from NCSL, so she is not asking Ms. Caprara to do that. She thinks they hear what states are doing as opposed to how it is working, and other Chambers might have a different perspective on how it is working in their state, as opposed to just the straight up law change that NCSL has the data on.

Rep. Mastraccio asked if Ms. Caprara would agree that the switch over from BETR to BETE is a decrease of revenue to the communities. The decrease in municipal revenue sharing is what is producing the comment that, as a local official, which she was at the time, when they switched over they phased in the decreased reimbursement. Reimbursement was 100% at first and then gradually went down to 62%. In 2010 Sanford's

property taxes went up 10% because of the decrease in revenue sharing and the switch over from BETR to BETE. She said it may be a wonderful program, but if the results are that the burden of economic development is then on the local property tax payer, maybe that is a policy discussion the Legislature needs to have about how best to deal with it. That is why she finds OPEGA's report incredibly valuable because it does point that out very clearly in a way she had not seen before. Ms. Caprara said she was not familiar with the revenue figures, but said BETE is allowed only for new investment. She can't speak to the decrease, or whatever, but BETE is new and is not stuff that municipalities had on the books and that is how she would respond. Again, these programs have grown Maine's economy and you have two programs that are working the way they should be working.

Rep. Harnett noted that Ms. Caprara served on the Winthrop Town Council and asked if she had a view of the impact on municipalities when losing some revenue. She would know that at the local level the loss is typically moved to the property tax payer. Ms. Caprara said there are some companies in Winthrop that do take advantage of BETR and BETE, but she would answer it as she just answered Rep. Mastraccio's question, of would we have had this investment come if we did not have these programs in place. She is not sure that would have happened and she personally likes to see investment.

Rep. Harnett said there is an impact on municipalities and it doesn't mean we don't have these programs, but we do have to look at the financial burden that it places on municipalities. He understands that a 100% of nothing is zero so there is the benefit of economic development, but you still have to look at the cost to communities.

**Jay McCrum**, Mars Hill, Maine owner of a Maine farm. Mr. McCrum did not provide a written copy of his testimony, but did provide written comments from Donna Turner, Town Manager, Town of Washburn, Maine.

Sen. Timberlake said that he has visited Mr. McCrum's business in Aroostook and thanked him for building his business in Maine and he was being humble in what he has accomplished. Mr. McCrum spoke more about his business.

Sen. Keim said Mr. McCrum recognized that financially other states were better to do businesses in. She said for today's meeting had gathered information and some sources she reviewed rated states for being business friendly and the tax environment for business, etc. and Maine rates low, 49, 43 and 48. Mr. McCrum is correct that it is a difficult State for businesses to be successful in and be profitable. She appreciated him coming before the Committee to share how helpful the BETR and BETE programs are to him and is willing to work with the Legislature to make sure we can improve these numbers because it is testimony like his that will help them have the perspective they need in order to make the changes that are helpful.

**Brian Boland**, Vice President of Government Affairs and Corporate Initiatives, Nine Dragons (ND) Paper.

Sen. Keim was curious about what the actual dollar amount these programs have on the company. That might be proprietary information and something Mr. Boland could provide later. As we look at the whole business environment in Maine, she asked what is problematic to the paper industry. Maybe a complicated tax reimbursement structure is not the best option and maybe there are other things that could be done that would be helpful. Mr. Boland said the benefit ND receives is public information. NP announced that they are going to spend \$111 million in Rumford in capital and is safe to say that in Old Town alone they are going to spend in that same neighborhood of money. If you look at the mill rates, it is \$22.86 in Old Town and it is \$30.50 in Rumford so a \$100 million in investment is worth \$3 million so it is absolutely substantial and factors into the calculus of whether they make those investments or not. He said Sen. Keim's other question of what are other problems to resolve in the State is a good question. ND's mills compete with other mills in Maine, other mills in the country and other mills across the globe. So, if you look at the major cost that impact their

operation, putting the markets and taxes aside, it is fiber, transportation, both in and out bound, labor and energy. Fiber availability, if compared to southern states in the State of Maine, they are substantially higher. If you compare them to Brazil they are severely disadvantaged. Even within the State there are differences in the cost of wood from the north to the south. Their mills are further south so getting wood from the north is a big transportation component. He thinks if the State could help with transportation infrastructure to lowering the cost of delivering wood from the north to the south the loggers and the mill would be happy. On the energy front, natural gas prices are substantially higher due to the transportation. By virtue of being in the north they have to travel further distances than mills in the Midwest because most of their products go to the Midwest. He said those are some issues that impact NP on a daily basis.

**Christopher Pierce**, principal owner, The Dingley Press.

Rep. Mastraccio said she did not know what recommendations Mr. Pierce was referring to in the OPEGA report because none of the five recommendations, or findings, say anything about eliminating or targeting the BETR/BETE programs. It is the Legislature's statutory job to evaluate the tax incentive programs that cost the tax payer of the State of Maine money and she would hope that he would appreciate the chance for the Legislature to evaluate them so they won't be targeted in the way they have been with misinformation. She thinks Mr. Pierce has the cart before the horse. OPEGA's BETR/BETE report will go before the Taxation Committee for their review and action. She hoped he appreciated that the GOC was just doing the job they were elected to do. Mr. Pierce said he appreciated that and can understand Rep. Mastraccio's comments. He has been before the Legislature and said the programs are important to him. In 2017 they needed to reinvest in the company and he went to multiple banks in the State of Maine to borrow \$20 million and said, without exaggeration, if they had not had these programs in place, he does not think the company would have been able to borrow the money. If it had not borrowed the money in 2017 the company would not exist. When you are making 1 or 2% a year the difference of having \$525,000 has a huge impact. The programs are about stability and predictability.

Sen. Timberlake said he appreciates what The Dingley Press does and what they stand for and for Sen. Keim's earlier comments about Maine's friendliness to businesses and where we rate in the country. He found it interesting about other states trying to lure Mr. Pierce's business to them and asked if he thought by eliminating a tax program like this it would have a dramatic effect, not just on his business, but all business in the State. Mr. Pierce said he could only address his business and his own perspective and went back to what he talked about earlier of what the company went through in 2017. It was hard to get the loan without the tax programs and the company needed to reinvest and was willing to do that.

Sen. Chenette said Mr. Pierce purchased the company in the early 80's and asked if he had to make any changes in terms of the operation on efficiencies or effectiveness of any operations at any of his locations. Mr. Pierce said absolutely. They bought the company and lost 95% of their business the first day when LL Bean left. In 1988 they built the plant in Lisbon, 60,000 square feet which is now 280,000 square feet. They made investments in the mid-90's particularly. In terms of Sen. Chenette's efficiency question he said yes. Their 2 biggest competitors both do \$4 billion a year. The Dingley Press does \$75 million. They can compete because they have great employees and have been willing to reinvest in state-of-the-art equipment. They reinvested in 1999, 2004 and 2017 so they can compete with the bigger companies.

**Kate Dufour**, Director, State and Federal Relations, Maine Municipal Association.

Rep. Mastraccio said as a former municipal official, Ms. Dufour can understand it is an incredibly important program, but it makes it even more critical for her, as a legislator, to make her colleagues understand it costs municipalities money and we need to recognize that. It gives them something extra to use when talking to colleagues about why we need to fully fund municipal revenue sharing, which she is sure, as a group, Ms. Dufour was fully in support of. Ms. Dufour said they are.

**Jana Lapoint** presented the Manufacturers Association of Maine's testimony and also her own testimony regarding UF Strainrite and Packgen of Auburn.

**Doug Hellstrom**, CFO, Volk Packaging Corporation.

**Dana Doran**, Executive Director, Professional Logging Contractors of Maine.

**Patrick Strauch**, Executive Director, Maine Forest Products Council.

The Committee thanked those testifying.

The Chair, Sen. Chenette, closed the public comment period on the OPEGA BETR/BETE Report.

Other written testimony was received, but not presented at the public hearing. All written testimony can be found on the GOC/OPEGA website at: <http://legislature.maine.gov/opega/archive-of-previous-meeting/9181>.

- **OPEGA Report on Maine Capital Investment Credit (MCIC)**

- **Public Comment Period**

**Daniel D'Alessandro**, Attorney, Office of Tax Policy, Department of Administrative and Financial Services. He presented the testimony of Michael Allen, Associate Commissioner for Tax Policy.

Sen. Chenette referred to the complexity for business and said that OPEGA and others have heard on a repeated basis from businesses that there is added complexity with this process. They are hearing from businesses that the program is complex and MRS is saying it is not. He asked how the GOC would know which path to take. Mr. D'Alessandro said MRS was absolutely in favor of simplifying the tax code whenever possible. Calculating bonus depreciation is complex, and believes Sen. Chenette was on the Taxation Committee when it was last debated of whether to conform to bonus depreciation or not. There are a lot of reasons to conform and there are a lot of reason not to conform and the State chose not to conform. After that choice is made the MCIC is a relatively simple calculation of looking at the adjustment for and multiply it by a number. That is not too complicated.

**Albert DiMillo, Jr.**, a retired CPA and a former corporate tax director.

Sen. Chenette interrupted Mr. DiMillo's testimony to explain that the GOC directs OPEGA. Neither the Senate President or the Speaker of the House directs OPEGA. He said Mr. DiMillo can state his opinion, but he is not going to be impugning OPEGA staff.

Sen. Chenette said Rep. Tipping put forward a bill based on Mr. DiMillo's suggestion. That bill passed. He understands that Mr. DiMillo wants to go back, but it seems like the corrective action that he is looking for has passed. Mr. DiMillo said it was only fixed for year 2024. Sen. Chenette said from 2024 onward so it is fixing the issue going forward. Mr. DiMillo said he was saying it should have been fixed sooner and they can fix the prior years, plus it does not change the fact that OPEGA's job was to calculate this. Why is there a cover up? Sen. Chenette said Mr. DiMillo was using terminology that is impugning, not only to members here, which he found personally offensive, but also staff. He can attack them on policy, he can disagree with actions of this Legislature, but he is not going to attack their character publicly.

**Dwight Hines**, Livermore, Maine. Mr. Hines did not provide written testimony.

The Committee thanked those testifying.

The Chair, Sen. Chenette, closed the public comment period on the OPEGA Maine Capital Investment Credit (MCIC) Report.

Other written testimony was received, but not presented at the public hearing. All written testimony can be found on the GOC/OPEGA website at: <http://legislature.maine.gov/opega/archive-of-previous-meeting/9181>.

Sen. Chenette said in terms of framing up both the BETR/BETE and MCI reports, the GOC had the presentation of the reports at previous meetings and today had the public comment period on both reports. The Committee will have a “work session” on both reports at their March 13<sup>th</sup> meeting. Between now and March 13 if Committee members have additional question, or information requests for MRS, OPEGA, DECD, or anyone else, to please send an email to Director Fox.

Rep. Mastraccio said in light of some of the comments the Committee has heard today, thought it would be helpful if MRS were at the March 13<sup>th</sup> meeting so they could answer some of the issues brought up. Even though the reports have been sent to the TAX Committee, she suggested that Committee also be invited to the meeting.

Rep. Arata asked what the cost would be to be fully compliant with the federal tax code.

Sen. Keim was interested in knowing how much it costs to administer the tax programs, on the State, municipal and business level. She realizes that some of that information would be guesstimates.

Sen. Chenette said if members were not at the meetings for the report presentations, there is a power point version of OPEGA’s reports that he found to be helpful. If members have additional questions to send them to Director Fox and the GOC can follow-up on them at the March 13 work sessions.

## **Unfinished Business**

None.

## **Report from Director**

- **Status of projects in process**

Ms. Henderson reported that the **Maine Commission on Indigent Legal Services** review is on track for reporting out in April.

## **Planning for upcoming meetings**

- **Framework for work sessions on BETR/BETE and MCIC reports**

Discussed earlier in the meeting.

- **Review committee requests for information**

Discussed earlier in the meeting.

Sen. Chenette advised Committee members that the next meeting on March 13 will be another long meeting because Dr. Landry, Director of OCFS, will be giving an update on child protective services and there will be work session on both the BETR/BETE and MCIC reports.

### **Next GOC meeting date**

The next GOC meeting is scheduled for March 13, 2020 at 9:00 a.m.

### **Adjourn**

The Chair, Sen. Chenette, adjourned the Government Oversight Committee at 12:37 p.m. on the motion of Rep. Mastraccio, second by Sen. Keim, unanimous.



## Child protection system improvements -oversight coordination/tracking document

*This document, prepared by OPEGA, is intended to help facilitate and coordinate legislative oversight of strategies to improve the child protection system as developed by OCFS and presented to the GOC 9/23/19.  
This document will be subject to periodic changes pursuant to new information and planned updates.*

**DATE: February 14, 2020**

<b>Strategies</b> <i>See OCFS presentation page 31</i>	Related LDs or Enacted laws	Related 129 <sup>th</sup> Biennial Budget initiative	Reports that have related finding, reference or recommendation*	<b>OCFS updates/date</b> <i>HHS/JUD received improvement strategies briefing 2/5/20</i>	<b>Specific initiatives</b> <i>See OCFS presentation page 32</i>	
<b>Safety</b>					<b>Guiding Principle:</b> <b>I. Child Safety, first and foremost</b> <b>II. Parents have the right and responsibility to raise their own children</b>	
1	<b>Address Intake processes and improve staffing</b>	<b>128<sup>th</sup></b> PL 2017 c. 471 (emergency)	(new positions) PL c. 343 pp. 319-320	PCG 7/19	<ol style="list-style-type: none"> <li>1. ARP Reassessment</li> <li>2. Increase Caseworker Skills and Communication with Parents</li> <li>3. Tighten Assessment Practice</li> <li>4. Home Visitation Education Program</li> <li>5. 24-Hour Supervisory Intake Report Review</li> <li>6. Intake Process and Staffing Improvements</li> <li>7. Judiciary Casework Practice Training</li> <li>8. Clarify Child and Parent Rights for Staff</li> <li>9. Background Check Unit Improvement</li> <li>10. Rapid Safety Feedback</li> <li>11. SDM Tool Consistency</li> <li>12. Family Engagement Tools Training</li> <li>13. Community Partnership for Protecting Children</li> </ol>	
2	<b>Re-assess the Alternative Response Program</b>			PCG 7/19 PCG 2/19		<b>9/23/19:</b> ARP contract amended re Em. Dept. supervision
3	<b>Enhance Assessment Processes</b>	<b>128<sup>th</sup></b> PL 2017 c. 472 (LD 1920); PL 2017 c. 473 (LD 1921); PL 2017 c. 470 (LD 1922)  <b>129<sup>th</sup></b> LD 1378 - PL c. 162; LD 1792 - PL c. 300		PCG 7/19 PCG 2/19 Ombudsman 2018 <b>Ombudsman 2019</b> (training re assessment and reunification)		
<b>Permanency</b>					<b>Guiding Principle:</b> <b>III. Children are entitled to live in a safe and nurturing environment</b> <b>IV. All children deserve a permanent family</b>	
4	<b>Develop a Permanency Review Process</b>			PCG 7/19	<ol style="list-style-type: none"> <li>14. Family Treatment Drug Court</li> <li>15. Diligent Search Policy Training</li> <li>16. Visitation Policy Training - Contracted</li> <li>17. Visitation Frequency and Quality Tracking</li> <li>18. Transportation Service Utilization Improvements</li> </ol>	
5	<b>Monitor the Family Visit Coaching pilot to develop best practices</b>	<b>128<sup>th</sup></b> PL 2017 c.471 (LD 1923)		Ombudsman PCG 7/19		

6	Improve SDM tool consistency			Ombudsman PCG 7/19		19. Emergency Placement Improvements 20. Online Application and Licensing Improvements 21. Onboarding Process for Resource Parents 22. Resource Parent Outreach Strategy 23. Resource Placement Matching Tool 24. Family Visitation Pilot 25. A Family for ME 26. Heart Gallery 27. Statewide Adoption Pilot 28. Wendy's Wonderful Kids 29. Adoption Preservation Services 30. Permanency Reviews 31. Residential Reviews
<b>Well-being</b>						
7	Develop family engagement tools and training	129 <sup>th</sup> LD 195 - PL c. 130		PCG 12/18 PCG 7/19	*OCFS memo to parents/guardians re: reimbursement for travel expenses to out-of-home placement/treatment facility	
8	Improve resource parent outreach and support	129 <sup>th</sup> LD 1792- PL c. 399; LD 984 -Res c. 54 LD 115 - Table c/o; LD 633 – Table c/o; LD 1039- Table c/o; LD 1417- Table c/o LD 2039–OTP-A	2020 Suppl Budget requests for foster family reimbursement	PCG 12/18 PCG 7/19		
<b>Staff training and support</b>						<b>Guiding Principle:</b> V. How we do our work is as important as the work we do
9	Develop policy and training plan for new processes and tools	128 <sup>th</sup> PL 2017 c. 471 (emergency)		PCG 7/19 PCG 2/19		
10	Establish workforce wellness teams and education	129 <sup>th</sup> LD 2038 -Tabled		PCG 7/19		
11	Update caseload size standards and ratios	128 <sup>th</sup> PL 2017 c. 471 (LD 1923);  129 <sup>th</sup> LD 821 -PL c. 34 (emergency)	(new positions) PL c. 343 pp. 319-320  2020 Suppl budget requests for positions	PCG 7/19	10/1/19: Report complete pursuant to LD 821, PL c. 34 9/23/19: ARP contract amended to include Em. Dept. supervision (of children pending placement) 1/31/20 Report complete pursuant to LD 821, PL c. 34	
12	Procure MACWIS replacement	128 <sup>th</sup> PL 2017 c. 471 (LD 1923)	PL c. 343 Pt. S (financing)	PCG 7/19 PCG 2/19		32. Quality Circles 33. Staff Practice and Policy Feedback Loops 34. OA Staff Practice and Policy Feedback Loops 35. Internal Data Dashboard 36. OOI Team Development 37. Supervisory Support Enhancements 38. Update Caseload Size Standards and Ratios 39. Workforce Wellness 40. Update Workload Analytic Tool 41. MACWIS Replacement 42. Motivational Interviewing Training 43. Training Plan for New Processes and Tools 44. Case Management Activities Time Analysis 45. Case Closing Summary Model Development Workgroup 46. Child Welfare Policy Manual Updates 47. TDM Policy and Practice

- \*Notes: 1. The strategies above align with many of the perspectives reported by OCFS in the OPEGA report: Frontline Workers in the State Child Protective System: Perspectives on Factors That Impact Effectiveness and Efficiency of Child Protective Work. Thus, it is referenced here, rather than repeated in the “report” column for all 12 strategies. It should also be noted that the perspectives report did not make findings or include recommendations.
2. OCFS reported that they conducted internal surveys and sought input from staff at all levels across the state in mapping their strategic initiatives –those internal reports are not referenced in “report” column of this chart.
3. PCG produced 3 reports for OCFS:

**December 2018** – Behavioral Health Services Assessment. **February 2019** – Child Welfare Business Process Redesign (permanency and adoption).

**Further information on yellow highlighted updates**

**Biennial budget detail requested at 1/24/20 meeting – PL c 343 Pt. S**

PART S Sec. S-1. Department of Administrative and Financial Services; financial agreement authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services and the Department of Health and Human Services, Office of Child and Family Services may enter into financing arrangements on or after July 1, 2019, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation and implementation of computer hardware, software and other systems to support the operations of a child welfare system. The financial agreement may not collectively exceed 7 years in duration and \$14,000,000 in principal costs. The interest rate may not exceed 7%. Annual principal and interest costs must be paid from the Office of Child and Family Services program accounts in the Department of Health and Human Services.

**Resolves 2019, c. 54 (LD 984)**

DHHS initiative to coordinate with families who are receiving treatment services for behavioral health issues out of state (not state-custody specific)

**LD 2038** An Act to Ensure the Safety of State Employees by allowing Disclosure of Certain Information in Limited Circumstances **(Tabled JUD)**

Allows for DHHS/OCFS to disclose certain confidential information to facilitate removing threatening posts from social media directed against and employee of the department

**LD 2039** An Act to Provide for Judicial Review in Compliance with Family First Prevention Services Act **(OTP-A JUD)**

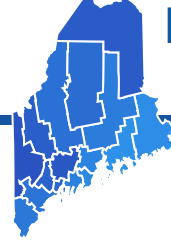
Allows for judicial review of cases where children in State custody receiving treatment is a residential treatment program – compliance with this required so that OCFS can continue to claim for federal reimbursement for costs associated with these children in DHHS care

**Supplemental budget**

\$1.5 million for new positions (20 FTC?)

\$2.5 million for increasing reimbursement for foster families

**(LD 1554** – Sen. Diamond proposed amendment – tabled in JUD – WS scheduled for 2/26/2020)



# Maine Office of Child and Family Services

## Focus on Outcomes




In July 2019, Maine's Office of Child and Family Services partnered with Casey Family Programs to map the **major initiatives and strategies** currently underway in Maine. This mapping was designed to help executive leadership and regional staff **evaluate which strategies were working to produce outcomes and areas where duplication of effort or inefficiencies might exist**. As a result of this work, the Office of Child and Family Services **streamlined their approach and prioritized strategies** as shown below in the strategic framework.

### Mission

Child and Family Services joins with families and the community to promote long-term safety, well-being and permanent families for children.

### Strategic Framework

In order to achieve their mission, Child and Family Services uses guiding principles as a foundation to employ strategies that lead to improved outcomes for children and families. The strategies listed below were prioritized by executive leadership and regional staff.

 <b>Guiding Principles</b>	 <b>Strategies</b>	 <b>Outcomes</b>
<ol style="list-style-type: none"> <li><b>1</b> Child Safety, First and Foremost</li> <li><b>2</b> Parents have the Right and Responsibility to Raise their Own Children</li> <li><b>3</b> Children Are Entitled to Live in a Safe and Nurturing Family</li> <li><b>4</b> All Children Deserve a Permanent Family</li> <li><b>5</b> How We Do Our Work is as Important as the Work We Do</li> </ol>	<ul style="list-style-type: none"> <li><b>Safety</b> <ul style="list-style-type: none"> <li>&gt; Address Intake processes and improve staffing</li> <li>&gt; Re-assess the Alternative Response Program</li> <li>&gt; Enhance Assessment Processes</li> </ul> </li> <li><b>Permanency</b> <ul style="list-style-type: none"> <li>&gt; Develop a Permanency Review Process</li> <li>&gt; Monitor the Family Visit Coaching pilot to develop best practices</li> <li>&gt; Improve SDM tool consistency</li> </ul> </li> <li><b>Well-being</b> <ul style="list-style-type: none"> <li>&gt; Develop family engagement tools and training</li> <li>&gt; Improve resource parent outreach and support</li> </ul> </li> <li><b>Staff Training and Support</b> <ul style="list-style-type: none"> <li>&gt; Develop policy and training plan for new processes and tools</li> <li>&gt; Establish workforce wellness teams and education</li> <li>&gt; Update caseload size, standards, and ratios</li> <li>&gt; Procure MACWIS replacement</li> </ul> </li> </ul> <p style="text-align: right;">&gt; <i>Indicates effort underway</i></p>	<p><b>Safety for children through timely response and thoroughly assessing and addressing safety and risk issues</b></p> <p><b>Improved timeliness to permanency</b></p> <p><b>Enhanced well-being of children through identification of individual needs and engagement with formal and informal supports</b></p> <p><b>Strengthened child welfare practice through improved engagement with families and children</b></p>



# Maine Office of Child and Family Services

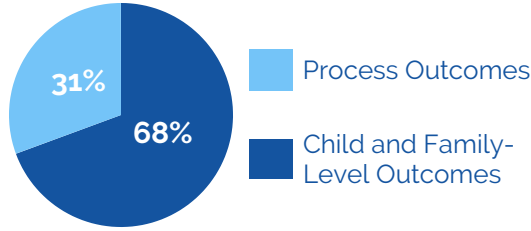
## Strategy and Initiative Map | July 2019

**47** Total number of initiatives

**11%** of initiatives are **mandated**

**70%** of initiatives are recommended in the **PCG evaluation**

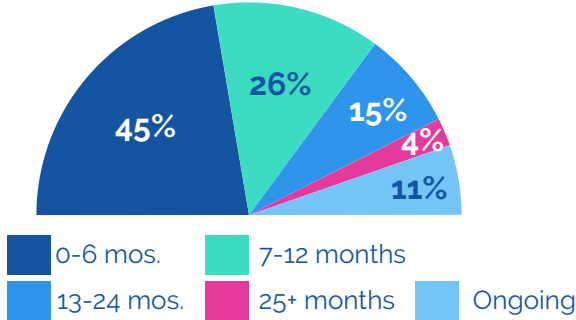
### Anticipated Outcomes



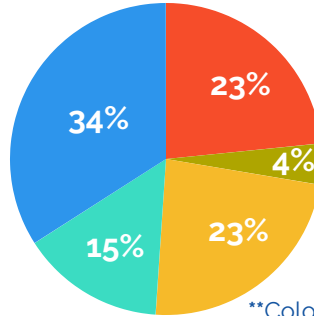
### Primary Initiative Focus



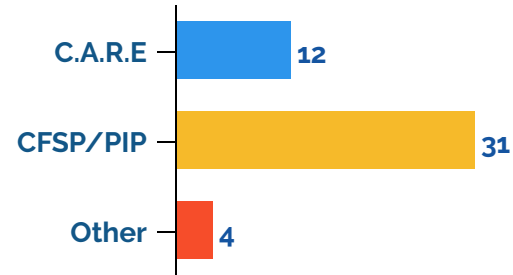
### Initiative Time Horizon Estimated Completion



### Percentage of Initiatives per Practice Model Principles\*\*



### Initiative Plan Source



\*\*Colors correspond to principle headings below

## Initiatives and Practice Model Principles

### I. Child Safety, First and Foremost

1. ARP Reassessment
2. Increase Caseworker Skills and Communication with Parents
3. Tighten Assessment Practice\*
4. Home Visitation Education Program\*\*\*
5. 24-Hour Supervisory Intake Report Review
6. Intake Process and Staffing Improvements
7. Judiciary Casework Practice Training
8. Clarify Child and Parent Rights' for Staff
9. Background Check Unit Improvements\*
10. Rapid Safety Feedback
11. SDM Tool Consistency

### II. Parents have the Right and Responsibility to Raise Their Own Children

12. Family Engagement Tools Training
13. Community Partnership for Protecting Children

### III. Children are Entitled to Live in a Safe and Nurturing Family

14. Family Treatment Drug Court
15. Diligent Search Policy Training\*
16. Visitation Policy Training - Contracted Supervisors and Case Aides
17. Visitation Frequency and Quality Tracking
18. Transportation Service Utilization Improvements
19. Emergency Placement Improvements
20. Online Application and Licensing Improvements
21. Onboarding Process for Resource Parents
22. Resource Parent Outreach Strategy
23. Resource Placement Matching Tool
24. Family Visitation Pilot\*

\* Indicates Mandated Initiative

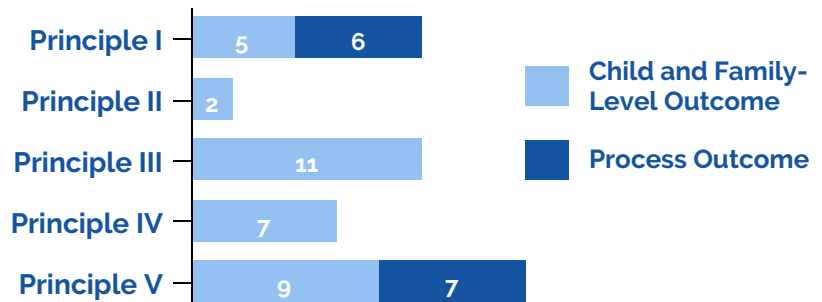
\*\*\*Includes Safe Sleep, Period of Purple Crying, and Cradle Me/PHN/Bridging

### IV. All Children Deserve a Permanent Family

25. A Family for ME
26. Heart Gallery
27. Statewide Adoption Pilot
28. Wendy's Wonderful Kids
29. Adoption Preservation Services
30. Permanency Reviews
31. Residential Reviews

### V. How We Do Our Work is as Important as the Work We Do

32. Quality Circles
33. Staff Practice and Policy Feedback Loops
34. QA Staff Practice and Policy Feedback Loops
35. Internal Data Dashboard
36. CQI Team Development
37. Supervisory Support Enhancements
38. Update Caseload Size, Standards, and Ratios
39. Workforce Wellness
40. Update Workload Analytic Tool
41. MACWIS Replacement\*
42. Motivational Interviewing Training
43. Training Plan for New Processes and Tools
44. Case Management Activities Time Analysis
45. Case Closing Summary Model Development Workgroup
46. Child Welfare Policy Manual Updates
47. TDM Policy and Practice



Action items identified at 10/15/19 meeting of the GOC with chairs and leads of JUD/HHS:

1. Presentation of strategies and initiatives to improve child welfare by Director Landry. *This presentation could be tailored to a particular audience/committee, if preferred. One presentation would be to the Judiciary Committee, with an invitation to representatives of the Judiciary Branch to be scheduled prior to January and the other to a wider legislative audience, possibly via a meeting of the Children Caucus.*
2. Increase understanding of participation of stakeholders representing those engaged in the judicial processes related to child protective matters. *Whom has OCFS engaged as stakeholders in the mapping of initiatives with regard to court system elements of child welfare system?*
3. Increase understanding of the impacts to the judicial system over the past year to 18-months as related to the reported increase of child protective cases.
4. Explore the feasibility of including information on the OCFS data-dashboard regarding impacts on the court system.
5. Track the receipt of federal Family First Program funds aimed at secondary prevention efforts. *Is this money flowing and how is it being spent? Are legislative actions required to receive or maximize these funds?*
6. Track the progress of related bills carried over on the Special Appropriations Table – specifically (the following LDs are included on the tracking document distributed on 10/15);
  - a. LD 115 An Act to Appropriate Funds for Home Visiting Services to provide Child Development Education and Skills Development for New Parents;
  - b. LD 633 An Act to Create a Permanent Navigator Position within DHHS;
  - c. LD 1039 Resolve to Establish and Fund Intervention for At-Risk Families and Children; and
  - d. LD 1417 An Act to Expand Access to Head Start to Assist Opioid-Affected and Other At-Risk Families.
7. [Communication] Develop a plan to facilitate communication between JUD and HHS committees.
8. [Big picture/process] Examine our structure with regard to addressing complicated, cross-jurisdictional issues with the assistance of NCSL.

Prepared by OPEGA at the request of GOC chairs

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