



**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

66 STATE HOUSE STATION
AUGUSTA, ME 04333-0066
TEL: (207) 624-6250

Matthew Dunlap, CIA
State Auditor

B. Melissa Perkins, CPA
Deputy State Auditor

**TESTIMONY OF MATT DUNLAP, STATE AUDITOR
IN SUPPORT**

L.D. 127, An Act to Strengthen Legislative Oversight of Government Agencies and Programs by Reaffirming the Legislature's Access to Confidential Records

February 12th, 2025

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary; my name is Matt Dunlap, and I live in Old Town. I am honored to serve as Maine's 23rd State Auditor, but that is not why I am here today to support this legislation. Rather I come to you from a former career as a state representative and as one of a group of lawmakers from the 120th Legislature that promoted the creation of the Office of Program Evaluation and Governmental Accountability.

The Supreme Judicial Court's ruling in December that while the Office of Program Evaluation and Governmental Accountability may access certain confidential records, but that the Government Oversight Committee may *not*, has created a gap in information and understanding that this bill is written to address.

I will not delve deeply into the attendant circumstances that inspired this legislation, as I lack fluency in those matters. But I do know a thing or two about confidential information and how to access it safely and accountably. There are pathways to these goals; as Secretary of State, we worked with our Federal partners to gain access to confidential information around the security of our elections by securing secret clearances for myself and several senior staff so that we could timely share critical information with officials at the Department of Homeland Security and other intelligence agencies to prevent, detect and defeat interference with our elections systems. At the Office of the State Auditor, much of the information we treat with is held as confidential in statute in order to facilitate the free exchange of information without custodians of that information needing to fear reprisal because of the work we complete that could emanate from that sharing of information.

In the era of term limits, it is an enormous challenge for legislators to become adept in policy oversight quickly and effectively; as legislators balance the demands of committee work, floor action, constituent work, and their own career and family obligations, the effort

to effectively oversee the actions of programs, effects of policies, and administration of agencies can proceed at an absolutely breathless pace.

In this context, it's difficult for legislators to even know where to begin when researching the effectiveness of a program. As a result, without that special Herculean effort, a legislator often only can work from the information they are given by the agencies they oversee.

Separate from this testimony, I have a few historic items for you. Bear in mind these are but excerpts, because the documents themselves are hundreds of pages long. The first I am handing out is the first page of the report of the Trustees of the Boy's Reformatory, then located in Cape Elizabeth, from 1882. Following that is a bit of testimony and an excerpt from the individual report written by Frederick Fox, one of the investigative commissioners.

Imagine, if you will, that you are State Senator Tobias Lord of Cumberland. Not only are you Senate chair of the Joint Standing Committee on the Reform School, but the school is also in your Senate district. Now you receive the periodic report from the Trustees of the Reform School; it is doubtful legislators then were less busy than today, and lacked the convenience of modern technology. I can imagine Senator Lord picking up the report and reading the first line of the Twenty-Eighth Annual Report: "*It is very gratifying to have to report that, in our opinion, the Institution has never been in a more satisfactory condition than at present.*" I wonder if Senator Lord read any further; as events unfolded, however, it would have proven to be a waste of his time.

Ladies and gentlemen of the committee; I will not belabor the point. But this one example—lost to the mists of time, but still relevant—demonstrates the sorry condition of the citizen legislator; often, you only know what you are told. This was the guiding spirit among those of us who advocated for the formation of OPEGA and the establishment of the Government Oversight Committee: The Legislature should have its own, independent office to review the effectiveness of programs against the backdrop of the intentions behind their creation, and apart and in addition to the information provided to it by the Executive.

We all come to this institution to serve the public interest; but if you lack the tools you need, how can you fulfill that service?

In my work, past and present, I appreciate the ironclad need to protect sensitive information whose dissemination could cause real harm. But my experience also informs me that there are ways to figure that out, and I urge this committee to do just that.

Thank you for your attention, and I am happy to entertain any questions at the pleasure of the Chair.

Hon. Matthew
SUNIAS

TWENTY-EIGHTH ANNUAL REPORT

OF THE

Trustees, Superintendent, Treasurer and Teachers

OF

STATE REFORM SCHOOL,

CAPE ELIZABETH,

STATE OF MAINE,

DECEMBER 1, 1881.

Published agreeably to a Resolve approved February 25, 1871.

AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1882.

TRUSTEES' REPORT.

To His Excellency the Governor and the

Honorable Council of the State of Maine:

We have the honor of placing before you the Twenty-Eighth Annual Report.

It is very gratifying to have to report that, in our opinion, the Institution has never been in a more satisfactory condition than at present.

The health of the inmates has been generally good.

The boys are making good progress in their studies, are generally contented and realize fully that the length of time they must remain at the school depends, to a great extent, upon themselves.

The graded system, which has been in successful operation for several years, is still continued, and some improvements have been added, which, we trust, will encourage the boys still more in their efforts to advance.

By a recent enactment of the Legislature, "The Trustees are authorized to commit on probation, and on such terms as they may deem expedient, to any suitable inhabitant of this State, any boy in their charge, for a term of time within the period of his sentence, such probation to be conditioned on his good behavior and obedience to the laws of this State. Such boy shall, during the term for which he was originally sentenced to the Reform School, be also subject to the care and control of the Trustees, and on their being satisfied at any time, that the welfare of the boy will be promoted by his return to the school, they may order his return, and may enforce such order by application to any trial justice or judge of any police or municipal court, for a warrant for that purpose, which may be enforced by any officer authorized to serve criminal process. On his recommitment to the school,

Hon. Matthew
Sunlap

If the Superintendent of this school assumes the responsibility of these severe measures and punishments alluded to; if he answers they are not of unusual severity, nor greater than the offences demanded; that it was useless to appeal to the honor and sense of right within the boys; that to promote industry, maintain order, and secure obedience to the rules and regulations, he must occasionally resort to extreme means; that he justifies and approves of the treatment and punishments the boys have testified to, and that these must continue if order is desired and maintained; then his views are so at variance with the ideas and expressed words of those who early manifested an interest in this school, and with the views of the Legislature which made and passed the laws establishing the same, his resignation ought and should be requested and accepted, with the immediate discharge of one or more of his subordinates.

Inasmuch as one of the Hon. Council advised this commission to make such suggestions as they thought proper, we now, in closing this report, recommend alterations in the laws of the State, so that radical results will take place in the discipline and management of the school; in the duties of the Trustees and officers; in establishing a larger number of trades, employments and pursuits. We recommend a trial of the "Home" plan or "Family" system, similar to those in Massachusetts, New Jersey, Ohio or Illinois; the rejection of criminals convicted of felonies; the separation of offenders, when received, into different classes and locations; the annihilation of cells, tower, shackles, and solitary confinement; that all personal chastisements shall only be inflicted for some high misdemeanor, or repeated offence, and then only on the recorded order of the Superintendent, and in his presence, or that of his assistant. Appeal to the sense of honor, right, manliness and justice of the boys; and if these elements cannot be aroused and stimulated by oft-repeated exertions and "patient continuance in well-doing," remove such inmates to places designed for them by the laws of the State.

Finally let the design of this school be accomplished as it was in its origin intended by the State, and as set forth in the words of the Commissioners of a similar institution in the Commonwealth of Massachusetts, as follows :

“The design of this institution is the reform of juvenile offenders. It is to take those who might otherwise be subjected to the degradation of prison discipline and separate them from vicious influences ; to teach them their duty to God and their fellow beings ; prepare them to earn an honest livelihood by honorable industry in some trade, or agricultural employment, and to give them such an intellectual education as will fit them properly to discharge the common business of life.”

Respectfully submitted.

FREDERICK FOX.

PORTLAND, November 25, 1882.

Hon. Matthew
Dunlap

(144)

Q. Have you seen anything in the papers about Governor Plaisted being here.

A. No.

Charles A. Dyer. Committed in 1876. Was then eight years old. Sentenced by Judge Knight of Portland. Crime, larceny of goods valued at 50 cents. Alternative sentence thirty days in jail. Is in second class, "C."

By Mr. Fox :

Q. Were you ever a witness in a court room.

A. No.

Q. Were you ever in the Municipal Court room in Portland.

A. Yes sir.

Q. Ever see the judge call a man to testify and hold up his hand.

A. Yes.

Q. Do you know what it is to take an oath.

A. Yes.

Q. What is it.

A. They swear on the Bible.

Q. If a man tells a falsehood what is the punishment.

A. He won't go to heaven.

Q. Where did you go to church in Portland.

A. Down on Preble street.

Q. What is the minister's name.

A. I don't know.

Q. Do they have Christmas trees there.

A. Yes.

Q. Where do they have them ; in the main room.

A. I can't remember I have been here so long.

Q. Can you remember any of the ladies that are there.

A. No.

Q. I want you to stand up and take the oath to tell the truth, the whole truth, and nothing but the truth, and then I want you to tell us everything we ask you, just as it is,

because you know all about it and we don't. Will you tell me the truth.

A. Yes sir.

Sworn by Mr. Fox.

Q. How long have you been here.

A. Six years and three months the 6th of next month.

Q. What was you brought here for.

A. Playing truant in school and stealing.

Q. What school did you go to.

A. School street.

Q. Have you got a father and mother.

A. A stepmother and my own father.

Q. Where did you steal from.

A. I don't know exactly the place ; it was off from a stand that was outside.

Q. Did you steal more than once.

A. Yes ; a good many times.

Q. The police complained against you.

A. Yes ; they caught me all the time.

Q. How do you like Mr. Farrington's treatment toward you.

A. I like him well enough.

Q. Does he treat you kindly.

A. Yes.

Q. Do all the officers treat you kindly.

A. No sir ; Mr. Owen don't.

Q. What does he do.

A. Sometimes at the table some boy will be whispering, hollering right out loud, and he will call my name, and I have to meditate, and the other boys will get up and tell him and he would pay no attention to them.

Q. How do you have to meditate.

A. Have to stand up and fold my arms and face the board.

Q. How long.

A. An hour and a half or two hours.

Q. Ever have to touch your toes.

A. Yes.

Q. How long do you have to touch your toes.

A. Sometimes he will keep some boys two hours.

Q. I want you to tell me truth. Did you ever know a boy to be kept in that position two hours.

A. Yes; but it wasn't Mr. Owen, it was Bartlett kept Cox down two hours. Bartlett has gone away now.

Q. Did anybody ever punish you.

A. Mr. Owen did.

Q. How.

A. Down at the table another boy whispered, and he would take my name, and I would have to meditate. He has done that two or three times lately.

Q. What other way have you been punished.

A. None that I can think of.

Q. Never been punished in any other way.

A. No, not for anything I didn't do.

Q. Ever punished for anything you did do.

A. Yes.

Q. What did you do.

A. I was in quite a number of scrapes.

Q. Tell me one.

A. Ferguson was going to set the house afire, and they said I knew it. Mr. Farrington called me up about it, and put me in the tower and kept me a week and put me down to "C" in my grade.

Q. What did you have to eat.

A. Only had dry bread; and sometimes he would give you a drink of water. Didn't have any water to drink with the bread. I had to take a drink first, and eat the dry bread.

Q. What did you do nights.

A. Slept; but I didn't sleep half the time.

Q. What did you sleep on.

A. Had blankets and slept on the floor.

Q. Didn't you have any sack. A. No.

Q. How many blankets did you have under you.

A. Two or three, and a comforter over us.

Q. Who was in with you. A. Lovejoy.

Q. How long ago was that.

A. Six or seven months ago.

Q. Cold or warm weather.

A. Warm weather.

Q. Didn't you have anything to eat besides bread.

A. No sir.

Q. Not for the whole seven days.

A. No sir.

Q. Sure about it.

A. Yes.

Q. Did you have a vessel up there.

A. Yes.

Q. Who used to go and empty it.

A. We used to empty it every morning.

Q. You went through the dormitory to empty it.

A. Yes.

Q. Who used to go with you.

A. Mr. Freese.

Q. Then what did you do ; go right back.

A. Yes.

Q. What other punishment have you received.

A. They let me outside, and me and another feller ran away, and they caught us and put us up in the tower and kept us five or six days, and then put us in the cell and kept us a day and a half and fed us on the same thing.

Q. When was that.

A. In June.

Q. Did you have to work in the cell while you were there.

A. No, sir.

Q. Ever have any other punishment.

A. Yes.

Q. What.

A. Hartford, Griffin and another boy was going to set the house afire and I knew about it and they made me sleep on the floor at night.

Q. Did you have anything to do with setting the fire.

A. No. I knew about it and they said I was as worse as they was.

Q. Who told you that.

A. It was Mr. Wentworth, I guess, said I was about as worse for not telling.

Q. Which Mr. Wentworth was it.

A. The one that is here.

Q. How long ago was that.

A. Most a year ago.

Q. Was Mr. Farrington here.

A. Yes.

Q. Did he talk with you about it.

A. Yes.

Q. What did he say.

A. I don't remember.

Q. Why didn't you tell if you knew they were going to set the fire.

A. The boys would call me "Supe" and everything.

Q. You didn't want the boys burnt up. Why didn't you tell of it. How did you know it.

A. They told me of it.

Q. Did they try to set the building on fire.

A. No sir, but they had it all planned up.

Q. Did they have any matches.

A. No, but they had some kerosene. Lanemand got it down in the kitchen.

Q. What did he put it in.

A. In a bottle. He had it up in the bed amongst the straw.

Q. He had the bottle there.

A. Yes.

Q. When did he say he was going to do it.

A. I don't know.

Q. How was he going to light the kerosene.

A. He was going to get some one to get a match.

Q. Where was he going to carry the kerosene.

A. Up in the corridor where the third class used to sleep. Only one boy sleeps up there now, — Bain.

Q. Did you ever get to fighting with any boy.

A. Yes.

Q. What boy.

A. Friel.

Q. Any other.

A. Yes, Lovejoy.

Q. Any other.

A. Yes, Goyette.

Q. Did Mr. Freese ever punish you for fighting.

A. Yes, he has given me five extra chairs.

Q. Ever made you stand up.

A. Not for that.

Q. Did you ever have to stand up in the dormitory.

A. Yes, he used to make me stand up till 12 o'clock, and one night me and McGowen were fighting and we had to stand up all night and me and Rankins stood up the night before that.

Q. How long the night before.

A. All night.

Q. Two nights right off.

A. Yes.

Q. Didn't go to bed at all.

A. No.

Q. Did you go up to the dormitory after fighting and stand up all night.

A. Yes.

Q. Was Mr. Farrington here.

A. Yes.

Q. Did he know about it.

A. Yes.

Q. Did you tell him.

A. I didn't think it would do any good if I did.

Q. Why didn't you think it would do any good.

A. I don't know.

Q. Wasn't you sleepy the next day.

A. Yes, I slept in the day time what time I could get. I worked in the sewing room then.