



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. H. SAWIN MILLETT, JR.
REP. MARGARET O'NEIL
REP. TERESA PIERCE

**MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE**

MEETING SUMMARY

February 22, 2019

Accepted March 22, 2019

Call to Order

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

Senators:	Sen. Chenette, Sen. Davis, Sen. Keim, Sen. Libby and Sen. Sanborn Joining the meeting in progress: Sen. Timberlake
Representatives:	Rep. Mastraccio, Rep. Dillingham, Rep. Millett, Rep. O'Neil and Rep. Pierce Absent: Rep. Arata
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 Ariel Ricci, Analyst, OPEGA Etta Connors, Adm. Secretary, OPEGA
Executive Branch Officers and Staff Providing Information to the Committee:	Andrea Smith, Director of Tax Incentive Programs, Department of Economic and Community Development

Sen. Chenette introduced Rep. Teresa Pierce, a new GOC member replacing Rep. DeChant. The Committee welcomed her.

Introduction of Committee Members

The members of the Government Oversight Committee introduced themselves.

Summary of January 25, 2019 GOC Meeting

The Meeting Summary of January 25, 2019 was accepted as written.

New Business

• Presentation of OPEGA Information Brief on Frontline Workers in the State Child Protective System

Director Fox noted that during the Second Session of the 128th Legislature a request was brought before the GOC from Rep. Hymanson, Chair, Health and Human Services (HHS) Committee, requesting a review of the child protective system in the State. The request for the review came after the unfortunate death of Kendall Chick and Marissa Kennedy. The GOC directed OPEGA to conduct a rapid review of the Child Protective System in terms of its response to the two child deaths. That review was requested in March and the Information Brief was presented to the GOC in May, 2018. The public comment period was held on the brief and the Committee heard from individuals, including child protective workers who work on the frontline. Following GOC work sessions and information presented from people at the Department of Health and Human Services (DHHS) the Committee directed OPEGA to look specifically at the perspective of the frontline workers who are employed by the Office of Child and Family Services (OCFS) to get their perspectives on what impacts the effectiveness and efficiency of their work.

Director Fox presented the information brief on Frontline Workers in the State Child Protective System. (The information brief can be found at <http://legislature.maine.gov/doc/2790>.) The GOC members' comments and questions included:

Rep. Mastraccio referred to the comments regarding ongoing problems and asked if it is known how long the problems were going on and was it a problem from the first day of their employment? Director Fox said OPEGA did not ask that specific question, but heard that staff having to stay in a hotel or ER overnight was problematic and rose to the level that everyone was aware it. OCFS employees thought the problem had been heard and were waiting for it to be addressed.

Rep. Mastraccio asked if it was known why DHHS staff did not have access to out-of-state criminal records. Director Fox said OPEGA did not look into that issue specifically in terms of the reason why. OPEGA's review was regarding the frontline worker perspective, meaning OPEGA did not conduct a broader review which may have looked at reasons why the records were not available.

Rep. Dillingham asked if there has ever been an alternative to replace MACWIS. Director Fox did not know, but knows the problems with MACWIS have been raised as an issue for a while. OPEGA also heard during work on the Maine Child Protection System information brief in May 2018 that the MACWIS problems had been raised, but simply switching to a new system could also create problems. Not only in learning a new system, but retaining the years of history of information that is necessary. Although a new system would be better, there are risks in terms of changing MACWIS.

Sen. Chenette noted that it seems from the frontline workers that a majority of them either never have, or rarely have, time to complete the necessary documentation and asked if in the interviews OPEGA conducted with the frontline workers did they get an impression of what happens at that point. If the documentation is not done,

how does DHHS know what is taking place with particular children. Director Fox said OPEGA heard that there are things workers do that are beyond their 40 hour work week and they could be entering their information into MACWIS after their 40 hours and are off the clock and unpaid.

Sen. Timberlake was curious whether the MACWIS problem still exists for OCFS staff. He understands OPEGA did not draw the line, but wondered if reports were being filled out so they know what is happening with the children. Director Fox believes it is that OCFS staff did not have the time in a 40 hour work week, or in their regular day, to complete the documents. OPEGA was not saying that they heard that the documentation is not being done, it is that there is not enough time in their regular work week to complete it. For all the other things the frontline workers are required to do, they are limited in terms of the time set aside to do all of their functions. Sen. Timberlake asked if it is known how long it is taking the worker to enter their information into MACWIS and how would you find that information out. Director Fox said that is not something OPEGA looked at specifically in the review and reminded the GOC that the information brief is on the frontline workers perspectives and their responses based on OPEGA's survey and interview questions.

Rep. Pierce referred to the stress and demands of the frontline workers and noted that no one talks about having better training for working in the high stress and risk profession. Director Fox did not believe OPEGA heard that specifically regarding staff training.

Rep. Mastraccio asked if OCFS staff are hired as intake workers and then move up through the system or did that information not come up in the review. Director Fox said OPEGA did not ask that exact question. Ms. Hojara said OPEGA heard from staff that generally the intake workers were some of the more experienced workers. It is the most desirable position and they often work in their district and then move to the intake position. That information is not included in the brief.

Rep. Mastraccio noted that during the public comments on the brief in May 2018 it was heard that the services were less available now and asked if it was because the reporting of abuse increased or was it because services were generally not available. Director Fox said the way it was expressed to OPEGA was that there is a general lack in services, but obviously the increase in reports did put a strain on a system that was already suffering. Rep. Mastraccio asked if there were any Districts that didn't say that or was the problem statewide. Ms. Hojara said the problem was statewide.

Sen. Libby referred to the automatic assessments policy that was instituted at OCFS to help ensure cases did not slip through the cracks and asked if Director Fox had said staff are not satisfied with it. Director Fox said the report addressed things that affected their workload and that is addressed later in the brief, but generally the workers agreed that the policy did contribute to an increase in their workload.

Rep. Mastraccio wanted to confirm that the out-of-home safety plans were not a tool OCFS workers could use any longer. Director Fox said that is what the workers reported. Sen. Chenette asked who made the decision not to use the tool. Director Fox said OPEGA did not verify that information in the brief as the focus of the work was to gather worker perspectives.

Rep. Mastraccio asked if Team Decision-Making (TDM) was formalized at the same time as out-of-home placements. Mr. Kruk said it was around the same time period.

Rep. Mastraccio said one of OCFS's new procedures is impacting the workers' ability to supervise because it requires that the supervisor go out with the frontline workers and that made it more difficult timewise to supervise their caseworkers. Director Fox said that is what OPEGA heard from OCFS workers who reported on that.

Sen. Chenette thought supervisors would be going out to see if their staff is doing what they need to do and is part of a supervisor's role. Is it that the staff felt the supervisors were not able to do their jobs by going out and supervising them or is it the supervisors that felt that they are being forced to go out with the caseworkers and that limits their ability to do their job? Mr. Kruk said the process changed during the time OPEGA was doing interviews with DHHS staff and the concerns OPEGA heard were from supervisors and were prospectively looking forward so could not say anything specific because it had not occurred yet, but OPEGA wanted to point that information out.

Rep. Mastraccio asked if there is a special court where child protective cases are heard so you would have judges familiar with the laws. Director Fox said OPEGA will check and get back to the Committee with an answer to that question.

Rep. Mastraccio said several times it has been noted that there is difficulty placing children and asked if anyone in the Central Office addressed the interim difficulties, other than putting them in a hotel. Director Fox said OPEGA heard they were looking for solutions to that problem, but there is nothing in the information brief to say whether DHHS has presented solutions to that problem yet.

Rep. Mastraccio asked if a child was placed in a foster home out of their school district, the child will be bused back to their school district to go to school. Director Fox said she could not speak to the exact policy, but based on what OPEGA heard that is something that happens when a child is placed outside of their community they are transported to their regular school.

Sen. Chenette asked if the higher worker turnover rates were based on geographic regions and was it more rural versus urban or is it known. Ms. Hojara did not believe that was made clear from the information OPEGA received.

Sen. Libby asked which Districts struggled with turnover. Ms. Hojara said OPEGA heard, in particular, that Lewiston and Rockland struggled with turnover, but said historically, a lot of districts struggled with turnover. Sen. Libby asked if there were specific comments that OPEGA received in the surveys or interviews that would point to specific problems in District 3 and 4. Director Fox did not feel comfortable answering that question and suggested that OPEGA could re-examine the data, but wanted to be careful to protect the confidentiality of responders.

Rep. O'Neil asked if OPEGA could give the GOC an idea of the ratio of supervisors to caseworkers. Director Fox said OPEGA's review is the perspective of frontline workers and about the quality of their work and what factors might impact the quality of work. OPEGA's question was not specifically about the supervisor to caseworker ratio.

Sen. Chenette referred to Sen. Libby's earlier question about the effectiveness of the automatic assessment after the three complaints and asked him if his question had been answered or did he need more information. Sen. Libby believes the question was answered with respect to SDM, but not specifically with the automatic trigger for a review based on three calls. His question was did the frontline workers find that to be an effective system or an ineffective system. Director Fox said what OPEGA heard was mixed and did not quantify what percentage thought it was a good tool and what percentage thought it wasn't a good tool. What OPEGA did hear was that it definitely contributed to their workload. Sen. Libby said the Legislature passed a law in early September 2018 that contained a \$22 million package that provided for 16 new caseworker supervisors, 16 new caseworkers, \$6 an hour stipend, \$8 million dollars directing the Department to replace the MACWIS and then a requirement that the Department report to the HHS Committee by the end of last month about how things were going. What is important to note is that the bill was passed as an emergency on September 7, 2018 and OPEGA's survey was conducted shortly after that period of time. He thinks what might be missing is a few follow-up questions of the frontline staff of how have these changes improved the situation and how have they not. He offered that for the

Committee to consider if they want a limited set of follow-up questions around some of the policy changes made to assess their impact.

Rep. Mastraccio was hopeful that at the next GOC meeting, when the public comment period will be held on OPEGA's information brief that DHHS staff will be present and are the kinds of questions that the Committee will be able to ask them directly. When the GOC decides what they want to do next, Sen. Libby's suggestions could be part of that work. The next step is contingent on where DHHS is going and what kinds of things they have instituted to address some of the real problems that have come to the forefront. Sen. Libby agreed, but said there has been a transition in leadership and a lot of things have been put on hold and would like to know when the pay increases got rolled out, where are they with the procurement of the MACWIS replacement, the hiring of new caseworkers, etc.

Sen. Chenette asked about the report Sen. Libby referred to that is going to the HHS Committee and asked if it was known if that report has been received. Sen. Libby said the HHS Committee has not received the report yet and were going to reach out to DHHS.

Rep. Mastraccio asked if Director Fox could confirm if DHHS Commissioner Lambrew is going to be at the next GOC meeting. The Director will check.

Sen. Chenette noted that the public comment period on OPEGA's information brief on Frontline Workers in the State Child Protective System is scheduled for the March 8th GOC meeting. The meeting will begin at 9:00 a.m.

Unfinished Business

- **OPEGA Report on Employment Tax Increment Financing**

- **Continued Committee Work Session**

Director Fox said there were questions that were asked at the meeting the ETIF report was presented and referred members to the memo she prepared that answered those questions along with other information from the Department of Economic and Community Development (DECD).

Sen. Chenette said the GOC's pathway for moving forward on OPEGA's ETIF report would be that typically a letter would be sent on behalf of the Committee to the Taxation Committee (TAX) citing specific areas of concern or where GOC members would like TAX to delve into based on the Legislative report recommendations. That letter will be sent to TAX and that Committee would discuss the report along with the GOC's letter of recommendations. A bill would then be reported out from that process. Director Fox agreed and said for OPEGA reviews on tax expenditures, the GOC is statutorily required to submit a report to TAX addressing the GOC's endorsement of the report and any specific recommendations the Committee may have for TAX to consider as they begin their review of the report and decide what action to take, including potentially introducing legislation for the next session.

Sen. Chenette said there are a number of legislative recommendations in OPEGA's ETIF report. Some of those recommendations are statutory recommendations that would require legislation and other recommendations are more inter-departmental policies. He assumed that the GOC would want to include some, if not all, of the statutory changes based on the report's recommendations for TAX to review.

Rep. Mastraccio referred to the information that had been provided by DECD and suggested that the Committee members take the next couple of weeks to review all the information received regarding ETIF so they can be more specific about how they would like to move forward and what to include in the letter to

TAX. She said there were a number of issues that Sen. Keim and Rep. Millett brought up at a previous meeting and are answered in the material the Committee has received and that may lead the GOC to suggesting different recommendations to TAX.

Ms. Smith thought it would be easier after the last GOC meeting to address some of the Committee members' questions that had been raised where DECD thought they had expertise and where DECD was at with the report recommendations. DECD stated the report's recommendation and then DECD's response to it. She thinks there are only a couple of places where DECD was looking for a little more clarification about what the expectation would be of the Department on specific things, but they certainly concur that there are a number of recommendations that they feel would be helpful to dedicate some time to so they have some clarity in the administration of those programs, including how it relates to the ETIF piece and the Pine Tree Development Zone (PTDZ) program. Currently ETIF and PTDZ are two separate programs and some of the requirements, while they are similar, the PTDZ extension legislation made a number of changes to the program that does not apply to ETIF so in the administration of the program it is cumbersome and confusing to people. DECD knew OPEGA was reviewing the ETIF program so did not recommend anything statutorily because thinks it should all be looked at as an entire picture and time should be dedicated to work on those things so when DECD is ready to make the statutory and rule making changes, they have looked at all the pieces. DECD attempted to address the recommendations and believes they concurred with most with the exception of one statutory issue that could be addressed in rule. There is nothing for DECD as problematic other than clarity around what the intensions are as it relates to the program.

Ms. Smith wanted to make sure that she was clear that the list that Rep. Mastraccio referred to was the list that DECD is required to provide to their oversight committee relative to the PTDZ program. DECD does not have to report on ETIF and is another one of those bizarre things, but you get ETIF information simply because there are so many companies in the PTDZ program that use the ETIF benefit. You would never get ETIF only information for those companies who do not qualify for PTDZ funds, but do qualify for ETIF. Ms. Smith was trying to show the GOC that there are PTDZ and ETIF and there are ETIF only. There is also PTDZ only, but the Committee was not talking about them so she did not provide a third list. She wanted to make it clear to the GOC why they have more than one list.

Sen. Chenette asked why DECD did not have to report the ETIF list, but has to report the PTDZ list. Ms. Smith did not know the answer. DECD used to have to report the PTDZ list every other year and it is only because of the extension legislation they now report every year and thinks that will help DECD in the oversight because previously in the off years they were not as diligent about making people submit their PTDZ information, but now that they do and it is very clear about what needs to be reported out. She is hopeful that what information is received from the reporting done this April will provide a lot more of the information where there was concern about from both the members of the GOC and TAX around providing information that is helpful to the Legislature.

Rep. Mastraccio was appreciative that the Long Term Economic Development Strategic Plan is mentioned in the information DECD provided and thanked Ms. Smith for providing the GOC with the information. Ms. Smith believes tax programs can continue to be made better, but it all takes time and energy and is hopeful that is what comes about in the discussions.

Ms. Smith said tax programs are old, including ETIF and there are some pieces to it that don't align with the world we currently live in and a lot of the discussions she has had with legislators and companies has been around the wage, health insurance, etc. because now some of the requirements are not economically feasible for some companies. She has a lot of conversations with legislators and businesses around the standards and why some places can participate and others can't.

Sen. Keim agreed with Rep. Mastraccio that the GOC should take more time to digest the information provided so that the Committee creates a letter to TAX that contains everything they think is valuable to pass on. She is not familiar with the PTDZ program, but in listening to the ETIF information and how there is so much crossover and knowing that OPEGA is tasked with the review of the State's tax programs on a regular basis, wondered if it would be possible that some of the tax programs get combined. If it is easier for legislators and businesses to say here is one program rather than having reports come out at different times when really they are all affecting the same purpose, which is economic development. She does not know all of the details, but at first glance that was an idea that came to her and is something the GOC may want to include in the letter to TAX.

Rep. Mastraccio agreed with Sen. Keim, but said under statute the tax programs had to be evaluated and the GOC set up the programs to review and the order the reviews were going to be done. The GOC evaluates that work every year and the recommendations from the tax review reports may come out as part of the long range strategy for economic development. She appreciated what Sen. Keim said, but does not see what she suggested happening right now.

Director Fox said her understanding of the way in which the full tax reviews were scheduled is that they were programs that did interrelate or have similar objectives, so the Legislature did have them in succession.

It may be noted in the ETIF report that OPEGA does make recommendations to, for example, clarifying the definition for something that is a qualifier for a program. Whether some element is consistent across benefits or the way in which you measure something or recognition of the way these things intersect are things that are raised in the evaluations. There are some programs that are so different in terms of their objectives or what they offer in terms of the benefit that they may not dovetail to being in one benefit program, but OPEGA does try to look at those kinds of things during their reviews. Rep. Mastraccio added that the GOC looked at some programs that were looked at year after year in the Appropriations and Financial (AFA) Committee as to why do we do this and the GOC was trying to have some data behind decisions that legislators were going to be making regarding programs. Also, to make the companies feel there could be some stability at the State level in terms of what was being offered and would not be something that was going to be cut out from them in AFA's process. Rep. Mastraccio thinks the tax reviews are providing important information and is hoping that legislators are going to continue learning a lot from the reviews and actually implement changes in this Administration.

Ms. Smith said there is a lot to tax programs and that is the difficulty in explaining the programs and why they have to be treated differently.

Rep. Millett said that DECD responded to each of the report recommendations and thinks they did a good job in doing that. He asked if the GOC will have an opportunity to discuss the impact in their letter to TAX on each report recommendation before going forward because he finds some of the recommendations from DECD to be generic. For example, on number 6 the issue the GOC debated at the last meeting and heard from representatives from the industry whether the MBHE program also qualified for ETIF. He thinks that is an area where the Committee needs to weigh in on as a Committee about whether they agree or disagree. This is a good starting point for the letter and hopes when the Committee gets into their next meeting they can discuss the recommendations point-by-point and add to and subtract from the language in the letter.

Director Fox said she could provide a worksheet that listed the report recommendations, what was heard from DECD on the ETIF recommendations and then any other relevant information that has been received relative to those. The GOC might be able to use that information as a framework for composing their letter to TAX.

Sen. Libby did not know if the GOC's recommendation to TAX is simply that the Legislature should clarify one way or the other, and thinks that is the role of the policy committee. The GOC's role is making sure that this question is raised.

Rep. Millett did not disagree with Sen. Libby's comments. He understands the distinction, but was thinking the GOC heard testimony that Tax did not hear and if the GOC has a view of the accuracy or adequacy of presentations made at the GOC, they may want to at least indicate that in the letter to TAX.

Director Fox noted that the law does require that in the report that the GOC submits to Tax it include anything they heard in testimony so the report that the GOC provided would talk about the testimony received by the GOC.

Sen. Chenette asked if there were any other specific pieces of information that Committee members feel are necessary to receive prior to the next meeting and prior to drafting the letter to TAX. At the next GOC meeting there will be an outcome so he wanted to make sure every Committee member feels prepared to do that work. If there is something specific they think would be helpful to contact Director Fox.

The Committee thanked Ms. Smith for the information she provided.

Director Fox noted that there was legislation last year that extended the date that the PTDZ program would have stopped accepting new participants and included in that legislation was a requirement that OPEGA do a review based on information that was not able to be reported on during the first full review of PTDZ. This is separate from the work that the GOC directs OPEGA to do, it is a statutory requirement. She did provide the Committee with a memo last week and the relevant section of statute. One of the things cited is the due date of the report and then the ripeness of the information that OPEGA will have in terms of potentially identifying trends or evaluating the objectives that the GOC intended OPEGA look at with regard to long-term extension of the PTDZ program and information that was not included in the report. OPEGA is fine with whatever the GOC decides, but reminded them that it does factor into OPEGA's work with their small tax team in terms of the timing of reports that are also on the work plan to be completed which include BETR and BETE and the Capital Investment Credit program. Both are big reviews and when deciding on the work plan she will continue to bring this up and will let the GOC know how it factors into what OPEGA will be doing, the resources available and how that will impact other tax evaluations being worked on.

Director Fox said aside from just workload concerns, the GOC should also consider whether the time period of information that OPEGA will be looking at will inform what they intended it would inform which is long term extension or further continuation of the PTDZ program. Should the GOC want to extend the date, eliminate the requirement or change the requirement that is something the GOC could introduce as legislation if it is something they decided they wanted to do or could report to the Innovation, Development, Economic Advancement and Business (IDEA) Committee to see if that was something they wanted to consider since they will be the committee deciding whether or not to extend enrollment in the PTDZ program beyond the current date.

Sen. Chenette asked if the GOC wanted to include the IDEA Committee as part of the process. They would draft a letter articulating that information or would the GOC still have to be part of that process. Director Fox said she would have to refer to what it says in the PTDZ statute, but she does not think IDEA has standing authority to report out legislation. If the GOC wanted to present legislation for the IDEA Committee to consider, rather than have IDEA ask for a joint order to do it themselves, the GOC could go forward with legislation for the IDEA Committee to consider because the GOC has the standing authority to put legislation forward at any time. Sen. Chenette said OPEGA was specifically looking for a direction from the GOC on the work plan. Director Fox agreed.

Sen. Libby asked if the GOC pushed the deadline back a year on the PTDZ work would that address OPEGA's concerns regarding the appropriateness and availability of data. Director Fox said she would want to consult with her tax team before answering that question. Sen. Libby asked if the Director would come back to the GOC with a recommendation for what they would like. Director Fox said OPEGA could do that. Rep. Mastraccio wanted to clarify that the discussion was not referring to extending the PTDZ program, but referring to the due date of the report.

Report from Director

• Presentation of OPEGA Annual Report on Activities and Performance for 2018

Director Fox said statutorily OPEGA is required to provide an annual report. She would be happy to respond to any specific question the Committee may have with regard to the work that was completed by OPEGA during the past year. A copy of OPEGA's 2018 Annual Report can be found at <http://legislature.maine.gov/doc/2789>.

Sen. Chenette said the Committee members can review the report and if they have any questions can ask them at the next meeting. He asked if the Committee felt comfortable with that suggestion and they did.

• Office space for OPEGA

Director Fox reported that she received a call from the Bureau of Real Estate Management and OPEGA staff looked at some space that will be available in the fall of this year that does provide OPEGA with a conference room and addresses some of the concerns expressed at the last meeting regarding meeting with people confidentially as well as filling vacancy or adding to the staff in the future.

• Status of projects in process

The next step in the **ReEmployME System** will be for OPEGA to provide the GOC with a project direction statement for the Committee to review. The Committee had also talked about the time that has passed and the changes that may have been made and suggested that the GOC may want to invite someone from the Department to a GOC meeting to talk about where things stand now and that may better inform where the Committee wants to go in the future. OPEGA would be happy to invite Labor Department staff to a meeting in March.

The **Maine Citizen Initiative Process** review does have a project direction statement although it is old and OPEGA may bring it back for the Committee to review. OPEGA will bring the preliminary research back to the Committee for discussion at one of the meetings in March to decide how they want to move forward with that topic.

OPEGA is in fieldwork for **BETR and BETE** and the GOC has approved a scope statement for the **Maine Capital Investment Credit** review. That review will move forward when OPEGA has the resources available to start working on it, but that is also dependent on what is decided for work on the PTDZ II review.

Sen. Chenette said the GOC did receive a communication from Sen. Keim that brings forward an issue for possible discussion for a review request.

Sen. Keim requested an OPEGA review of the Maine Commission on Indigent Legal Services (MCILS) and the Indigent Legal Services program in the State.

Sen. Keim said a person in the course of their employment with MCILS has knowledge of and concerns about the program. The person has documentation, which if reviewed by OPEGA, could shed light on some of the assertions. She said the Sixth Amendment Center has been contracted to conduct a review of MCILS and will soon have a report that is an independent audit which was requested by the Judiciary Committee through legislation passed last session. The Sixth Amendment Center has been conducting their review with complete agreement of the Indigent Legal Service Commission members as well. Sen. Keim said that report, paid with tax payer money, will be a public record and will shed further light on the assertions that are outlined in her request for a review.

Sen. Keim thinks the GOC should ask OPEGA to do preliminary research with the information available and develop a project direction statement for the GOC to consider. The GOC could also request OPEGA to ascertain whether it is possible for the GOC to get a preliminary copy of the Sixth Amendment Center's report before it is finalized and made available publicly if that is keeping with the contract that has been set up.

Sen. Keim said without an audit review by OPEGA none of the information in her request letter can be conclusive nor is there any way without a thorough investigation to know the depth of the outlined concerns. She thinks everyone should be concerned because of the vulnerability of the population that MCILS is supposed to serve - juveniles, parents in child protective cases, involuntary commitments, and indigents who are facing incarceration. She is convinced that there are enough red flags to warrant a rapid review of MCILS.

Sen. Keim thanked the GOC for their consideration of her review request.

Rep. Mastraccio thinks the Sixth Amendment report will be out on February 28th and will go to the Judiciary Committee so suggested adding Sen. Keim's request for a review to the Committee's agenda for March 8th. A copy of the report has already been requested on behalf of the GOC and she would like to review the Sixth Amendment's report and suggested that the GOC accept Sen. Keim's letter and to add the request to the March 8th agenda.

Rep. Dillingham asked what the timeframe was on a rapid review and was wondering since Sen. Keim sits on the Judiciary Committee if the timeframe of February 28th for that Committee to receive the Sixth Amendment report was what was shared with the Chairs, but was not shared with Senator Keim, who is the Senate Lead for the Judiciary Committee. Sen. Keim said she was aware that they have actually scheduled the February 28th date for release of the report. She knows that was their intended date, but has not received an update to say that is the definite date for release of the report and is the reason she said it could be two to four weeks.

Director Fox said rapid reviews are not necessarily a timeframe that is prescribed. What a rapid review means is it is a priority classification so OPEGA would devote the majority of their resources to that project. OPEGA's concentration would be on getting information to the GOC in as timely a way as possible. OPEGA would do the preliminary research and bring back a project direction statement, just like any other review, except they would not be managing their time with other projects as well. Other reviews would be a lower priority so staff could focus their efforts on the review the Committee determined was a rapid review.

Sen. Timberlake said he did not have a problem waiting for the next meeting for Sen. Keim's review request to be considered, but he would like to have the opportunity for Committee discussion. He noted that he sat on the AFA Committee for four years and Sen. Keim's topic for review came up as a big issue and agrees it should be reviewed.

Sen. Chenette asked for clarification for the Committee of what rapid review requires for a vote from the GOC. Director Fox said in order to do a rapid review a two-thirds vote by the Committee is needed. Sen. Chenette asked for examples of previous rapid reviews that the GOC has initiated. Director Fox said the Child Protective System in how it responded to the two child's death was a rapid review.

Sen. Keim did not have an issue with waiting to March 8th to discuss and vote on her review request. She thought she would be presenting her letter and then discussing the request at a future meeting.

Rep. Mastraccio noted that the Indigent Legal Services topic is currently on the “On Deck” list. Two years ago the GOC decided to keep the topic On Deck because there were issues around what was happening in the Legislature.

Sen. Keim said she read through transcripts related to the On Deck review request and one of the things Sen. Katz had mentioned was that he did not think there was any issue with quality of representation, that there was merely a misunderstanding between three agencies not discussing their voucher system and how they are overseeing the determination of indigent. She thinks the information she has received covers much more than what was considered by the previous GOC.

Sen. Chenette asked Director Fox if the GOC would get notification of when the Six Amendment report would be provided to the Judiciary Committee or would they have to specifically request the report. Director Fox said individual legislators may have requested a copy of the Six Amendment report, but she has not been directed to do that, or has she done that on behalf of OPEGA or the GOC, but she can certainly ask that they be notified when the report is out. Sen. Chenette asked if OPEGA would request that report as soon as it is available on behalf of the GOC so when Sen. Keim’s request for a review is talked about on March 8th, they will have that information. He also wondered if someone from the Six Amendment Center could be present to walk the GOC through specific concerns outlined, because the report will contain much more information than what the GOC oversees, but thinks it would be helpful to have someone available to answer the Committee’s questions.

Next GOC meeting date

The next GOC meeting is scheduled for Friday, March 8, 2019 at 9:00 a.m.

Adjourn

The Chair, Sen. Chenette, adjourned the GOC meeting at 11:58 a.m. on the motion of Sen. Davis, second by Sen. Timberlake, unanimous.