



SEN. NATHAN LIBBY, SENATE CHAIR
REP. GENEVIEVE MCDONALD, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM
SEN. DONNA BAILEY
SEN. RICHARD BENNETT
SEN. SUSAN DESCHAMBAULT
SEN. JEFFREY TIMBERLAKE
REP. H. SAWIN MILLETT, JR.
REP. AMY ARATA
REP. MARK BLIER
REP. MARGARET O'NEIL
REP. HOLLY STOVER

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
January 21, 2022

Call to Order

The Chair, Sen. Libby, called the Government Oversight Committee to order at 10:00 a.m.

ATTENDANCE

Senators:	Sen. Libby, Sen. Bailey, Sen. Bennett, Sen. Deschambault, Sen. Timberlake, and Sen. Keim
Representatives:	Rep. Blier, Rep. Millett and Rep. Stover, Rep. O'Neil, Rep. Arata, Rep. McDonald (joined for afternoon)
Other Legislators:	HHS Committee: Rep. Madigan, Sen. Claxton, Rep. Craven, Rep. Zager, Sen. Baldacci, Sen. Moore, Rep. Javner, Rep. Meyer, Rep. Perry, Rep. Lemelin, Rep. Connor, Rep. Griffin TAX Committee: Rep. Terry
Legislative Officers and Staff:	Lucia Nixon, Director, OPEGA Matthew Kruk, Principal Analyst, OPEGA Amy Gagne, Senior Analyst, OPEGA Kari Hojara, Analyst, OPEGA Mandy Connors, OFPR Julie Jones, TAX Analyst, OFPR Anna Broome, HHS Analyst, OPLA

Introduction of Committee Members

The members of the Committee introduced themselves. Sen. Libby reminded everyone of the electronic meeting conduct and procedures.

Summary of November 11, 2021 GOC Meeting

The Summary of November 11, 2021 Meeting was accepted as written.

New Business

- **Public Comment Period – OPEGA’s Report, Evaluation of Maine’s Historic Rehabilitation Tax Credit** (All public comment received is available here: [All Public Comment on HRTC Report](#))

The following individuals provided verbal testimony at the meeting:

Tara Kelly (see pg 7 of “All Public Comment” document)

Elizabeth Frazier (see pg 15 of “All Public Comment” document)

John Egan (see pg 13 of “All Public Comment” document)

- **Committee Work Session**

Sen. Libby opened the work session. He noted that this report is unique in tax expenditure review, that it is not often that the committee receives a report from OPEGA, that says that a tax break is meeting nearly all of the public policy goals so there is not a lot to do in terms of program tweaks but there are some recommendations that might be worth consideration for the Taxation Committee.

Sen. Keim stated that she concurred with what Senator Libby had said stated (above), that many reports don’t come to the GOC saying a tax expenditure is working the way it is supposed to and there is isn’t a lot to discuss on this report and it was good to hear.

Motion: The Government Oversight Committee moved to endorse OPEGA’s Historic Rehabilitation Tax Credit Report. (Moved by Rep. Arata, second by Sen. Deschambault, motion passed by unanimous vote 11-0, 1 member absent)

- **Tax Expenditure Review Working Group (TERWG) Report – Presentation by Director Nixon**

(Report can be found here: [TERWG Report](#))

Director Nixon provided an overview of the TERWG report and recommendations.

Sen. Libby summed up the presentation into 3 key points. Number one is solving the issue of OPEGA not having any data to analyze. It has been seen several times in reports, where once they start digging into what’s available, they realize key data sets are missing, so creating a process to correct that is one of the major findings of this report. Number two is about creating a new process that would allow lawmakers who are evaluating a brand-new tax credit or a dramatic change to an existing tax credit, creating a new process for OPEGA to jump in and do some quick analysis work that may provide additional value to lawmakers in evaluating new or existing credits while we’re in session because as members know, some of these full reports do take six to 12 months. The idea with the new process is maybe some information can be delivered in, in you

know 30, 60, 90 days. The third piece is trying to make those projects less burdensome for the administrative agencies, shifting assignments around a little bit, but also finding that we need a little bit of additional staff support at OPEGA to accomplish the work that, ultimately, we want to be useful to policy makers. Sen Libby asked Rep Terry if she had any remarks.

Rep. Terry stated that the only major important point for her, is making sure that all of the tax expenditures that are up for review have within those statutes the data collection so that the reports can be done optimally as opposed to it being a scramble to find information. She hopes the GOC will accept the report and the Taxation committee will as well, so we can solve that key issue.

Sen. Libby commented that the group was bipartisan and the recommendations represented consensus positions and that they worked hard to make that happen.

Sen. Bennett stated that he served on the task force. He said that this is an example of where the legislature has an opportunity to do things a bit more efficiently and thoughtfully than we've been doing them and we've had some learning over the past few years. He is happy to subscribe to the findings of the report. He wanted to flag one thing that remained an open question: One of the recommendations is for the tax committee to request that OPEGA do up to two studies a year. He wanted clarification as to who was requesting it and who is in the position to deny the request, or amend it, the process around that. He thought that it would be a good idea to be explicit about this allocation resource question.

Sen. Libby responded the concept is that Tax Committee would request a super-fast research project. The GOC would receive that request and ask OPEGA whether they have the capacity to take it on. The statutory charge of the GOC is to oversee and direct the activities of the OPEGA office, so it seemed like that would be a good way to manage that workflow. There may be times where OPEGA says they have committed all hands-on deck on a project that the GOC directed them to do and that they do not have the time to complete that super-fast tax review that the committee is requesting. That would be the release valve.

Sen. Timberlake asked that in the request for another position, is it going to be a full-time position? Is it going to be an ongoing position? He wanted to understand How many people do they have in OPEGA now, and is it really required that they need to hire another person for this job.

Sen. Libby stated that the group envisioned it as one full-time position potentially, but it is also contingent on how much of the other recommendations are accepted by the legislature. If none of the recommendations are accepted, there's no for further discussion needed on an additional staff person. But we did hear comments from national experts on other states staffing structures for doing similar work. The impression we were left with is that our tax evaluation process is very robust, but it is staffed by a very, very small group of staff compared to similarly oriented states to ours. And so, going from, I think, two FTE (Full-Time Equivalent) to three FTE, we would still probably be in the bottom third of states, to give some, some context and some sense of that.

Rep. Arata stated that she remembered when they voted to create the working group, she was under the impression that it would give them some ideas of how to streamline the process and make it easier, but now they are talking about adding another staff person. She asked how we got to this point? The thought that were overwhelmed by all of the minutiae of the tax expenditure policies and wanted to streamline it and break it down, make it simpler. Now they are talking about more work. She mentioned that it was stated it was a consensus report; she wanted information on the votes and whether there was a minority report and wanted more clarification. Sen. Libby responded that the recommendations on process of data collection and data sharing and report development included several recommendations to streamline that effort, requiring fewer resources hopefully of MRS in that, work along with some of the other reporting agencies. They made recommendations on data input and requiring beneficiaries of tax credits, rather than using old-fashioned paper form for this credit and then needing to log onto a system for that credit, and so on, that instead they would move in a direction of everybody submitting data electronically so for all parties involved it would require less

resources to pull the data down and work with it. And then a little bit of this More of this work shifting to OPEGA is part of where we landed as well and the timing of when reports are delivered -- when the system was set up with intentions to do everything in six years, and we found five years into the process that, that projection just doesn't line up with the staff that's available, and at the current pace, it's going to take many years to go through everything. So, the consensus position of going from two FTE to three, still being in the bottom third of the states, to his knowledge, that was not a divided position. Recalled 100% unanimous votes (confirmed by Rep. Terry)

Rep. Terry stated that adding an additional person will make the process go quicker because of the other responsibilities OPEGA has. besides tax expenditure reviews, it's all the work that OPEGA does. So, having a person that can focus on getting the work done to collect data ahead of time hopefully in the end will make it so streamlined that it will be a couple of clicks of a button to get data, but it will definitely take something to get there.

Sen. Keim asked for clarification on the acronym FTE.

Sen. Libby clarified that it means Full-Time Equivalent, which is another way of saying a full-time 40-hour week benefit paid position as to contrast that with maybe a part-time consultant or contractor.

Sen. Keim then asked how the staffing compares to other states.

Sen. Libby indicated that he did not have the data readily available, but that it was provided by the PEW Research Center. He recalls looking at other states, and particularly similarly situated states in terms of population, rural geography, income level, Maine is not overstaffed in any stretch of the imagination. He would argue that they are understaffed. He stated he could gather that data to share with the committee so they can look at it.

Sen. Keim asked what the data was looking at, just the staff of OPEGA or the overall staff to the legislature.

Sen. Libby responded that it was a survey of states that do non-partisan tax evaluations, and of all the states that conduct that work, how are those offices staffed and what number of staff are assigned to this work. In Maine, it is budgeted for two and sometimes it flexes based on the workload of OPEGA When you look at the states that do this kind of work, he recollected Maine is in the bottom third.

Sen. Keim asked about the part of the report that mentions OPEGA's role could expand to include completing two limited analysis projects annually to the Taxation Committee and if that is representing some sort of shift that the Tax Committee would then be able to request OPEGA resources, rather than the GOC?

Sen. Libby responded that yes, part of the additional work that may be placed on OPEGA, should the Legislature accept these recommendations is this new concept of a very quick turnaround for a research project that the Taxation committee policymakers may request of OPEGA. There are times, for example, in the last year, for example the Seed capital tax credit, where advocates were saying, this is going to have multiplying factor on Maine investment and is going to support significant job creation and business development, and the Taxation committee was interested in trying to find hard data to support the claims, and OPEGA could have provided that if they had the staffing available to conduct a limited research project and turn it around in 30-60 days. Regarding how you decide what OPEGA works on, the TERWG recommended that tax could make a request of GOC for a limited analysis research project, GOC would talk to OPEGA and GOC would make the decision on whether to authorize OPEGA to conduct that super-fast report or not and there may be times the GOC says no.

Sen. Keim stated that she just wanted to clarify that they weren't shifting which committee was providing oversight of OPEGA.

Sen. Timberlake asked if this was something the chair thought they would vote on today, as he would like to dive a little deeper into it and then come back and visit it.

Sen. Libby stated that no, there was no expectation that they would vote on this, there is no action required.

Director Nixon confirmed that it is just an informational presentation of a report that was delivered to the full legislature and there is no expected or anticipated action of the GOC. It would be up to an individual legislator or a committee if they chose to proceed with submitting or requesting legislation to adopt any of the recommendations.

Sen. Bennett stated that he thought there were some legitimate concerns being raised. The fundamental question he had is what kind of oversight is the legislative branch going to provide for programs and decisions made prior, by the legislature, and also for the executive branch activities overall. He noted concerns Legislative has ceded oversight power. The beauty of OPEGA is that it is an investigative resource for the legislature that is governed by a bipartisan committee that is structured that way and the office is nonpartisan. If they are going to invest any resources at all, it goes to the question of what are they actually committing themselves to in terms of oversight. They have to do it right. He would like to see each policy committee spend every January, a month, learning about the agencies and the programs that are overseen by that committee, and then giving the committee a chance to work on improvements through the production of legislation that could do that. He felt that they should maybe have a bigger discussion about what activities they want to do as a Legislature in terms of oversight. OPEGA points in a good direction in that area but there is so much more on a policy committee basis that they should be doing in allocating the precious time they have as part-time legislators to this task and actually doing effective oversight.

Rep. Millett mentioned that Rep. Arata was correct in remembering the conversation occurring with the full committee before they came up with the concept of a working group, that there were concerns about the workload that the full evaluations were imposing on staff, knowing there are 23 full evaluations scheduled, and they have been doing about two a year. There were also concerns about the statutes needing to be reexamined in terms of the apparent lack of coordination between GOC and Tax and the other committees that deal with tax expenditures, and the need for modernizing the data collection and utilization proves and otherwise streamlining what they could do to make real time legislative consideration of tax incentives, more structured and productive. With that thought in mind, Rep. Millett thought that they have achieved most of those goals by inserting the tax committee membership into GOC which ensures that there will be coordination from the get-go on the scheduling of all the full evaluations that are statutorily required, and that they will be talking with one another constantly throughout the year and allowing Tax to meet later in the year in order to fulfill their roles. Secondly, it builds in a process that brings in IDEAB and other committees work during the session to go before Tax on the super-fast reviews and also on the finalization (like the Judiciary committee review) of legislation. In this case, there will be a system whereby the potential for new statutory programs dealing with tax expenditure review will be in coordination with the Taxation committee and the resources that are known and how it dovetails with the existing schedule. The data collection, as mentioned, is critical, that there are has varying data sources, much of it not being electronic, and therefore analyzable in real time, and this creates a work load on staff. The addition of the super-fast idea was one that does add a role, but makes it clear that it will be limited to two reviews and that as bills are printed and hearings begin, Taxation is confronted with multiple bills that are looking for a report this session, they need to be able to prioritize internally which ones they need more data on and which ones they need external analysis on before taking a vote as a committee report out. It is a new efficient piece of process that would make LD review a little bit more informed and not just a question of how the individual members see the bill and final analysis. He believed that the additional staff person is justifiable from his point of view and noted it will be put into an LD with all of the statutory changes they have talked about will go before the Legislature. As Rep. Terry mentioned they will be briefing and talking about it early in February. Obviously, the funding of one or more positions would ultimately require legislative approval. He believed that TERWG produced a report that is worthy of the legislature's full consideration. He wants to see the LD language and see the full legislative consideration of it and making sure it meets everybody's expectations. He does see an element of streamlining and it does produce coordination, data improvements and modernization of our current structure for statutory review, and thinks it is a good initial task force product.

Sen. Keim stated that she agrees that the Legislature does not spend enough time on oversight. She thought that the idea of being able to use OPEGA resources to have an independent analysis before legislation is approved and put under way might help at the forefront right before it goes in to make the changes. She is in favor of increasing the size of OPEGA. She believes that the legislature has starved itself of staff and they are not capable of doing their oversight role because they don't have the people to do the research for them. She is interested in seeing this conversation continue. The concern that she has goes back to the basic viewpoint on the way that they tax and structure government. She thinks that since they are continuing to add tax programs and benefits, making the way they spend taxpayer dollars more complex, in order to do a good job with that, they need to hire more people. Her way of thinking is, in the end, is to really simplify the structure so that they are not taking in so much in taxes, and therefore they are not thinking they also have to be the entity that goes in and doles out the money in areas they consider to be important. It is a basic difference in how they look at tax structure. She is always in favor of doing their job well.

Rep. Stover, who was part of the working group, said she concurred with her colleagues. She said and stated that it is sort of a catch 22. They want to improve data analysis and want to have better data and have data as a driver of decision making. For that we need to have the input. They have to have somebody able to assist and pull down this data, do the analysis, and provide the feedback in order to move forward with the decisions. The personnel issue is interwoven with the Legislative needs. They can't possibly be separated (the demands and needs of OPEGA and the demands and needs of the GOC and the taxation committee in doing the work that they need to do, it seems imperative that the personnel be addressed— even by one position. She noted it could make a big difference. If they want to achieve certain outcomes they need to have the input to do that.

Sen. Libby thanked the members who served on the committee and the staff that supported the work.

Rep. Terry reiterated Sen. Libby's thoughts and how great it was for the two committees to come together and be a part of TERWG.

- **Tax Expenditures Schedules and Reviews**

Director Nixon shared the Tax Expenditure Schedules and Reviews with the committee. (Document can be found here: [GOC- Proposed Tax Expenditure Categorization and Schedule](#))

Sen. Libby pointed the committee's attention to the six remaining economic development incentives for the next series of evaluations, which he thought was an opinion held by several members of the committee that we focused on the economic development incentives for evaluation. The first two, fishing vessels and media productions, those are old credits. That would be next up, followed by the shipbuilding facility credit where there is one beneficiary that they all know who they are. They build ships in the midcoast area for the Navy followed by number five which are relatively new credits that to their knowledge have not been tapped yet. Finally, number six, a very new credit, that was established in 2021. The listing is a suggested order that considers all these factors including sunset, staffing capacity, when a credit was introduced, whether they have data yet, those kinds of things.

Sen. Bailey asked Director Nixon for her consideration on whether there are any pending bills that may affect these credits to her knowledge.

Director Nixon answered that there is one pending bill on the Seed capital tax credit which OPEGA had just finished the evaluation of recently. To her knowledge there are not any bills specifically on these 6 expenditures that are pending right now. There is also a carryover bill on the Research Expense Tax Credit, and that those (Seed and Research Expense Tax Credit) are ones that they have either just finished evaluating or are doing now.

Sen. Libby added that the tax benefit for media production company is the credit that usually there is typically a bill once every two-year session that seeks to expand and/or change that program. That is a very common piece

of legislation. Number 3 through number 6 are tax expenditures that have all been recently established within the last 4 or 5 years.

Rep. Terry let the committee know that there is a film credit bill that they are currently working on in Taxation that is a carryover bill and it has gotten more traction than it usually does.

Sen. Deschambault asked if the bill that Rep. Terry was talking about was sponsored by Rep. Salisbury.

Rep. Terry confirmed yes.

Sen. Bailey asked Rep. Terry if it would be helpful to the Taxation committee if the GOC moved the review for the media production companies up to number one on the list?

Rep. Terry answered that yes it would, but it ultimately would be best to ask Director Nixon that question as it relates to timing of things. She noted that Taxation will do their best to get that done by the end of February, but she doesn't know if that is enough time for OPEGA to get the work done on an evaluation.

Director Nixon confirmed that OPEGA is fully engaged in current projects, so anything the GOC would like to add for work, OPEGA would start preliminary research in the spring, so it would not be in time to deal with that specific bill (on film credit).

Sen. Bailey said that it bridges the last topic of conversation that they had.

Sen. Libby stated that at this point, they can make an adjustment to the group of six and send it to the Taxation Committee for them to offer feedback. Once Taxation reviews what GOC recommended it will come back to the GOC for a vote and approval.

Motion: To adopt the schedule as presented and send the schedule to the Taxation committee for their review (moved by Rep. Stover, second Rep. Millett, motion passed by unanimous vote 11-0, 1 absent.)

- **Information to Support Tax Expenditures**

Director Nixon Presented to the Committee the OPEGA Report Information to Support Tax Expenditures. (Document can be found here: [Information to Support Tax Expenditures](#))

Director Nixon explained this is a report that has been prepared annually by OPEGA for the expedited reviews that have been discussed already in several of the previous agenda items and noted that expedited reviews are completed by the Taxation committee. One of the key roles that the Taxation committee plays in the tax expenditure review process is to do the review of tax expenditures within broad policy areas. OPEGA is required to provide supporting material to Taxation and is providing that information to the GOC for reference and information. There is no action required of the GOC, it is just a requirement that OPEGA submit this information to Taxation. This did also come up in the TERWG, where that group recommended that going forward, this information would be compiled by the Taxation committee from a publication of Maine Revenue Services, which is commonly referred to as the "Red Book", combined with information that OPEGA provides in the annual adjustment of review categories, which was just discussed in the previous agenda item. That would keep them up to date on what OPEGA has recommended for additions or deletions from expedited reviews and otherwise they would get the summary information on specific expenditures from the MRS Red Book. It was her understanding that the Taxation Committee would begin their work on expedited reviews at a work session that week.

Rep. Terry confirmed that Tax had started overviews everything the day before, and they have been collecting some questions for OPEGA and Maine Revenue Services from committee members.

Sen. Libby mentioned from their previous discussion, how helpful it would be if there were two members of Taxation on the GOC forward, as he is often asked what is going on in tax or from a tax perspective, what is going on here in GOC. So, in the future, it would be nice to have a Republican and a Democrat serving that role.

Rep. Terry confirmed that the Tax Committee also believes that it would be very helpful to have a couple of shared members for easier communication.

- **OPEGA Annual Report**

Director Nixon presented the OPEGA Annual Report to the committee (Document can be found here: [OPEGA Annual Report](#))

Sen. Libby his thanks to OPEGA staff for the work.

Rep. Millett noted that the Annual Report also describes work that is not tax expenditure reviews and how much time we spend on these other areas and there are other important projects and the inquiries throughout the year. He stated the Annual Report highlights the fact that this is all about government accountability and program evaluation not just tax expenditure reviews.

Report from Director

- **Status of projects in process**

Director Nixon shared the 2021-2022 Work Plan with the committee and reviewed the status of current projects, recently completed projects and requests for OPEGA reviews. (Document can be found here: [2021-2022 OPEGA Work Plan](#)) She also referenced an update by letter from DAFS regarding WorkDay Maine, which is the subject of an OPEGA request.

Director Nixon took a moment to introduce Lisa Plimpton as a new analyst with OPEGA.

Planning for upcoming meetings

Next GOC meeting date

The next GOC meeting is scheduled for Friday, February 11, 2022 at 10:00 a.m. and will be held electronically.

-Lunch Break-

The members of the Health and Human Services Committee introduced themselves, as they joined for the next section of the meeting.

- **Presentation – OPEGA Report – Information Brief, Oversight of Maine’s Child Protective Services**

Sen. Libby introduced Director Nixon and explained the processes and expectations for the combined meeting with HHS and the presentation of OPEGA’s Information Brief.

Director Nixon presented the OPEGA Report – Information Brief, Oversight of Maine’s Child Protective Services. ((Document can be found here: [CPS Info Brief](#) and A copy of the presentation slides can be found here: [PowerPoint Presentation](#))

Sen. Bailey stated that the report was very helpful and informative. She asked for clarification about information sharing and whether panels share information between each other or is the information sharing between the

panels and the departments. She noted her understanding that panel members are bound by confidentiality so they couldn't share information.

Director Nixon answered that we were trying to capture that some information the panels discuss is confidential and some isn't, and OPEGA understand there is some overlap of members between different panels given their knowledge and expertise.

Ms. Gagne confirmed that any confidential information that is being shared within a panel would be expected to remain confidential within the members of that panel. She clarified that when they talk about information sharing, it is related to the various entities, being able to share information with OCFS and OCFS sharing information with them. Separately, there may be overlap of folks being on various panels, but they would have an expectation not to be sharing any confidential information with others.

Sen. Bailey asked for clarification if sharing of information flows through the Department?

Director Nixon confirmed that the flow of information is with the department and the overlap

Sen. Bailey then asked for clarification that there is no public information from the panels, unless they publish an annual report, correct? She understands the public doesn't have access to their minutes or the ability to tune into the meeting and these are done confidentially, and not done under the scrutiny of the public or the press, is that correct?

Director Nixon stated that she would like to look into that further. She stated if the panels are dealing with confidential information that would be the case; however, she is not sure all of these panels are dealing with confidential data and in that case general provisions for publicly formed entities that are established in task forces, in statute or public proceedings would apply.

Sen. Bailey followed up and asked if are any of these subject to Maine's Freedom of Access Act?

Director Nixon answered that the information that is confidential that they handle would be protected from disclosure, but there may be elements of their work that is not and she would need to double check on how the extent to which they are subject to FOAA.

Sen. Timberlake asked for clarification about when they expect to take action on this report since there are more CPS updates scheduled throughout the year?

Sen. Libby answered that he recalled that the GOC committee's agreement was that they wanted an analysis of the circumstances involved in the cases and an analysis of how OCFS functions with recommendations for improvement, so they can take action during this session. That resulted in an agreement of getting the second part of the project done in March. For the full scope of work that OPEGA presented, it was not practical given the staff that they have, to get it all done by March, so September was the target for part three.

Director Nixon confirmed that there will be an evaluation report at the end of March and that is an OPEGA evaluation on protecting child safety during investigation and assessment. That report would produce findings and recommendations that the GOC can process and work this Legislative session and that does not need to wait. That will be a standalone report and will also clearly inform the final report is due in September. Director Nixon clarified that based on the scope that was assigned to OPEGA by the GOC, it is not their understanding that it is looking at investigating those specific cases, but that OPEGA are looking at how OCFS conducts investigations and elements of child safety; those could potentially have been implicated in those cases, but OPEGA is not conducting case specific reviews of those cases as was completed by the Casey Family Programs project.

Sen. Timberlake stated that he hopes that they can come forward in March with some recommendations, before the session ends. He noted after listening to the report today, he had concerns in one area and wanted to know they had the ability to see any of the reviews that the four different panels do and how they communicate with each other. He thinks it is very important to how they find out what happened. He expressed concerns about bureaucracy and overlap and passing information and people and things getting lost. He wants to know if they

have the ability to see the reports of each one (of the panels) in their reviews and what they are telling each other.

Sen. Libby commented that they asked principals and representatives from these oversight entities to speak with the committee last summer/fall. At that time, he did not have a lot of context for how these entities interacted and communicated with each other. He thought part of the idea behind creating this project the GOC is receiving today is to understand how the agencies interact and what the lay of the land is and if there are any gaps or if there is overlap. Sen. Libby stated that he was surprised to see that there isn't a lot of gaps, but quite a bit of overlap. If there were gaps, you could explain why some families and children fall through the cracks. But with the overlap, it became, how did no one pick up on what's going on? With the baseline information provided today, perhaps the GOC wants to invite the panels to come and speak with them again, so they can engage in a bit more direct dialogue with them to understand how they work together and how the information flows.

Director Nixon noted that each of the panels has information (other than confidential information) available including meeting minutes and agendas and reports posted on a website that can be shared with the committee. She reiterated that clearly the confidential information would not be included there.

Sen. Timberlake noted he isn't looking for the confidential information but more wanting to know how one panel deals with another. He wanted to know how the system failed given the overlap. He asked for the link so that he could do further review on his own. He stated that he just wanted to let them all know his concerns.

Rep. Arata noted she shared Sen. Timberlake's concern that they act soon. She raised a question related to a tragedy in New Hampshire with a missing child and it seems that communication did not get from one state to another state and the child ended up placed in an unsafe situation. She asked if Maine communications with other states and how they can prevent the same sort of tragedy happening here.

Director Nixon stated that they can look into that for her perhaps requesting information from the department (DHHS).

Sen. Claxton stated that there are currently seven bills that relate to child protective services and OCFS to be heard in HHS. They are already in the committee's possession and will be heard in the next month. He doesn't think they will need to wait. He stated that they may learn additional things from the March report and the September report from OPEGA, but at this juncture they currently have plenty of information to proceed with handling those bills, one of which is a place holder that they can put anything they want into and welcome suggestions from the GOC. He noted this is a multi-step process to understand where the opportunities are to contribute to helping OCFS run as safe an organization as possible. He wanted to also mention that the Ombudsman turns in two reports annually, one that is confidential and goes directly to the department and is not for public consumption, and the other that is public. There is separation of the confidential from the public, and a lot of these committees have a report annually.

Director Nixon noted OPEGA included a list of bills in the HHS committee that can be found on page 35, appendix D, of the bound copy of the information brief.

Sen. Claxton added that some of the documents that are referenced in the Information Brief, including the state Program Improvement Plan for example, are available online and are very extensive.

Sen. Keim asked where the staff is coming from to staff the panels?

Director Nixon answered that there is some information on that on page 20 of the report in Table 5. One of the best practices is that these panels should be provided staff and logistical support and the Department of Health and Human Services provides a CAPTA panel coordinator to give staff support to the CAPTA panels. The Attorney General's Office provides some support staff to the Maine Domestic Abuse Homicide Review Panel. Those are the agencies that provide staff support. There is a singled website for the three CAPTA Panels that was created with support from the department. It is noted in that table 5 on page 20 that staff turnover in terms was mentioned by some of the panels and some lack of continuity in the staff support over time.

Sen. Libby provided the opportunity for members to ask questions of DHHS/OCFS or the Child Welfare Ombudsman. He stated that there is an opportunity for the conversation to continue at the next GOC meeting on February 11th.

Director Nixon confirmed that was the date they had discussed for a public hearing on the report.

Sen. Libby agreed and stated that he expects there to be some interest in that session. He is looking forward to hearing feedback from individuals and agencies that work in the field or related fields.

Sen. Deschambault asked how public comment worked for OPEGA reports.

Sen. Libby answered that when they allow the public to come and speak to the committee about their reactions to the work product and the findings, he believes that there is more flexibility with what the public is able to talk with them about compared to a public hearing on bill, where, for example, the remarks have to be kept to the bill substance. In this instance, the work product is fairly broad and covers a lot of bottom areas, so the public can comment on any number of areas that are highlighted in the report.

Rep. Millett asked if it was possible to have an update on the status of the eight bills related to child protective services that are listed in Appendix D at the second GOC meeting in February? He is interested in an update of the status of the bills, whether they have had their public hearings, work sessions and maybe spill that over into early March on the 11th.

Director Nixon answered that OPEGA tracks the status of legislation related to OPEGA projects and that she would be happy to provide that information to the GOC for the CPS related bills.

Senator Claxton stated that he would be more than happy to keep the GOC updated. He suggested they could share the analyst's summation by bill of testimony and concerns and would be glad to answer any questions specific to a given bill and provide a general update, whatever will be helpful for the GOC.

Sen. Libby thanked Sen. Claxton and mentioned that he understands that their work as the policy committee and the GOC's work investigating and making recommendations on improvements overlap. He suggested that the February 25th meeting might be an opportunity for the GOC to receive that printout of bills and for the co-chairs of HHS to update the GOC on where things stand, including the sticky issues and the slam dunk issues.

Sen. Timberlake thanked the staff for their work on this report. Sen. Libby and Sen. Claxton seconded those remarks.

Sen. Libby reminded the GOC that the next meeting on February will contain a Public Comment Period for the Information Brief. He invited the HHS committee to observe the February 11 meeting. He mentioned the plan to include the HHS committee to sit with the GOC in the virtual horseshoe when the GOC receives the second and third CPS reports, coming in March and September. He welcomed the continued collaboration with the two committees in receiving those reports.

Unfinished Business

- **None**

Adjourn

The Chair, Sen. Libby, adjourned the Government Oversight Committee meeting at 2:25 p.m.