

**Government Oversight Committee:  
On Deck List  
(As of 8-23-17)**

	Topic	General Scope
<b>1</b>	<b>Commission on Indigent Legal Services (Motion failed to move to Work Plan but no motion made to take off On Deck)</b>	<ul style="list-style-type: none"> <li>• Effectiveness of the Commission in meeting its mission</li> <li>• Economical use of resources</li> </ul>
<b>Additional Information</b>		
<ul style="list-style-type: none"> <li>• The 128<sup>th</sup> GOC added this topic to the On Deck List after consideration of a legislator-sponsored request for review. Concerns expressed in the request relate to application of financial eligibility requirements in assigning court-appointed attorneys, attorney billing practices, and billing and collection efforts for citizens with assigned attorneys who are required to pay a portion of the attorney fees.</li> <li>• The Maine Commission on Indigent Legal Services was established by the Legislature in 2009 to provide high quality representation to Maine citizens who are entitled to counsel at state expense under the United States Constitution or under the Constitution or statutes of Maine. The Commission’s mission is to protect the rights of Maine’s indigent citizens in courts throughout the State by providing oversight, support, and training to assigned private counsel and to contract counsel. The Commission assumed responsibility for providing indigent legal services on July 1, 2010.</li> <li>• LD 1433, An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services, was introduced during the 127<sup>th</sup> Legislature. This bill came out of Committee with a divided report. The Ought Not To Pass report was accepted by the House and the bill did not become law. There is an initiative in the current biennial budget bill, LD 390, Part A, that proposes to do the same thing as LD 1433. It can be expected, therefore, that discussion about the Commission will occur at the Appropriations Committee at some point. The proposed budget amounts for the proposed Office of the Public Defender are \$16,364,733 General Fund and \$793,497 Other Special Revenue Funds for FY18, and slightly more for FY19. Proposed budget amounts for the Commission on Indigent Legal Services are \$8,300 General Fund for each of the two fiscal years to cover the Commission’s revised role.</li> </ul>		

	Topic	General Scope
2	<p><b>Independent Living Services</b> (multiple programs)</p> <p>Responsible Agencies:            Department of Labor (DOL)            Department of Health and Human Services (DHHS)            Other</p>	<ul style="list-style-type: none"> <li>• Alignment of programs and resources with needs of eligible client population;</li> <li>• Efficient use of resources;</li> <li>• Compliance with State and federal program and funding requirements;</li> <li>• Coordination among programs;</li> <li>• Effectiveness of programs and services in support of independent living</li> </ul>

**Additional Information**

- The 127<sup>th</sup> GOC added this review to OPEGA’s Work Plan in June 2016 after considering a review request expressing concerns that many Maine people are waiting for Independent Living Services and that federally mandated mission, programming and funding requirements are not being followed. The 128<sup>th</sup> GOC voted to take it off the Work Plan and add it to the On Deck List.
- Although the original review request was specific to the Independent Living Services Program administered by the Department of Labor’s Division of Vocational Rehabilitation (DVR), the GOC determined that a review with a broader scope to encompass all State programs offering independent living services would be of value. Consequently, the general scope approved by the GOC intends to encompass the multiple programs delivered through State agencies, or supported by State-administered funding, that provide products or services to assist individuals with significant disabilities in living more independently in their homes and communities. These products and services will be referred to generally as Independent Living Services (ILS).
- OPEGA’s initial research on the Independent Living Services (ILS) Program administered by BRS produced the following information on that program:
  - The program assists people who have significant disabilities to live more independently in their homes and communities. The program is also an advocacy program for people with disabilities and their families.
  - The program provides for needed IL services subject to the availability of funds. The ILS Program is primarily funded through a federal grant. DVR is currently the Designated State Entity (DSE) to receive the grant by virtue of having been selected as the DSE by Maine’s Statewide Independent Living Council (SILC).
  - The SILC is a federally mandated Council that has responsibility for developing Maine’s State Plan for Independent Living. The Plan must be submitted to, and approved by, the federal administrators in order for Maine to receive the federal grant. The federal statute also requires the Council to monitor, review, and evaluate the implementation of the State Plan and communicate with the State Rehabilitation Council (SRC) about activities that address the common needs of specific disability populations and issues under federal law.
  - The SILC is incorporated as a Section 501(c)(3) organization with charitable or educational purpose. It currently has nineteen members appointed by the Governor. SILC also currently employs a part-time Executive Director.
  - DVR provides supporting funds to SILC through a contract that requires SILC to perform certain activities and provide certain deliverables associated with the federal grant. The most recent two contracts include \$49,500 in funds from DVR, \$27,500 of which are from the federal grant and the remainder from other Vocational Rehab funds.
  - ILS Program Services are provided by Alpha One under a sole source contract with DVR. Alpha One has offices in South Portland and Bangor and is currently the only entity certified as a Council for Independent Living (CIL) in Maine under a separate federal program. The federal ILS Program requires that the services under the ILS grant be provided by a CIL. The Executive Director of Alpha One is a member of the SILC.
  - DVR’s contract with Alpha One for October 2015 through September 2016 was for \$475,000. The funding was comprised of \$89,690 in General Fund and \$385,310 Federal Funds, which included \$310,310 from the Independent Living State Grant awarded by the federal Department of Health and Human Services.

- All ILS Program services are carried out through an Independent Living Plan that is mutually agreed upon by the client and an IL counselor. The four core services that every Alpha One office provides are:
  - Individual and Systems Advocacy
  - Information and Referral
  - Individual Independent Living Skills Training
  - Peer Counseling
  - The ILS Program can also purchase products and services to help clients be more independent in their home and/or community
  
- There is a maximum lifetime expenditure of \$5,000 allowed for each eligible individual served by the ILS Program. The ILS cannot pay for services that are traditionally provided by other state, federal or private agencies. Products and services that support independent living might also be available under other programs administered by DOL's Bureau of Rehabilitation Services and/or DHHS. According to DOL, the ILS Program is designed to be the program of "last resort".
  
- Individuals found eligible for the ILS Program are prioritized into four categories (Priority 1 being the highest priority). According to DOL, the Program has traditionally had a wait list for services for individuals in Priority categories 3 and 4. Alpha One regularly reports to DVR various performance metrics associated with the wait list, clients served and time to serve.
  
- According to DOL, in the fall of 2015 Alpha One and SILC discussed concerns about the wait list with the Governor. Alpha One estimated that another \$700,000 in funding would be needed to eliminate the wait list. Following that, DOL worked with DHHS and DOE to explore options for addressing the wait list. This led to a review of current wait list clients, and their needs, by DHHS to determine whether those needs could be met under other programs the clients were already enrolled in.
  
- As of June 2016, DHHS had reviewed 206 clients on the ILS Program wait list as Priority 3 and 4 and compared them to consumers enrolled in DHHS programs for Chapter 11 and Sections 12, 19, 63 and 96. DHHS found that 93 of those 206 were already enrolled in one of those programs and approximately 62 of them were, or may be, eligible to get some or all of their needs met under these programs, or other programs. DHHS and DOL were in the process of running an updated ILS program wait list against a master file of DHHS programs with components that may cover the needed products and services. This included MaineCare, MaineCare Waivers and Adult Protective Services.
  
- The 126th Legislature established the Commission on Independent Living and Disability to evaluate the needs of disabled Maine citizens, review existing available resources and services, and develop recommendations regarding expansion of citizen access to particular resources. The Commission's final report in December 2014 made recommendations in eight areas: transportation, education funding, reporting, building codes, public housing, employment, insurance and telehealth/assistive technology. There were no specific recommendations related to the ILS program. LD 949, which implements some of the recommendations from the Commission's report, was passed in the most recent legislative session following an override of a gubernatorial veto.

	Topic	General Scope
3	<p><b>Maine Power Options</b> (Motion to put on Work Plan failed, but no motion to take off the On Deck List made)</p> <p>Responsible Agency: Maine Municipal Bond Bank Maine Health and Higher Education Authority</p>	<ul style="list-style-type: none"> <li>• Effectiveness of program in meeting its intent</li> <li>• Effectiveness and transparency of Request For proposal and contractor selection process for electricity supply</li> <li>• Public transparency of MPO activities and decisions</li> </ul>

**Additional Information**

- The 128<sup>th</sup> GOC added this topic to the On Deck List after considering a request from a GOC member.
- In 1999, the Legislature passed legislation directing the Maine Municipal Bond Bank and the Maine Health and Higher Education Authority to create an aggregation program to purchase electricity, fuel oil and other commodities on behalf of governmental units (such as municipalities, schools, and sewage and water districts) and other not-for-profit entities in the State. Maine PowerOptions (MPO) was created as an energy-purchasing consortium that serves as an aggregator for Maine's local governmental and non-profit organizations. Maine Power Options group-purchasing programs are designed to increase the buying power of eligible participant organizations for the purchase of fuel oil and electricity. MPO has approximately 820 members statewide.
- MPO has an Internal Advisory Committee (IAC), made up of members that periodically provide suggestions and recommendations for improvements to the program. There is a competitive bid process conducted every three years to select an electricity provider who will offer the best choice of options for the term, and is open only to licensed energy suppliers in Maine. The members of the IAC participate in the interview process for selection of the energy supplier. A single electricity supplier has won the contract since the program's inception. The contracted supplier pays MPO a monthly fee for the expenses of running the program.
- In August 2013, the State's Office of Policy and Management reviewed the MPO Program and reported the results to the Governor's Office in a Draft Advisory White Paper. OPM concluded that:
  - MPO could not provide evidence demonstrating cost savings for participating members;
  - Oversight of the program was weak;
  - the electricity supply contract was a concern; and
  - MPO participants had numerous alternatives other than MPO available for procuring energy.
- The Office of Policy and Management reported to OPEGA that they had no further involvement with MPO after the draft white paper was provided to the Governor's office. The Director of the Governor's Energy Office to whom the draft white paper was addressed is no longer with the Governor's Office and OPEGA has no further confirmation on what actions, if any, were taken.
- As an energy aggregator, MPO is licensed by the Public Utilities Commission. The PUC reported to OPEGA that they did not receive any calls from consumers in 2016 related to MPO.
- In a conversation with OPEGA, the Maine Public Advocates' office did express some concerns with transparency and the overall value of the program.
- In February 2017 there were about 250 members contracting with the supplier. The one-time membership fee ranges between \$0 and \$500 based on the entity's annual electricity expense. The fee is waived if annual electricity expense is less than \$25,000. Membership is voluntary and members are free to explore other options in the market.
- No information has been published by MPO to indicate how much its members spend on electricity through its contracts, as members choosing to participate in the program select the rate and term which best suit their needs. However MPO provided OPEGA with the 2016 calendar year electricity consumption by its members, which was 390 million kilowatt hours.

- Information regarding potential savings to members of MPO is also not published. MPO points out that favorable terms and conditions also benefit members beyond pricing, and the legislation that created MPO does not mandate cost savings.
- The contracted supplier pays \$19,000 per month to MPO as part of the supplier agreement, which funds the administrative costs to run the program.

	Topic	General Scope
4	<b>Public Utilities Commission</b>  Responsible Agency: Public Utilities Commission (PUC)	<ul style="list-style-type: none"> <li>• Assessment of extent to which the PUC independently assesses risks and costs associated with ensuring safe, reasonable and adequate electrical services</li> </ul>

**Additional Information**

- The 126<sup>th</sup> GOC added this review to OPEGA's Work Plan in April 2014 on a 7-4-1 vote after considerable Committee discussion of whether additional work was necessary following OPEGA's 2013 report on the Public Utilities Committee. The review was carried over on OPEGA's Work Plan until 2017 as there were insufficient resources to complete the review given other GOC priorities. The 128<sup>th</sup> GOC voted to move this topic off the Work Plan and onto the On Deck List.
- Some 126<sup>th</sup> GOC members had concerns that the PUC had a tendency to rely on information and analyses provided by the utility companies while disregarding testimony and other information provided by experts on the opposite sides of the matter the PUC was considering. There was also concern that the PUC had not been sufficiently responsive to LD 131 directing the PUC to research and provide a report to the EUT Committee on measures to mitigate the effects of geomagnetic disturbances and electromagnetic pulse on the State's electricity transmission system.
- The review is intended to be a study of a sample of cases that have been considered by the PUC.

	Topic	General Scope
5	<b>Publicly Funded Programs for Children Birth to Five Years</b>  Responsible Agencies: Department of Education (DOE) Department of Health and Human Services (DHHS)	<ul style="list-style-type: none"> <li>• Strengths and weaknesses, including gaps, overlap, and coordination, in the State's current programs for children birth to five years</li> </ul>

**Additional Information**

- The GOC of the 125<sup>th</sup> Legislature voted this topic On Deck in September 2012 during its consideration of OPEGA's report on Child Development Services. The intention was that OPEGA and the next GOC would review the reported results of the children's task forces that were currently meeting on this topic and consider whether further review of this topic area was needed to identify overlaps and gaps in services.
- The 125<sup>th</sup> Legislature passed LD 568 which had called for creating a stakeholder group to conduct an assessment of this nature including, but not limited to, Child Development Services, public prekindergarten programs and six programs administered by DHHS Bureau of Child and Family Services. That bill was vetoed by the Governor, and consequently, the stakeholder group was not created.
- In testimony before the GOC in 2012, DOE described two groups doing work on Birth to 5 learning that the Department felt would cover the area of focus given for this topic. Those groups were the State Agency Interdepartmental Early Learning Team (SIEL) and the Maine Children's Growth Council (MCGC) Sustainability Committee.
- The Work Plan for SIEL had deadlines on several tasks set at end of June 2013, end of Dec 2013 and end of June 2014. It appears that one of SIEL tasks was to review the results of the MCGC Sustainability Committee and the deadline associated with that task was end of June 2013.

- In January 2017, OPEGA asked DOE to provide information on the status of these efforts and any results or reports that came from them. No response has been received to date.
- Public Law 2013, Chapter 581. An Act to Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age was enacted in the 126<sup>th</sup> Legislature. It established a process for the implementation of public preschool programs including providing start-up, operational, and grant funding and directing the Commissioner of Education to promulgate rules.

	<b>Topic</b>	<b>General Scope</b>
<b>6</b>	<b>State Law Enforcement Agencies' Undercover Operations</b>	<ul style="list-style-type: none"> <li>• Approval process for undercover operations</li> <li>• Oversight of undercover operations</li> <li>• Controls on the length of the operation</li> <li>• Funding for undercover operations</li> <li>• The role of the Attorney General, if any, in Approval or oversight</li> </ul>

**Additional Information**

Some state law enforcement agencies include undercover work as part of their law-enforcement efforts. The requestors are interested in whether the general policies, procedures, and practices for these activities are ensuring that the operations, while remaining confidential, are carried out in a way that respects the rights of individuals so that citizens will have confidence in the integrity of such operations.

OPEGA recently requested additional information on this topic from the Department of Public Safety, the Department of Marine Patrol, the Department of Inland Fisheries & Wildlife, the Department of Agriculture (Maine Forest Service) and the Secretary of State (BMV Office of Investigation). The only response was from the Department of Public Safety saying that the request would be forwarded to the Governor's Office.