



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. ANNE-MARIE MASTRACCIO, HOUSE CHAIR

MEMBERS:

SEN. JILL C. DUSON
SEN. BRADLEE T. FARRIN
SEN. STACEY GUERIN
SEN. JEFF TIMBERLAKE
SEN. MIKE TIPPING
REP. JOHN M. EDER
REP. ADAM LEE
REP. MICHAEL H. LEMELIN
REP. CHAD PERKINS
REP. HOLLY B. STOVER

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
November 19, 2025

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:30 a.m.

ATTENDANCE

Senators:	Senator Hickman, Senator Duson, Senator Farrin, Senator Guerin Senator Timberlake, and Senator Tipping
Representatives:	Representative Mastraccio, Representative Eder, Representative Lee, Representative Stover, and Representative Perkins Absent: Representative Lemelin
Legislative Staff:	Peter Schleck, Director, OPEGA Jennifer Henderson, OPEGA Senior Analyst Jennifer Greiner, OPEGA Administrative Secretary/GOC Clerk
Others:	Sara Gagné-Holmes, Commissioner of the Department of Health and Human Services

Introduction of Committee Members

The members of the Committee introduced themselves.

New Business

To watch this meeting - the recorded Live Stream can be viewed here: [November 19, 2025, GOC Meeting](#)

Meeting Summary – October 15, 2025

A copy of this Meeting Summary can be found here: [October 15, 2025, GOC Meeting Summary](#)

The Committee accepted and approved this meeting summary.

Response to Cost of FOAA Request of DHHS/GOC Letter to and Response from Right to Know Advisory Committee

Sen. Hickman next welcomed Department of Health and Human Services (DHHS) Commissioner, Sara Gagné-Holmes to discuss the cost and schedule estimates for a pending Freedom of Access Act (FOAA) request the Committee has been discussing in further follow up to the request from Sen. Timberlake and Sen. Farrin.

Commissioner Gagné-Holmes stated the Department provided a memo to the Committee last month regarding a specific FOAA request to provide context and additional information. That memo may be found here: [Memo from DHHS Regarding FOAA Request](#)

Commissioner Gagné-Holmes also noted the Committee has, in previous meetings, heard from the Office of Child and Family Services (OCFS) as well as from the Public Access Ombudsman regarding how FOAA requests are handled and how the Department generates its time-cost estimates of FOAA requests.

Commissioner Gagné-Holmes stated that she understands the Committee has outstanding questions regarding the Department's FOAA requests that have not been answered by the previous conversations and materials and will do her best to answer those questions.

Sen. Hickman asked the Committee if they had any questions for Commissioner Gagné-Holmes.

Rep. Mastraccio stated that what may not be understood by the public is that not all records can be accessed through a FOAA request and asked Commissioner Gagné-Holmes to explain that to the Committee and the public.

Commissioner Gagné-Holmes stated that public records are subject to FOAA, however there are exceptions to what is considered a public record, adding that for DHHS there is a wide array of exceptions, for example the information may be confidential.

Commissioner Gagné-Holmes stated that if an individual has an interaction with OCFS, those records are not considered a public record for the purposes of FOAA, however those records can be accessed if you are the individual that has a case with child welfare by requesting to view them in the office. Commissioner Gagné-Holmes stated the office does need to review the cases to redact confidential information before they

can be viewed in the office. Commissioner Gagné-Holmes stated this process of viewing records is made widely known to individuals who are interested in seeing their cases.

Sen. Farrin stated the Committee has been specifically discussing the FOAA request made by Mr. Michaels and the \$50,000 cost the Department stated it would take to produce the requested documents. Sen. Farrin stated he has read the response from the Department regarding this FOAA request and noted that the “Breakdown of Estimate Provided to the Requestor” math does not add up and the perception of a high cost FOAA is that the cost is used to put up a barrier to records and asked Commissioner Gagné-Holmes for her thoughts on this.

Commissioner Gagné-Holmes stated that she is not familiar with the specifics of this FOAA but has read the memo and knows what it states. Commissioner Gagné-Holmes stated that with every FOAA request, the Department tries to get clarification on what is being asked, adding that it is in the Department’s best interest to narrow the scope of the request to spend less time fulfilling the request, and it is in the requestor’s best interest to identify precisely what they are looking for so they can receive the information as quickly as possible. Commissioner Gagné-Holmes stated the Department follows the law and has a process for FOAA requests that is closely based on the law, adding that when the process was revised during the current administration, they did run the process by the Public Access Ombudsman to make sure the process follows the law.

Commissioner Gagné-Holmes stated, with regards to time-cost estimates, that the first two hours are provided for no cost, and that she would love to provide everything requested in 2 hours and not have to spend a significant amount of time spent fulfilling a FOAA request.

Commissioner Gagné-Holmes stated that when a FOAA request is for a broad array of individuals and search terms, it covers a lot of documents. Commissioner Gagné-Holmes also stated that in addition to how many minutes it takes to review an email, the documents involved also must go through legal review to ensure that it is redacted for confidential and privacy concerns which adds to the time needed to review and redact. Commissioner Gagné-Holmes stated she did not have the math in front of her now to answer Sen. Farrin’s question but stated if the math was not done right in the memo it does look like the Department is trying to hide something but that the Department is committed to FOAA, and transparency. Commissioner Gagné-Holmes stated the quicker and easier a FOAA request can be completed the better for everyone.

Rep. Lee stated he appreciates Commissioner Gagné-Holmes’ statement that it was in the best interest for both the Department and the requester if the scope of the request can be narrowed. Rep. Lee stated that the memo from the Department is missing information on what discussions took place with the requester regarding the narrowing of the scope of this FOAA request. Rep. Lee stated he believes this is the most important part of the interactive process and it seems to be missing and asked if it took place.

Commissioner Gagné-Holmes stated that how the Department interacts depends on how the requester prefers to interact. Commissioner Gagné-Holmes stated her understanding of this specific FOAA request is that when the time-cost estimate was provided to this individual by email, language was included that said - please don’t hesitate to reach out with any questions or if you would like to discuss ways to narrow the scope of your request to reduce cost and processing time.

Rep. Lee asked, if from Commissioner Gagné-Holmes' perspective, that is sufficient with no additional outreach.

Commissioner Gagné-Holmes stated most people do reach out to the department to discuss narrowing the scope of the request, noting that in this case there was no reduction in the scope of the request, in fact the requester expanded the scope of the request.

Rep. Lee asked if there was any instance in which the Department would discuss narrowing of the scope before providing an estimate.

Commissioner Gagné-Holmes stated that if the Department does not have clarity as to what the individual wants, and the Department knows the search will result in hundreds or thousands of pages, there are conversations that are had with the individual to try to narrow the scope. Commissioner Gagné-Holmes stated that she does not know what interactions happened on a daily basis in this specific case, but does know that when the time-cost estimate was provided, the language to reach out to the Department to narrow the scope was included, but there was no response received in regard to narrowing the scope.

Sen. Timberlake stated he was concerned by Commissioner Gagné-Holmes' comment that she was not familiar with this case, when he understood one of the reasons for asking her to appear at today's meeting was to discuss this case. Sen. Timberlake stated as he looks at this situation, it would have made sense that Child Protective Services should have been open to finding a way that this individual could learn what was happening with his children that would not cost him \$50,000. Sen. Timberlake asked Commissioner Gagné-Holmes if the Department should have found a way to get the information he needed.

Commissioner Gagné-Holmes stated that she believes there is a misunderstanding of what this FOAA request was for, adding that she cannot say whether this individual has a case with the Office of Child and Family Services. Commissioner Gagné-Holmes stated the request that was submitted was for emails unrelated, if there was a case, to the case. Commissioner Gagné-Holmes stated if the request had been related to a case the information would have been free to the individual to review in the office. Commissioner Gagné-Holmes also stated that she was under the understanding that she was asked to the meeting today to talk about time-cost estimates in general, not this specific case, adding that she is familiar with the memo, but not the intimate details of the interactions between the Public Access Officer and this requester.

Sen. Guerin stated she served six years on the Judiciary Committee, during which that committee was tasked with trying to set parameters on fees associated with fulfilling a FOAA request to prevent people from using FOAA as a tool for harassment while also wanting people to have access to the information, noting the balance between the two is sometimes hard to find. Sen. Guerin stated that with regard to the two cases of FOAA time-cost estimates that have come before this Committee, one for \$250,000 and one for \$50,000, it was not the intent of the Judiciary Committee for departments to use these fees to prohibit people from getting the information, and expected departments to be proactive in helping people narrow the scope of their requests so information could be accessed. Sen. Guerin asked Commissioner Gagné-Holmes if she expected a private citizen to spend \$50,000 or the media to spend \$250,000 for a FOAA request, adding that it is unrealistic.

Commissioner Gagné-Holmes stated that she again wanted to correct the record, that this FOAA request with the cost estimate of \$50,000 was not about a child welfare case, rather it was broader in scope regarding emails from various OCFS individuals and certain social media, which is why it was a FOAA request. Commissioner Gagné-Holmes added that if it had been about the individual's case, the department would have communicated with the individual how that information could be reviewed in the office. Commissioner Gagné-Holmes stated DHHS's FOAA process is to be balanced and try to narrow the scope, however, if someone is unwilling to narrow the scope of their request the department is required by statute to provide a full and comprehensive response.

Commissioner Gagné-Holmes stated that the Department does not conduct the searches for information themselves, they ask OIT to help as OIT has the expertise of how to search and make sure every related document is found. Commissioner Gagné-Holmes stated it takes time to review all documents and to redact them, adding she is trying to use her team's time in the most effective and efficient manner, also stating the Department does not receive funding, additional staff, or systems such as AI or have other platforms in place to fulfill FOAA requests. Commissioner Gagné-Holmes stated the Department would be happy to work on narrowing requests with any requestor.

Rep. Perkins asked, even if the Department does not artificially put up barriers to information, he believes it would be incumbent upon the Department to do everything in their power to reduce any natural barriers that may exist due to deficiencies in the law or technical deficiencies in the process. Rep. Perkins also stated that Commissioner Gagné-Holmes had noted that in the email with the time-cost estimate it includes language about reducing the scope of the request, however, when sending an email that language might look like boilerplate language. Rep. Perkins asked Commissioner Gagné-Holmes if anyone followed up with the requestor with a phone call regarding the scope.

Commissioner Gagné-Holmes stated she believed that all communication with the requestor has been via email.

Rep. Perkins stated that he has had difficulties as a police officer and even a legislator getting through to anyone at the Department, noting that when he calls, the voice mail he reaches states the best way to get ahold of the person you are trying to call is by email. Rep. Perkins stated that is unacceptable to him, adding that all State employees are public servants. Rep. Perkins stated it would be better for the process to include a phone call to the requestor to discuss narrowing the scope of the request to reduce the cost and get the requester the information they are seeking.

Commissioner Gagné-Holmes stated she appreciated Rep. Perkins' feedback, and they will take that into consideration.

Sen. Tipping stated he has some experience as a FOAA requester, noting that the process can often be frustrating and include waiting sometimes for many months for information, or requests being refused. Sen. Tipping asked about the initial cost estimate for this FOAA, stating a regular person is not going to be able to afford that amount for public records. Sen. Tipping asked if there was a breakdown of the costs for the different parts of the FOAA request, noting the request included terms such as "video," "TikTok," "social media," "threat," "disorderly," "harassment," or "press" and asked whether the broad terms were the cause of the high-cost estimate.

Commissioner Gagné-Holmes stated she believes the broad terms and number of terms were part of the reason for the high-cost estimate, also stating requesting emails from 5 OCFS staff members with these broad terms resulted in a large number of pages.

Sen. Tipping asked if the original request was around conversations regarding Mr. Michaels.

Commissioner Gagné-Holmes stated the first section of the FOAA request was the original request and the other parts were added to the request.

Sen. Tipping asked if a breakdown was provided for the time-cost of each part of the FOAA request as an alternative to reduce the scope.

Commissioner Gagné-Holmes stated that she does not believe the time-cost estimate was broken down to the different parts of the request.

Sen. Tipping stated his one suggestion would be to try to respond to the thrust of the request, letting the requester know that here is a batch of documents that would be reasonable in terms of cost and time that would provide some of the information requested.

Commissioner Gagné-Holmes thanked Sen. Tipping for the feedback and stated she is willing to take that suggestion that back and incorporate it into their process.

Sen. Timberlake stated he wanted to set the record straight, stating that Mr. Michael's FOAA request was for Department records concerning him, his children, his coparent and her children.

Commissioner Gagné-Holmes stated a FOAA request is not the appropriate way to gain access to child welfare materials. Commissioner Gagné-Holmes stated that this would have been made clear to an individual. Commissioner Gagné-Holmes stated what could be provided through a FOAA request did not include the children, adding that the request was very specific to the individual's social media presence.

Sen. Timberlake stated that the social media is about the requester and his children.

Sen. Hickman stated that what he is hearing from the Commissioner is that the request that Mr. Michaels made to the department regarding his children, is not available under FOAA.

Sen. Timberlake stated he wanted to know if that was made known to Mr. Michaels so that he wouldn't have had to do the FOAA request rather he should have been given the information and not a bill for \$50,000.

Commissioner Gagné-Holmes stated the Department regularly informs individuals who are asking to see their case files that they can review them in the office, adding that she will have to check with OCFS to see exactly what was conveyed in this specific case and she is happy to follow up.

Rep. Lee stated that it is hard to read someone's FOAA request who is not an attorney, adding that a requester is often new to the process and not necessarily informed of all the things that they need to know. Rep. Lee stated most of his experience with FOAA comes from providing legal advice to municipalities,

and the best advice he can provide to an office that has received a voluminous request is, to consider whether the FOAA request is actually for what the person is seeking. Rep. Lee stated that there are five days to acknowledge a FOAA request and he suggests acknowledging the request as well as letting the requester know that there will be a lot of material and due to that request, would they like to discuss with the office narrowing the request whether by phone call or by email before providing the time-cost estimate.

Commissioner Gagné-Holmes stated she is open to feedback and improving the system and is making notes of the suggestions made by the Committee. Commissioner Gagné-Holmes stated the Department will take the feedback into consideration and adjust the processes as recommended, again stating it is not the Department's intent to create barriers to records.

Rep. Perkins asked a hypothetical question, stressing that this is not intended to suggest this is what happened in this particular case, but if "John Smith" put in a FOAA request regarding his family and what the staff has talked about regarding the family, and John Smith's child, hypothetically, had a case of neglect, and one of the staff members had said, *hey did you see what John Smith said on social media it's a good thing we are investigating this case of neglect*, would that statement be part of the child welfare case?

Commissioner Gagné-Holmes stated she believes she understands the question, however, was not certain she could answer that without confirming with OCFS what would happen in that hypothetical situation, adding she will follow up and provide an answer.

Sen. Duson stated she hopes Commissioner Gagné-Holmes considers some of these suggestions for improvement and suggested if the Department negotiates with a requester of a FOAA request by phone, have staff immediately do a written summary of that phone call because that summary could become an area of dispute. Sen. Duson also noted Sen. Guerin's word of "fee" in regard to the cost of a FOAA production, adding that a cost estimate to a FOAA request should not feel like a fee or penalty for asking for information.

Commissioner Gagné-Holmes stated she appreciated the feedback, adding that when the Department does negotiate through a FOAA request, requestors have different modes that they prefer, noting some prefer phone calls. Commissioner Gagné-Holmes stated that if conversations are made by phone, the employees do follow up with a written summary of the conversation and provide that summary to the requester. Commissioner Gagné-Holmes noted she will confirm if this is standard practice across the entire Department.

Commissioner Gagné-Holmes stated that FOAA statute states for the first two hours of time needed to respond to a FOAA request there is no cost to the requestor, and it also specifically allows that the office can charge \$25 per hour for time needed to produce the request after the first 2 hours, and \$0.10 per page if sending hard copy documents to the requestor. Commissioner Gagné-Holmes added that the Department follows the statute and is not making up a cost to create barriers.

Sen. Guerin stated that DHHS has always emphasized the confidentiality aspect of child protective cases, however at times confidentiality can appear to be used as way to protect the Department. Sen. Guerin asked if there was a way for the Department to be more transparent on the inner workings of the Department which may reduce FOAA requests.

Commissioner Gagné-Holmes thanked Sen. Guerin for her perspective, however disagreed that DHHS is trying to protect the department, adding that they follow current law. Commissioner Gagné-Holmes stated the current law not only protects the child in question, but also all of those who are interviewed during a child welfare investigation and all of those people also deserve confidentiality protection. Commissioner Gagné-Holmes noted that it takes time to review documents that have been requested to ensure that the information is treated as it should be under the law. Commissioner Gagné-Holmes also stated that the Department's policies are online and readily available.

Rep. Mastraccio asked Commissioner Gagné-Holmes if she had data for the average cost of a FOAA request, and the average time it takes to fulfill a request. Rep. Mastraccio also asked how many requests for information can be satisfied with the requester coming into the office to review their case file.

Commissioner Gagné-Holmes stated she did not have information with regard to the Child Welfare System and requesters coming to the office to review their files because that is outside of the FOAA system. Commissioner Gagné-Holmes stated the Department does report to the Public Access Ombudsman annually its data regarding FOAA requests and noted that in 2024 there were 463 FOAA requests which took 977 hours to respond.

Sen. Hickman asked Commissioner Gagné-Holmes if there is a way to determine how many people might be requesting information through a FOAA request that might only be able to be viewed in person and not allowed through FOAA.

Commissioner Gagné-Holmes stated that the Department does track FOAA request denials and will look into that data to see if she can answer Sen. Hickman's question.

Sen. Timberlake stated he wanted to understand how this situation with this FOAA request happened and how to prevent this for the future. Sen. Timberlake asked if someone requests information from the Department, at what point does the Department need that request to be a FOAA request rather than just providing the information. Sen. Timberlake stated he wanted to know the Department is making sure people understand the process.

Commissioner Gagné-Holmes stated a request about an individual's child welfare record never turns into a FOAA request, and no costs are associated with reviewing the individual's child welfare records. Commissioner Gagné-Holmes stated the individual would be told that the Department needs to review the file first for any information that cannot be shared and set up a time for the individual to come to the office to review the file with no cost involved because this is outside of the FOAA process.

Sen. Timberlake stated he was having a hard time understanding the situation with this FOAA request, and asked Commissioner Gagné-Holmes if she would do anything differently if she had a chance to address this case all over again.

Commissioner Gagné-Holmes stated she could not answer Sen. Timberlake's question at this time but is happy to follow up adding that she did not have all the details of this individual case.

Sen. Timberlake stated he looks forward to Commissioner Gagné-Holmes' response.

Sen. Farrin stated that he is new to the Committee but through today's discussion he noted the desire to make the FOAA process better, also noting that the Committee and the Department want to protect the children. Sen. Farrin asked Commissioner Gagné-Holmes how to look at this FOAA request from this individual and have a conversation to make sure the children are safe in this particular case. Sen. Farrin stated he believes something is here in this case, that the Department should be proactive.

Rep. Stover stated she realizes that the Department must comply with multiple state and federal standards around confidentiality for different programs and when there is a FOAA request for records there are things that must be redacted. Rep. Stover asked how the system can be modernized when that system relies so heavily on paper, which takes a lot of time and is costly. Rep. Stover also asked how to find better ways to communicate with constituents right from the beginning of a FOAA request, as well as what statutory language recommendations would improve the system.

Sen. Hickman asked Commissioner Gagné-Holmes if there are people on staff within the Department who recognize a way the FOAA process could be improved that could make recommendations.

Commissioner Gagné-Holmes stated that when the Department reformed the FOAA system due to FOAA fulfillment taking a long time and the Department wanted to increase transparency, that they did have meetings, adding that each office within the Department has a dedicated staff member responsible for FOAA. Commissioner Gagné-Holmes stated during those meetings, feedback was heard and incorporated into the FOAA process to make it better, also adding that any system can be improved and appreciates the feedback during the discussion today and believes it can be incorporated into the current system. Commissioner Gagné-Holmes further added that the Department can certainly reassess and ask staff for additional input on the FOAA process.

Rep. Perkins asked about the new Katadhin system, and all different CPS district sites, and whether Commissioner Gagné-Holmes could access records from the different sites, and whether the different districts could talk to each other through the Katadhin system.

Commissioner Gagné-Holmes stated that she should not have access to individual child welfare records unless it is needed.

Rep. Perkins asked if there was anyone in Commissioner Gagné-Holmes' office that might need access to individual child welfare records.

Commissioner Gagné-Holmes stated they would ask Director Johnson to share records with her office if they were needed, further stating that the Department values the privacy and confidentiality of those records. Commissioner Gagné-Holmes stated that all of the district offices can communicate through the Katadhin system, however she does not have access to those records from her computer in her office.

Rep. Lee stated that the Right to Know Advisory Committee has on its agenda currently looking into technology fixes for fulfilling FOAA requests.

Commissioner Gagné-Holmes stated the Department would welcome technology that would allow them to fulfill FOAA requests more efficiently.

Sen. Duson stated she remembers that there are several routine points during the process of a OFI (Office for Family Independence) review in response to a decision or an adverse action, when a individual receives a boilerplate description in a letter of a right to review their case file if they request it in the office, and asked if she was remembering that correctly and if OCFS did the same.

Commissioner Gagné-Holmes stated she would ask OCFS that question and follow up, noting she does not see those letters very often.

Sen. Hickman shared with the Committee the response to the letter sent by this Committee to the Right to Know Advisory Committee and read that response into the record.

The letter from the Committee may be found here: [GOC Letter to RTKAC](#)

The response from the RTKAC may be found here: [Letter to GOC from RTKAC](#)

Sen. Hickman stated the Committee is hearing from the appropriate body that there needs to be improvements in FOAA generally. Sen. Hickman also stated he appreciates Commissioner Gagné-Holmes for being at the meeting, and that the follow up answers for the Committee questions can be received by letter or memo when the answers are obtained. Sen. Hickman also stated he appreciates Commissioner Gagné-Holmes explaining to the Committee how complicated FOAA can be.

Commissioner Gagné-Holmes stated it has been her pleasure to be at the meeting and that both the Department and the Committee all serve the same people, the people of Maine, and to the degree she can improve the Department's processes and services she is open to those suggestions.

Sen. Farrin stated that most constituents are just looking for access and feedback, even if the answer they receive are not what they were looking for. Sen. Farrin stated that constituents can feel detached from state government, and when people do not feel heard, the issue can end up in front of the Committee.

Commissioner Gagné-Holmes stated she appreciated Sen. Farrin's comments and added that she deeply believes that she would not be in public service if she did not believe that she works for the people of Maine. Commissioner Gagné-Holmes added that the Department has a constituent services individual whose phone number and email is published on their webpage.

Sen. Timberlake stated that every year the Committee talks about making changes, however it seems to not happen and then the discussions always start over with the next legislature. Sen. Timberlake stated he is concerned this matter will be the same. Sen. Timberlake asked the members when they will make changes to Maine Law that have been talked about, noting this Legislature only has a little time left. Sen. Timberlake stated he believes the Committee should be making a change in the Department today so not another child is injured or killed. Sen. Timberlake asked the Chair when the Committee will be meeting again with the Commissioner to get an answer to all the questions raised during the meeting today, as well as other matters of concern.

Sen. Hickman again thanked Commissioner Gagné-Holmes and stated the Committee will be in touch with her and if there is a future meeting, the Committee will invite her back if it is necessary.

Request by Senator Bickford and Representative Arata: Request For Investigation into Concerns About Noncitizens Not Authorized To Be Present or Remain In The U.S. Obtaining Maine Driving Credentials.

Sen. Hickman moved to the next item on the agenda, stating that Sen. Bickford and Rep. Arata could not be at the meeting today, but in the interest of getting their request in front of the Committee, OPEGA Director Peter Schleck will read their letter into the record. Sen. Hickman stated that Rep. Arata could be at the December meeting, if further discussion is desired by the Committee.

Director Schleck read the request into the record, and this letter may be found here: [Letter from Sen. Bickford, Rep. Arata Regarding Noncitizen Drivers Licenses](#)

Rep. Mastraccio asked Director Schleck if Rep. Arata had shared with him any correspondence or information she had received from the Secretary of State's office.

Director Schleck stated that no, Rep. Arata had not.

Sen. Hickman stated that, as standard, the Committee receives a presentation from a lawmaker or two and it is up to the Committee to determine what to do with the request.

Rep. Mastraccio stated she would like to hear from the Secretary of State's office about the process. Rep. Mastraccio also stated she understood that one of the instances mentioned in the request letter involved a person with a learner's permit, and the other had a driver's license that was obtained legally. Rep. Mastraccio stated she would not recommend a full-blown investigation until the Committee has heard from the Secretary of State's office about the process of someone who is in the country temporarily, but legally, driving. Rep. Mastraccio noted that she can travel to Europe and drive there with an international driver's license.

Sen. Hickman asked Sen. Farrin, who is the Lead on the Transportation Committee, if there are legal processes and a set of rules for people who are in the country legally, who are not citizens of this country, to obtain licenses.

Sen. Farrin stated that this is correct and further noted the request letter referenced two incidents where "vehicles operated by individuals who may be ineligible to drive in Maine yet possessed such credentials to do so". Sen. Farrin stated he would like to know more and would also like to have someone from the Secretary of State's office address this matter before the Committee.

Rep. Perkins stated he would also like to hear from the Secretary of State's office, adding that while there are ways for individuals here legally to obtain a driver's license, a learner's permit expires 18 months after issue date if a license is not issued. Rep. Perkins also noted that the request letter referenced an individual who was no longer in the country legally and he would like the Secretary of State to explain why someone who was no longer in the country legally after 2018 was able to obtain a learner's permit.

Sen. Hickman asked the Committee members if there was any objection to the Chairs writing a letter to the office of the Secretary of State on behalf of the Committee to invite the Secretary of State or her designee to come before this Committee at some future meeting to discuss this matter before taking any other action.

With no objection, Sen. Hickman stated the letter will be written and sent.

Sen. Tipping stated he believes this is the appropriate action to take on this matter, also stating that there may be, perhaps intended or not, some unfortunate connotations with this request, of the idea that people who are immigrants are a particular threat on the roads. Sen. Tipping stated that is absolutely not true, noting evidence shows that people who are immigrants and who get driver's licenses, whether they are undocumented or not, have lower incidences of crashes and generally are safer drivers.

Sen. Farrin asked Sen. Tipping, for clarification, the sources of information regarding immigrant drivers being safer drivers.

Sen. Hickman stated that the office of the Secretary of State can verify statistics when someone from that office attends a meeting.

Sen. Tipping stated that immigrant drivers is a wildly discussed issue and has been before the legislature before. Sen. Tipping also stated some specific studies on this have been done, including by Utah State University, as well as a quick search on the internet revealed other studies on this issue.

Presentation on OPEGA Report: Evaluation of the Credit for Major Business Headquarters Expansions

Next Sen. Hickman invited OPEGA Senior Analyst Jen Henderson to provide a presentation to the Committee on OPEGA's latest report: *Evaluation of the Credit for Major Business Headquarters Expansions*.

This report may be found here: [*Evaluation of the Credit for Major Business Headquarters Expansions*](#). The presentation slides may be found here: [Presentation slides of Report](#)

Ms. Henderson stated this evaluation was not due to a request made to the Committee but rather it is part of the statutory tax expenditure review process through which OPEGA evaluates most of the major tax incentives that the State offers. Ms. Henderson stated this process was put in place to support oversight of tax expenditures which are typically not subject to the same budgetary review process as other programs. Ms. Henderson noted that in these evaluations, OPEGA seeks to provide information about a range of matters, including how an incentive is performing in relation to its goals, and how effectively the incentive is designed.

Rep. Lee asked about decreases in employees at IDEXX as noted on page 11 of the Report, and if it was known if the company had a layoff or if the employees were going to another location of the company.

Ms. Henderson stated that OPEGA does not know the nature of the employee contractions, however IDEXX did say that while a representative, Jeff Bower, from the company could not be present today, questions could be sent after the meeting, and he could be present for the public comment or work session of this report to answer questions.

Rep. Mastraccio stated that she remembered when the bill for this tax credit came before the Taxation Committee, adding that it was a Governor's Bill and presented as a time-sensitive matter as this company was considering moving their headquarters out of the State. Rep. Mastraccio stated the amended version of the bill had a lot of input from the GOC, which included pieces for evaluation of the credit. Rep. Mastraccio also stated that the bill was intended to be a single company credit, which some members at the time were hesitant about. Rep. Mastraccio stated she thinks the credit accomplished what they hoped it would. Rep. Mastraccio stated that she is very interested in the second recommendation in the report, which is that the Legislature may want to consider data collection to increase transparency around use of multiple incentives and also looks forward to hearing from IDEXX, and how this credit worked for them.

Sen. Tipping stated he appreciates the recommendations of increasing transparency around the use of multiple incentives and would be interested in knowing if either this Committee or the Taxation Committee would like to create a bill that would require more transparency going forward.

Sen. Hickman stated that when the Committee has the work session on this report, the Committee can discuss whether it would like to propose a bill based on this report.

Sen. Tipping stated there are recommendations in the report and would like OPEGA's best recommendations for how they would be accomplished.

With no further questions from the Committee, Sen. Hickman thanked Ms. Henderson for all the hard work and presentation on this report.

Sen. Hickman also read into the record MRS Title 3, Chapter 37 §997(2), which includes "If the committee determines it is necessary, the committee may report out to the Legislature legislation to implement the findings and recommendations of any program evaluation report presented to it by the office."

Work Session on OPEGA Report: Office of Cannabis Policy: Identification and Management of Conflicts of Interest in Procurement

Sen. Hickman next opened the Work Session on OPEGA's recent report entitled: *Office of Cannabis Policy: Identification and Management of Conflicts of Interest in Procurement*.

Sen. Hickman invited Director Schleck to rejoin the Committee for any questions the members may have about the process by which the Committee may endorse, endorse in part, or not endorse the OPEGA report.

Director Schleck stated that it is important to know that there is no requirement in any provision of law that they agree with OPEGA or anyone else, and no requirement to endorse a report if they have some concern

or even a profound difference of opinion. Director Schleck stated the process is such that the Committee can express itself individually and collectively about how they see the report.

Sen. Hickman asked the Committee if there were any questions about the process, or about the report or any motions.

Sen. Tipping stated he had one continuing concern he would like on the record, stating he has heard from constituents who were active in advocacy on some of the issues the Committee has been discussing regarding this report, as well as issues discussed in the Veterans and Legal Affairs (VLA) Committee. Sen. Tipping stated those constituents have informed him that during the last few weeks the Office of Cannabis Policy (OCP) has visited their business twice, unannounced, which has disrupted their business, adding they were under the understanding they would have a 24-hour notice for these types of visits. Sen. Tipping stated he was informed by those constituents that OCP noted a problem with labeling of some of the products due to new FDA rules about snack foods and ordered the business to destroy those products. Sen. Tipping noted that this standard does not seem to be applied to other businesses or similar products. Sen. Tipping stated he does not know all the details involved, and that there may be a legal process for the constituents, however he wanted the Committee to know about this situation and that there may be a misapplication of rules by OCP to target one business that may be retaliatory in nature.

Sen. Hickman thanked Sen. Tipping and stated that the committee of oversight, VLA, will look into this during the next session.

Sen. Hickman asked the Committee if any members would like to discuss the statute on conflicts of interest that was looked into by OPEGA in trying to determine if a conflict of interest did exist. Sen. Hickman added that whatever the motion of the Committee is on the report, he would like the Committee to consider including in the motion, a letter to the State and Local Government Committee to look at the definition of conflict of interest and appearance of conflict of interest and the length of time in the statute.

Sen. Hickman noted that during the presentation of the report, the Director stated he had to take everyone at their word because there was no reason to look closer at financial records of those involved because by law there was no conflict of interest (given the covered time frame), and he wonders if the length of time in statute for a conflict of interest should go back further.

Motion and Committee Vote

Rep. Mastraccio made the motion to accept the Report, and to send a letter from the Committee to the Committee on State and Local Government to consider whether any changes are warranted to the “appearance” of conflict-of-interest provision of 5 M.R.S. § 18, in light of the matters set forth in the OPEGA report.

The motion was seconded by Rep. Lee.

After further Committee discussion on the motion, the vote was taken.

The motion was approved unanimously by all Committee Members who voted. (Ten members were present for the vote and one member later voted by absentee vote as allowed by Committee Rules.)

OPEGA Director's Report

Sen. Hickman next invited Director Schleck to provide the Committee with his report and any other matters or items for consideration at this time.

Director Schleck provided the Committee an item requested by Sen. Duson, which was a summary of a two day-long in-person learning and engagement sessions with ALIA Innovations on the topic of child protection. Director Schleck stated DHHS provided the Committee with a summary of that event.

The memo may be found here: [Memo from DHHS of Information Regarding Alia Convening](#)

Sen. Hickman stated that the Committee has done crucial work regarding child welfare as reflected in the report the Committee published in February 2024 and suggests the members of the Committee constantly read that report and make sure the recommendations within that report both for oversight and for the Department are being met.

The report mentioned by Sen. Hickman may be found here: [Frontline Perspectives in Child Protection as Catalysts for Reform](#).

Sen. Duson stated that she had received an invitation to attend the ALIA event in September but was unable to attend, however she did appreciate receiving the invitation.

Sen. Hickman stated that he too received an invitation but was also unable to attend, adding that he believes all members of the Committee did receive the invitation.

Director Schleck next asked the Committee, and Sen. Tipping as the sponsor of the matter, with the permission of the Chair, if at this time, the Committee is satisfied with the current status regarding staff safety at Riverview and Dorothea Dix Psychiatric Centers. Director Schleck added that there is always the opportunity for the Committee to direct OPEGA to do more work on any matter at any time.

Sen. Tipping thanked the Director and OPEGA for the work on the concerns at Riverview and Dorothea Dix.

Director Schleck stated the next meeting is tentatively scheduled for December 17, 2025. Director Schleck also provided the Committee a list of tentative meeting dates for 2026.

Adjourn

Sen. Hickman adjourned the Government Oversight Committee, without objection, at approximately 11:45 am.