



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

March 2, 2026

The Honorable Tim Nangle, Senate Chair
The Honorable Lydia Crafts, House Chair
Committee on Transportation
100 State House Station
Augusta, Maine 04333

Dear Senator Nangle and Representative Crafts,

On behalf of all our colleagues on the Committee on Government Oversight, we are sharing with you a summary of our recent work addressing concerns relating to controls over the issuance of driving credentials.

Attached you will find summaries of our December 17, 2025, and February 13, 2026, meetings, along with relevant documents incorporated by reference. At our meeting on February 13th, 2026, we requested the BMV to report back to the Committee on Government Oversight in six months with citizen and non-citizen test passage rates. We are now also referring these matters to you for any further action you may deem appropriate, including in consultation with the Secretary of State.

Thank you,

Very truly yours,

Craig V. Hickman
Senate Chair

Anne-Mare Mastraccio
House Chair

Attachment

cc: The Honorable Shenna Bellows, Secretary of State
Members, Government Oversight Committee
Peter Schleck, Director, Office of Program and Evaluation and Government Accountability



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MEETING SUMMARY
December 17, 2025

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:35 a.m.

ATTENDANCE

Senators: Senator Hickman, Senator Duson, Senator Farrin, Senator Guerin
Attending via Zoom: Senator Timberlake, and Senator Tipping

Representatives: Representative Mastraccio, Representative Lee, Representative Lemelin
and Representative Perkins
Absent: Representative Eder, Representative Stover

Legislative Staff: Peter Schleck, Director, OPEGA
Jennifer Henderson, OPEGA Senior Analyst
Kari Hojara, OPEGA Senior Analyst
Jennifer Greiner, OPEGA Administrative Secretary/GOC Clerk

Others: Cathie Curtis, Deputy Secretary of State for the Bureau of Motor Vehicles
Chris Ireland, Driver License Services Division Director

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: [December 17, 2025, GOC Meeting](#)

Meeting Summary – November 19, 2025

A copy of this Meeting Summary can be found here: [November 19, 2025, GOC Meeting Summary](#)

The Committee accepted and approved this meeting summary.

Further Consideration of Request for Review by Senator Bickford and Representative Arata of Possible Issuance of Maine Driver’s Licenses to Unauthorized Non-Citizens

Sen. Hickman moved to the next item on the agenda and welcomed two senior leaders in the office of the Secretary of State: Deputy Secretary of State for the Bureau of Motor Vehicles, Cathie Curtis, and Driver License Services Division Director, Chris Ireland. Sen. Hickman invited both to make any opening remarks they have for the Committee.

Deputy Secretary Curtis thanked the Committee for the invitation to come and speak today and to answer Committee Member questions. Deputy Secretary Curtis also introduced Director Ireland.

Deputy Secretary Curtis stated she began her career with the Bureau of Motor Vehicles (BMV) in 1978 and has been working with the BMV for the last 48 years, and Director Ireland joined BMV in 2021 after a 29-year career in the Air Force.

Deputy Secretary Curtis noted that the BMV is responsible for upholding Federal and State laws and rules as well as a commitment to roadway safety. Deputy Secretary Curtis stated the BMV issues driver and identity credentials as well as manages and maintains driver history records.

Deputy Secretary Curtis went over a letter to the Committee from Secretary of State Shenna Bellows, providing more detail regarding the BMV’s processes and training as well as specifics the BMV is able to share publicly regarding the two cases identified by Sen. Bickford and Rep. Arata in their request to the Committee. That letter may be found here: [Letter from Secretary of State to GOC](#)

The request from Sen. Bickford and Rep. Arata may be found here: [Request Regarding Non-Citizen Drivers Licenses](#)

Director Ireland added his personal condolences to the family and friends of the victims of the two fatal crashes referenced in the review request from Sen. Bickford and Rep. Arata.

Sen. Hickman asked Committee members if they had any questions for the Office of Secretary of State.

Rep. Lemelin asked if the BMV uses work authorizations as proof of residency for those seeking driver’s licenses.

Director Ireland stated the Title 29-A motor vehicle statutes require the BMV to verify legal presence in the U.S. before any State ID or driver's license is issued but does not elaborate on how that is done or what documents are used to determine someone's eligibility for a State ID or driver's license. Director Ireland stated the list of documents the BMV does accept for proof of legal presence in the U.S. is in Chapter 15 of the BMV Department Rules. Director Ireland stated an Employment Authorization Document (EAD), which is issued by the Federal Government, is a document that is allowed to be used by the BMV to issue a State ID or Driver's License.

Sen. Hickman asked Director Ireland when the Department Rules were last updated.

Director Ireland stated the Department Rules were last updated in 2022. Director Ireland added the Department Rules run through the formal State of Maine rulemaking process, are reviewed twice by the Attorney General's Office during that process, and there is a public hearing prior to the rules being updated.

Rep. Lemelin asked if a person who is an asylum seeker does not have the official form from the Federal Government that verifies that person is an approved asylum seeker, what is the BMV's process in this situation for an individual who seeks a Driver's License or State ID.

Director Ireland stated their process requires staff to physically and personally inspect all documents that someone would bring forward to claim legal presence. Director Ireland stated document numbers and document dates as well as expiration dates are entered into their system for every person they categorize as a Limited Term Credential Holder. Director Ireland stated in the case of a REAL ID, Federal Law requires all documents be scanned into the system.

Rep. Lemelin asked what the BMV does if an asylum seeker does not have the official form from the Federal Government.

Director Ireland stated that whether an individual is an asylum seeker or any other form of a non-U.S. Citizen, they are asked to come back with proper documentation.

Rep. Lemelin asked who provides interpreters for immigrants seeking a learner's permit, and whether individuals are allowed to pick their own interpreter.

Director Ireland stated the BMV has the ability to provide an interpreter if someone makes that request and also stated that individuals are allowed to bring an interpreter with them. Director Ireland added that if someone brings their own interpreter, that interpreter must complete a form declaring who they are.

Rep. Lemelin asked if Director Ireland or Deputy Secretary Curtis were aware that some examiners feel that interpreters who are brought by individuals to take an exam are cheating.

Director Ireland stated that in his four years at the BMV, there have been cases where concerns of cheating were brought forward, and also stated that he is aware of concerns of cheating brought forward before he was in his position. Director Ireland stated there is guidance in the handbook for examiners on how to handle concerns of cheating which includes reporting up the chain of supervision. Director Ireland stated that examiners also have the ability to stop a test while it is taking place if they believe they are witnessing

cheating. Director Ireland stated reports of cheating are looked into, and that BMV Detectives, who are sworn law enforcement officers, can conduct formal investigations. Director Ireland stated there were two cases this summer where some examiners expressed concern over an imposter taking a road test on behalf of someone else, and one of these cases has been referred for criminal prosecution to a District Attorney in southern Maine.

Rep. Lemelin asked what the normal pass rate is for people seeking a license or permit in Maine.

Director Ireland stated he does not have the data with him for the normal pass rate on the written exam for a permit of those who did not go through driver's education, however the normal pass rate on a first attempt of the road test is currently in the low to mid 70% across the State.

Rep. Lemelin stated he has been informed that the pass rate for immigrants who bring in interpreters is 100% and asked if Director Ireland was concerned by that information.

Director Ireland stated he is happy to go back and look into the data and provide that information to the Committee, adding he would be skeptical of a 100% pass rate.

Rep. Lemelin asked for that data to be provided, adding that has also been informed of interpreters providing test answers to test takers instead of only interpreting the question on the test. Rep. Lemelin also stated he has been informed that several examiners have brought this concern to Director Ireland's attention, and no action was taken on this information, and one examiner claims they were reprimanded for reporting this concern.

Deputy Secretary Curtis stated she was aware of complaints from examiners in the past that have been investigated and there was no substantial evidence found that cheating was taking place. Deputy Secretary Curtis also stated they do not reprimand people for bringing forward information.

Sen. Hickman asked what scenarios of "cheating" might happen in the context of test taking at the BMV.

Director Ireland stated cheating can take any form, including some high-tech options with today's phones with Bluetooth and Google glasses, noting the BMV has had reports of high-tech devices being used to cheat on tests in other states.

Sen. Hickman asked if the BMV had any significant statistical evidence of cheating of citizens verses non-citizens.

Director Ireland stated he does not have any data with him to answer Sen. Hickman's question, however he will look into this and see if that data is available.

Sen. Farrin asked if interpreters who are brought in by the individual are provided by a community service organization or are the applicants hiring an interpreter.

Director Ireland stated he is aware that some interpreters are offering their services for a fee, noting there is nothing in law or rules that prevents this.

Sen. Farrin asked that when interpreters for an applicant fill out the form required, is there any follow up, does the BMV know how many interpreters are used frequently, noting that an examiner is at a disadvantage in this situation as they do not know what the interpreter is saying to the applicant during the exam.

Director Ireland stated the forms the interpreters have to fill out (Interpreters Signature of Agreement) are kept by the BMV and can provide data about interpreters. Director Ireland also stated the Legislature has provided funding to have the Class C driver's license test printed into different languages which can reduce the use of interpreters. Director Ireland also noted the BMV has hired a couple of individuals who speak foreign languages who are able to help the BMV understand interactions taking place in exam rooms.

Director Ireland stated that as he understands, Maine statute in Title 29-A does not provide the BMV with authority to deal with cheating other than administrative penalties which would be stopping the test, and it can be rescheduled for a future date. Director Ireland stated the statute does provide authority to deal with fraud or misstatements, adding the BMV would welcome the input of the Transportation Committee on what could be done if cheating is detected.

Rep. Lemelin asked Director Ireland to explain the difference between fraud and cheating.

Director Ireland stated that as he is not a lawyer and that he would do some research on this question and get back to the Committee with an answer. Director Ireland did state, from the BMV's position, fraud involves misstatements and deliberate attempts to mislead.

Sen. Duson stated she is concerned the conversation is beginning to sound like a presumption of malfeasance if a person speaks another language. Sen. Duson asked if the BMV tracks pass rate data for other categories of applicants, and also asked if the pass rate for those who participate in a driver's education class is close to 100%.

Director Ireland stated the BMV does not breakdown pass rate statistics by any demographic categories, noting they do have that ability however they do not actively track this data. Director Ireland stated he would look for the pass rate of those who have taken driver's education class, also noting that if a student does not pass the exam the school can reissue the test and notify the BMV when the student has passed the exam. Director Ireland also noted the information received from driver education schools is in paper form so it could take some time to generate this information.

Sen. Duson asked for clarification on the ability of the BMV to pull demographic pass rate information as she understood Director Ireland had stated he could look into the pass rate for immigrants.

Director Ireland stated that in general most immigrants come to the BMV above the age of 18, and according to Maine law, they are not required to attend a driver's education course due to their age. Director Ireland stated the pass rate for those who did not attend driver's education could be available.

Deputy Secretary Curtis further clarified by stating that they would look to see if there is data available to determine the pass rate for people who use interpreters to take the exam, adding that she does not know if that data is available, but they will look to see if it is.

Sen. Duson stated that if the data for those who took the exam using an interpreter is available, she wonders under what circumstances the BMV is gathering data on this particular group of people, and no other category of people.

Director Ireland stated the BMV has data available that is gathered during the process of doing business, including the ability to tally up the number of people who pass or fail an exam. Director Ireland stated the BMV does not actively track data on any particular demographic, but they have the ability to look at the data and report on it.

Rep. Lemelin clarified that the statement he made about the pass rate of 100% of those using an interpreter was from a former examiner who worked for BMV for multiple years.

Sen. Hickman stated that his question--if the BMV had any significant statistical evidence of cheating between citizens and non-citizens--was for verification of the statement by the former BMV examiner noting that people can say anything. Sen. Hickman stated he would like to have the BMV, for a follow-up briefing, verify or refute any information regarding this former examiner's statements.

Deputy Secretary Curtis stated that under the prior Secretary of State there was a complaint regarding translators and cheating, which was investigated and the investigation revealed that there was no substantial evidence to prove those allegations.

Rep. Lee stated he believes this conversation has revealed a few policy concerns for the Transportation Committee, which he does not believe have anything to do with the immigration status of the individuals involved in the concern brought forth from Sen. Bickford and Rep. Arata, as in both accidents the drivers were legally present in the State and legally allowed to obtain the permit or license they had at the time of the accidents. Rep. Lee stated one issue is pedestrian safety, and another issue appears to be the inability of BMV, under statute, to deal with cheating which he believes the Transportation Committee should address. Rep. Lee also stated another issue involves the first case in the letter from the Secretary of State, which noted the driver in that accident, who had a permit, "lacked significant driving practice on Maine's roads". Rep. Lee asked what limitations exist for someone who has a permit rather than a driving license.

Director Ireland stated "lacked significant driving practice" refers to the number of days between when the driver received the permit and when the accident took place. Director Ireland stated that six months is generally the standard time it takes for someone to reach a minimum level of safety of driving, also noting for younger drivers there is a 70-hour-of-driving requirement with 10 of those hours occurring at night before obtaining a license.

Rep. Lee asked if there is some level of supervision required for someone who has a permit.

Director Ireland stated if someone has a permit, they are not allowed to operate a vehicle alone, they must have a person with an active driver's license and who has a minimum of two years' experience of driving, in the passenger seat beside them.

Rep. Lee asked if the person with the permit involved in the accident in the letter was under these supervision requirements.

Director Ireland stated the investigation into this accident is still ongoing, noting they have only received the initial report of a fatal crash through the law enforcement network, adding that initial report did state there was a licensed driver in the passenger seat of that crash, however they do not have any additional information at this time.

Rep. Perkins asked whether BMV can use a summons to a court date, even if the summons was for an immigration violation, as a valid documentation for legal presence in the State of Maine to issue a driving permit, adding that he understood this was true based on what he viewed on the Secretary of State's website.

Deputy Secretary Curtis stated that all such documentation currently required does have to be issued by the USCIS (U.S. Citizenship and Immigration Services), also noting they would have to look up the specific number of a form.

Rep. Perkins asked if this could be looked into and reported back to the Committee.

Sen. Guerin asked what would constitute "substantial evidence" in the investigation of cheating on exams.

Deputy Secretary Curtis stated she would need to speak with their investigators on what would be considered "substantial evidence" and will provide that information to the Committee.

Sen. Guerin asked what criteria for interpreters is required to interpret for an individual taking an exam, noting that if no one is observing the communication between the applicant and the individual who understands the language being spoken, it would be a situation where cheating could easily take place.

Director Ireland stated that all exams that are administered are overseen by an examiner who is a state employee, adding that he does agree that the examiner's ability to understand what is being said in a foreign language is limited. Director Ireland stated that the BMV has had recent internal conversations about ways to establish a more formal program for interpreters to go through. Director Ireland also stated that Maine does license language interpreters for other programs and that could be something the BMV investigates.

Sen. Guerin asked if there was any current vetting process for interpreters.

Director Ireland stated there is no current vetting process for interpreters at this time.

Rep. Mastraccio stated that department rules are easier to change than statutes, nothing that requiring interpreters to be credentialed in some way could easily be added to the rules and that the State issues licenses to protect the public. Rep. Mastraccio also observed that after a permit or license is issued, the only way to know if someone is driving without a valid license is when they are pulled over for some infraction or following an accident.

Deputy Secretary Curtis stated the Department has authority over the testing process, however once someone receives a license, the Department does not have any authority over how that individual operates a vehicle.

Rep. Mastraccio stated that if she wanted to drive in Europe, she would need to get an international driver's license. Rep. Mastraccio asked what is required for an individual that comes to the U.S for a visit to be able to drive here.

Deputy Secretary Curtis stated as long as a visitor from another country is not establishing residency, they can drive here with their license from their country with an international permit, which is an interpretation of their current license, for up to a year. Deputy Secretary Curtis stated that once an individual from another country establishes residency here, then they would be required to obtain a Maine license.

Sen. Timberlake asked whether during an exam for a permit or license, the individual is videotaped or recorded in any way. Sen. Timberlake also asked if the Department has considered giving examiners technology such as ear pods that, through a program or app, could translate what is being said during an exam during which interpreters are used.

Director Ireland stated that the BMV does not record, either by video or audio, an exam taking place, adding that they do record the results of the examination. Director Ireland stated there is one exception currently, the digital testing system does have a camera that takes occasional snapshots of the individual which allows the department to determine who exactly took the test in case of a suspicion of fraud involving that individual.

Director Ireland also stated the staff is trained to use Google Translate on their State-issued work phone which can facilitate interactions between an examiner and someone who speaks another language as well as facilitates a check-in process for an individual. Director Ireland noted that this technology is not used during road tests.

Sen. Timberlake stated he believes that Google Translate could be used effectively by examiners to understand what is being discussed during an exam.

Sen. Timberlake asked if any individual has been issued a REAL ID without providing a valid, non-immigration Visa or other USCIS document that shows they are here legally and not pending an immigration trial.

Director Ireland stated REAL IDs have been issued based on a work authorization document, because that is on the list of acceptable documents from TSA (Transportation Security Administration). Director Ireland also stated the federal regulations on REAL ID required the Department to look in the federal immigration database, using a system called SAVE (Systematic Alien Verification for Entitlements). Director Ireland stated the staff takes the document provided by the applicant, logs onto SAVE, enters the information on the provided document and then SAVE provides a reply that informs whether the document is valid and if the person who provided the document is legally present in the country from the perspective of the federal government. Director Ireland added that REAL ID is a federally regulated program, and the Department relies on federal regulations.

Sen. Timberlake asked if the Department was using all the standards that the federal government requires.

Director Ireland stated the Department was inspected by the U.S. Department of Homeland Security and the U.S. Transportation Security Administration this past Fall from which the Department received extremely

high grades. Director Ireland stated he would never say 100% something does or does not happen, however, he is confident the Bureau is doing the right thing on a recurring basis.

Sen. Tipping noted the initial concern brought before the Committee was that people who were in the State illegally were obtaining licenses and permits, adding that this has been very well addressed by the Department in the letter and today's conversation. Sen. Tipping asked if the Department was aware of any evidence of differences in accident rates based on immigration status.

Deputy Secretary Curtis stated she does not have data on accident rates based on immigration status.

Sen. Tipping asked if Deputy Secretary Curtis was aware of any systemic cheating by any groups of people, whether by those who speak English as a second language or even people from another state.

Deputy Secretary Curtis stated that they did find an imposter who was taking a road test for other individuals, noting that as soon as this was discovered it was reported to the authorities, adding they would take action whenever fraud was identified.

Sen. Tipping stated that today's conversation is taking place during a time in the country of anti-immigrant sentiments being expressed and wanted to note that we are a nation and state of immigrants and commended the Department on its professionalism.

Rep. Lee stated he was looking at statute in Title 29-A and asked if it was correct that someone who is hearing impaired is entitled to an ASL (American Sign Language) interpreter for driving tests.

Director Ireland stated that was correct and is part of the Federal Americans with Disabilities Act compliance requirements.

Rep. Lee asked if there were any concerns with those using an ASL interpreter may be cheating.

Director Ireland stated he has not been informed of any cheating concerns of those using an ASL interpreter.

Rep. Lee suggested for the Department take a look at the Judicial Branch, which has a roster of licensed interpreters, and how it has parameters around who can be an interpreter.

Rep. Lemelin stated, for the record, that his questions today have nothing to do with anti-immigration, noting his wife is an immigrant, nor is he intending to attack the Department. Rep. Lemelin stated that there is a whistleblower who has come forward who brought attention to some concerns, as well as five other people who work at the Department who are willing to testify under oath that there are some problems with cheating on exams through interpreters. Rep. Lemelin stated he wanted to get to the facts to see if there is a problem that the leadership may not even be aware of.

Rep. Lemelin stated he did ask an examiner about Google Translate, and that the examiner was told it could be used for road tests but not for the written tests. Rep. Lemelin stated a recommendation might be to suggest to the examiners to use Google Translate during the written tests. Rep. Lemelin stated he also asked an examiner about the earbuds, and the examiner indicated that may not work in an exam room as there can be multiple exams going on at the same time.

Rep. Lemelin asked, if an interpreter is signing the form, MV81, stating that they are an interpreter and will abide by the Code of Ethics, and they were cheating, if that would be considered a form of fraud. Rep. Lemelin also asked if every non-citizen has to provide a photo ID to prove it is them at the time they apply, or do they only have to provide documentation.

Director Ireland stated, regarding Google Translate, that it has been made clear to examiners that it is not to be used during a road test due to safety concerns. Director Ireland stated that Google Translate is at minimum a transcription tool which can be reviewed. Director Ireland stated he would get back to the Committee on the issue of fraud vs. cheating.

Director Ireland stated that a photo ID is not required as part of the immigration documents of non-citizens, adding they also do not require a photo ID the first time a U.S. Citizen applies for a State ID or a license, stating that a birth certificate can be provided.

Rep. Lemelin asked Director Ireland whether he found not requiring a photo ID of non-citizens problematic.

Director Ireland stated the way that our nation establishes identity is on that first source document which is often not accompanied by a photo. Director Ireland stated that the Department does do some verification of identity, for example, a social security number can be verified with the Social Security Administration, as well as a number of other verifications to try to substantiate and establish the identity. Director Ireland stated that BMV is the default identity agency in Maine, and this is taken very seriously and there are steps that staff must go through before an individual is issued an ID. Director Ireland also stated staff must take nationally-vetted annual fraud detection training.

Rep. Lemelin asked if every complaint is fully investigated.

Deputy Secretary Curtis stated there are different levels of investigation of complaints, as well as a law enforcement team that performs criminal investigations. Deputy Secretary Curtis stated that concerns voiced by staff are taken into consideration but also stated that when people make very broad statements, for example stating all immigrants are cheating, that probably would not be investigated.

Director Ireland stated that he does become aware of the vast majority of concerns raised by examiners, and the chain of supervision including the chief examiner and examiner supervisors do look into every complaint that is raised though not all complaints make it to the level of a law enforcement investigation.

Rep. Lemelin asked if every complaint made is documented, and those who looked into the complaint is documented.

Deputy Secretary Curtis stated often notes are taken during conversations with employees, although these notes are not kept for a long period of time.

Director Ireland stated that typically examiners are asked to write up their concern in an email, noting that an email by a state employee is a record.

Rep. Lemelin asked, regarding a previous complaint that an examiner made stating he believes a specific interpreter facilitated cheating on an exam, is it possible to learn who investigated the complaint and learn if the individual who was taking the exam brought their own interpreter with them to the exam.

Sen. Hickman also added to Rep. Lemelin's question, asking that if an examiner does not understand the language being used, how can the examiner assert that someone is cheating.

Deputy Secretary Curtis stated it is a challenge for examiners, noting they have had some examiners say that the sentence should have taken a more words to interpret into another language than were spoken. Deputy Secretary Curtis stated that some languages use fewer words to interpret the same meaning in the English language, therefore the number of words used to interpret an English sentence does not, in her mind, constitute cheating.

Sen. Hickman stated he has been told that there is a difference between translation and interpretation, so that an interpreter may not translate the sentence word for word but will interpreter what the sentence means. Sen. Hickman asked if the examiners are trained on the difference.

Deputy Secretary Curtis stated training does include instructing that translation is a written document and interpreting is verbal. Deputy Secretary Curtis stated that interpretation can involve fewer words than a translation, and that the use of fewer verbal words cannot be the basis of an allegation of cheating.

Sen. Hickman asked what the response is to an examiner who states he believes cheating is occurring because of fewer words being spoken than the examiner believes should be, and how often this happens.

Deputy Secretary Curtis stated that there would be a conversation with that examiner about the difference between translation and interpreting, noting that there have been two or three instances during the past four years where an examiner has raised concerns about individuals who use interpreters and whether they are cheating.

Sen. Hickman asked if there was a record of the investigation of cheating which happened under the prior Secretary of State and could that be shared with the Committee.

Deputy Secretary Curtis stated that there is a record of that investigation.

Sen. Hickman stated that the Committee would like to see the investigation and its results so the Committee can determine if the investigation was thorough enough for the purpose of today's conversation.

Sen. Duson thanked Deputy Secretary Curtis and Director Ireland for their thorough response provided in the letter to the Committee regarding the two accidents. Sen. Duson noted that the letter makes it clear that while the accidents were horrible, they are not necessarily related to the immigration status of the drivers. Sen. Duson stated that today's conversation is far beyond the matter presented to the office of the Secretary of State. Sen. Duson stated in order to have this Committee examine these other matters that were not in the request letter received by this Committee, there should be a letter of allegations, concerns or suspicions from a member of the Committee. Sen. Duson stated she objects to the broad scope of the conversation. Sen. Duson asked if the Department collects data on the number of permitted drivers who have an accident.

Director Ireland stated the Department does have data on the number of permitted drivers who have an accident, noting their system receives crash reports from the Maine crash reporting systems and assigns them to a driver's record. Director Ireland stated he would get this information for the Committee.

Sen. Duson asked if either of the drivers involved in the accidents had an interpreter present during their request for a driver's license, adding she did not see this information on the review request letter.

Director Ireland stated both of the drivers involved in the accidents had an interpreter with them at the time they took the written exam.

Sen. Duson asked, regarding the second driver in the letter, who had a license for some time, if the renewal process is proforma during which there was no interpreter needed or required.

Director Ireland stated that there is always the opportunity for an individual to request an interpreter, whether on the phone or in person at no cost to the individual.

Sen. Duson noted that is consistent with the availability of interpreter services across the state agencies, that the agency, upon request from an individual, would have to provide an interpreter, adding that those interpreters are fully vetted.

Sen. Duson asked, regarding the second driver who, after several renewals sought a REAL ID, if it was understood correctly that when obtaining a REAL ID there is a requirement that you submit the individual's name and credentials through the SAVE system, and whether that happened for this driver.

Director Ireland answered in the affirmative.

Sen. Duson asked if the Department has the ability to look into specific allegations from a whistleblower presented to this Committee, or if this would be outside of what the system can do.

Deputy Secretary Curtis stated they want to be transparent and welcome any investigation this Committee does and would do everything to fully comply with requests and provide whatever data they have. Deputy Secretary Curtis added that the Department has a very old computer system they are working on modernizing, noting that system does not capture everything.

Sen. Duson stated, from her perception, this broad conversation adds to the current atmosphere of suspicion of an individual because they are brown, or dress a certain way, or speak another language. Sen. Duson stated while she wants the Committee to follow the steps looking into factual allegations, she has a problem sitting through this conversation without giving the Department time to dig through records or let the Committee know if this is something the Committee should be alarmed about.

Rep. Perkins asked if he was an undocumented immigrant and wanted a REAL ID, would he be able to get a REAL ID even if he had a work authorization.

Deputy Secretary Curtis stated an individual must be legally present in the country to be able to obtain a REAL ID.

Director Ireland stated the term “undocumented” is an interesting term, adding that identification credentials are not given to anyone who is not documented with something.

Rep. Perkins asked he was an asylum seeker and only had a petition for asylum and a work permit, would he be able to obtain a REAL ID.

Director Ireland stated he would like to go back and look into Rep. Perkin’s questions, adding that it is an interesting combination, and he did not want to provide the incorrect answer.

Deputy Secretary Curtis stated she believes the answer is the Department complies with the REAL ID requirements. Deputy Secretary Curtis also stated the list of documents accepted to obtain a REAL ID is lengthy and every other state is complying with that list, adding she is not aware of any state that would reject a requirement that is on the list.

Sen. Hickman stated that if the Department finds the answer to Rep. Perkins question, it would be compliant with federal law. Sen. Hickman noted that if REAL IDs have been issued to asylum seekers with work permits, it is because federal law allows for it and if that is something we believe is wrong, we would have to reach out to our congressional delegation to have them seek to change federal law.

Rep. Perkins stated that he does not believe the example he presented would be compliant with federal law. Rep. Perkins asked, if he has an H-1B visa and applied for a REAL ID, would he be authorized to get one under the current processes.

Director Ireland stated he did not have that specific answer at this time but will get an answer for the Committee.

Rep. Perkins also asked for data on any REAL IDs that may have been issued to an individual who is an asylum seeker with a work permit.

Sen. Guerin asked who makes the decision on whether a cheating allegation is investigated.

Deputy Secretary Curtis stated she would be the one to make the decision on if a cheating allegation is investigated.

Sen. Guerin asked, in the case of using unvetted interpreters, what would Deputy Secretary Curtis use as an example of acceptable evidence of cheating that should be investigated.

Deputy Secretary Curtis stated she would want to be able to have the evidence be documented proof that an answer was provided to an individual taking an exam.

Sen. Guerin asked what documented proof of an answer provided to an individual would be.

Deputy Secretary Curtis stated it is hard to say what that proof would be without knowing the circumstances, adding that in general she would want to make sure that the allegation was specific, or be able to look back at what the documentation shows, or to look back at patterns. Deputy Secretary Curtis also

stated that any investigation needs to be specific, and it needs to be able to be proved, noting that she could not list all the ways cheating could be proved as people are using unique ways.

Sen. Guerin asked if allegations are submitted by an established procedure, such as an on-line form.

Deputy Secretary Curtis stated employees are asked to put allegations in writing and submit them through email.

Sen. Guerin asked if there was an allegation of cheating, would the exam be flagged or noted so that someone could go back and see that in the individual's record.

Deputy Secretary Curtis stated she believes that to flag an individual's record based on an allegation would be a dangerous road to go down.

Rep. Lee stated he has been looking at 6 CFR § 37.1, and it states when an applicant presents one of the identity documents listed, the issuing state's verification of identity documents does not provide satisfactory evidence of lawful status, and the applicant must also present a second document from that list of documents or documentation issued by DHHS or other federal agencies demonstrating lawful status as determined by USICS. Rep. Lee stated it is clear that an individual presenting with only an EAD would not be able to get a REAL ID.

Sen. Farrin stated he understands Sen. Duson's earlier comments, adding that he had some of the same concerns, adding what caught his attention was the situation with the permitted driver, and how soon the accident occurred after the permit was issued and if there is some kind of systemic problem. Sen. Farrin stated that he is here to try to solve problems involving the death of two Mainers who died in terrible accidents and figure out if there was a cause. Sen. Farrin also stated that in looking further into this situation it may be revealed that the immigrant community does not have the resources, and the pool of interpreters is very small.

Deputy Secretary Curtis stated that one piece of the conversation missing today is that these two very unfortunate crashes could have been caused by something completely different, adding they could have been caused by a pedestrian not wearing reflective clothing, or something happening inside the vehicle, adding both accidents are still under investigation. Deputy Secretary Curtis stated that she reviews the police report for every motor vehicle fatality that happens in Maine, adding that there are numerous circumstances that can contribute to accidents.

Sen. Hickman stated that distracted driving is a real problem, but distracted walking is also a real problem, noting he is not blaming pedestrians in the two accidents discussed today, however he sees people walking while on phones and not paying attention to their surroundings.

Sen. Hickman stated he appreciates the conversation today and looks forward to the answers to questions raised and the Committee will have another meeting about the issues raised and clarify the direction the Committee would like to take on these matters as well as have suggestions for the Transportation Committee.

Sen. Hickman put the Committee at ease at approximately 11:27am

Public Hearing on OPEGA Report: Evaluation of the Credit for Major Business Headquarters Expansions (MBHE)

Sen. Hickman called the meeting back to order at approximately 11:39am.

Next, Sen. Hickman opened the Public Hearing 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*](#).

Sen. Hickman invited Geoff Baur from IDEXX to share with the Committee any testimony, noting IDEXX benefited from the Credit for Major Business Headquarters Expansions (MHBE).

Mr. Baur stated he resides in Portland, Maine and is present today to represent IDEXX Laboratories, adding he is the Vice President of Taxation for IDEXX. Mr. Baur stated he respected and appreciated the work OPEGA did on the report, noting it was thorough and appropriate. Mr. Baur stated he would be happy to answer any questions the Committee may have.

With no questions from the Committee, Sen. Hickman thanked Mr. Baur for being present today.

Next to testify was Albert Dimillo from Wells, Maine. Mr. Dimillo's written testimony may be found here: [Albert Dimillo Written Testimony](#)

Sen. Hickman thanked Mr. Dimillo for being here and asked if the Committee had any questions.

Rep. Lemelin asked Mr. Dimillo to explain his statement of "a law change that enabled IDEXX to get credits even though they failed to meet the 2017 law requirements".

Mr. Dimillo stated that IDEXX came forward and proposed a law change that was a 2023 law change, LD 1313, which he testified against, but the bill ultimately passed.

Rep. Lee asked Mr. Dimillo if he disagreed with OPEGA's recommendations in the Report.

Mr. Dimillo stated OPEGA did not look at whether the tax credit was a duplication.

With no further questions from the Committee, and no other individuals wishing to testify, Sen. Hickman closed the Public Hearing.

Work Session on OPEGA Report: Evaluation of the Credit for Major Business Headquarters Expansions (MBHE)

Sen. Hickman next opened the Work Session on OPEGA's recent report entitled: *Evaluation of the Credit for Major Business Headquarters Expansions*

Sen. Hickman stated the purpose of the work session is for the Committee to vote on endorsement of the report, to officially transmit the report to the Taxation Committee and to decide what additional actions, if any, this Committee would like to take regarding the report. Sen. Hickman also welcomed OPEGA Senior Analyst Jennifer Henderson to answer any further questions the Committee may have.

Motion and Committee Vote

Rep. Mastraccio made the motion to Accept the Report and transmit the report to the Taxation Committee.

The motion was seconded by Rep. Lee.

Sen. Hickman next asked if any members had further questions.

Sen. Farrin asked for OPEGA's response to the public hearing testimony suggesting a discrepancy between the report and the interpretation that there is duplication with the credit.

Ms. Henderson stated, regarding duplication, OPEGA did address apportionment briefly in the report, on page 11. Ms. Henderson stated, as a tax policy, Maine's use of single factor apportionment does provide benefits to a company that has a large physical presence here with a lot of out-of-state sales. Ms. Henderson also stated that in looking back through the public record, this concern has been brought to the attention of the Legislature a number of times starting in 2007, however the Legislature has not made changes to apportionment. OPEGA therefore did not come to the opinion that this credit was duplicative.

With no 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 and one member was absent.)

Sen. Hickman asked if the Committee had further discussion about the recommendations in the report.

Sen. Tipping stated that at the last meeting, the Committee had discussed reporting out legislation based on the recommendation in the report of increasing transparency around the use of multiple incentives through data collection, and that the Committee had asked OPEGA for recommendations for that legislation.

Sen. Hickman asked Ms. Henderson if she had some suggested language for a recommendation to the Legislature.

Ms. Henderson stated OPEGA did have a couple of ideas to share with the Committee, the first was to remind the Committee of LD 1107 which was carried over from the last session, noting section five of this LD which details an Incentive Data Task Force, which the Legislature could pass into law. Ms. Henderson stated the Incentive Data Task Force could be a great step forward however it is unknown how much progress that task force could make in trying to get centralized, readily available, standardized data the Legislature could use for oversight.

Sen. Tipping asked Ms. Henderson if there is a recommendation in currently proposed legislation that would be a direct data collection.

Ms. Henderson stated she was not aware of any currently before the Legislature.

Ms. Henderson stated the second idea OPEGA had for the Committee was a draft of a Resolve that would be directing an agency to develop a plan for centralizing data and bringing that plan to the Legislature at a future date. This draft may be found here: [Draft Bill Language](#)

Sen. Tipping stated he believes the Resolve is a more straightforward way to address the recommendation from the report.

Rep. Mastraccio stated she would like to see both the Department of Economic and Community Development and Maine Revenue Services be listed in the Resolve as the agencies to develop centralized data related to the use of business incentives.

After further Committee discussion, Sen. Hickman stated the final language on this Resolve needs to be worked on before taking a vote and asked members to put any additional thoughts on what the Resolve should be in an email to the entire Committee and the Director for inclusion in a draft which the Committee can take up at a future meeting.

Proposed Parameters for Three Upcoming OPEGA Tax Expenditure Reviews

Sen. Hickman turned to the next item on the Agenda, Proposals from OPEGA regarding the next three Tax Expenditure Reviews, which are:

- The Deductions for Interest and Dividends on State and Local Securities;
- The Maine Earned Income Tax Credit; and
- The Credit for Affordable Housing.

Sen. Hickman stated that before OPEGA begins evaluating these tax expenditures, it is the responsibility of this Committee, after receiving public input, to establish the goals and metrics against which the expenditures' performance should be measured.

Sen. Hickman invited OPEGA Senior Analyst Kari Hojara to go through the proposed goals and metrics and answer any Committee questions.

Ms. Hojara stated that OPEGA has done some work to have a basic understanding of the Tax Expenditures up for review and will have a comprehensive understanding of the programs once the reviews have been completed.

Ms. Hojara went over the proposed evaluation parameters for the review of The Deductions for Interest and Dividends on State and Local Securities. This information may be found here: [Deductions for Interest and Dividends on Maine State and Local Securities Proposed Parameters](#)

Ms. Hojara next went over the proposed evaluation parameters for the review of The Maine Earned Income Tax Credit. This information may be found here: [Maine Earned Income Tax Credit Proposed Parameters](#)

Ms. Hojara then went over the proposed evaluation parameters for the review of The Credit for Affordable Housing. This information may be found here: [Credit for Affordable Housing Proposed Parameters](#)

Sen. Hickman next opened the Public Comment Period on the proposals for evaluation of these three Tax Expenditures.

Testimony received during the Public Comment Period may be found here: [Testimony on Upcoming OPEGA Tax Expenditure Reviews](#)

With no other individuals wishing to provide testimony, Sen. Hickman closed the Public Comment Period.

Proposed Scope of OPEGA Review: Maine Seed Potato Certification Program

Next, Sen. Hickman invited OPEGA Director Peter Schleck to discuss OPEGA's proposed provisional scope of review for the Maine Seed Potato Certification Program.

Director Schleck went over the proposed provisional scoping of the OPEGA Review of the Maine Seed Potato Certification Program to the Committee for their consideration and approval detailed in a memo which can be found here: Memo from Director Schleck Re: [Proposed Provisional Scoping of OPEGA Review of Maine Seed Potato Certification Program](#)

Director Schleck stated this proposed scope is provisional, adding that it can be amended at any time, noting that during reviews a concern that is not on the scope could be found, noting that OPEGA would bring this to the Committee for further guidance and consideration.

Director Schleck stated that as this review was requested by the chairs of the Judiciary Committee, the scope was sent to them to review to make sure it covered all concerns raised in their request.

Director Schleck also stated OPEGA has reached out to the Committee on Agriculture, Conservation and Forestry to make sure they were aware this review would be taking place.

Sen. Hickman thanked Director Schleck for this provisional scop of work and asked if Committee members had any questions.

Rep. Lee stated a question he had for this program and would like added to the scope which is, what remedies exist if an inspection does not occur.

Sen. Timberlake stated he has heard of problems within the Program of inspectors being under the influence of drugs while conducting inspections, adding he is concerned about the Program failing because of lack of quality in the seed potatoes.

Following further Committee discussion Sen. Hickman asked if anyone would like to make a motion.

Motion and Committee Vote

Sen. Farrin made the motion to approve the proposed provisional scoping of the OPEGA Review of the Maine Seed Potato Certification Program and add the following to the scope:

- a. What remedies exist if an inspection does not occur?
- b. How does the State ensure that inspectors are performing effective tests?

The motion was seconded by Rep. Perkins.

With no further discussion, the vote was taken.

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

OPEGA Director's Report

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

Director Schleck provided the Committee a Memo from the Department of Health and Human Services of additional information regarding Freedom of Access Act & Child Welfare. That memo may be found here: [December 12, 2025 Memo from DHHS to GOC](#)

Sen. Hickman stated that if Committee members believe, after reading the additional information from DHHS, that there should be further discussion on this matter, to let the chairs know and it will be put on a future agenda.

Next, Director Schleck provided the Committee with the referral letter sent to the Committee on State and Local Government inviting them to consider whether any changes are warranted to the appearance of the conflict-of-interest provision of 5 M.R.S. § 18, in light of the matters set forth in the recent OPEGA report on the *Office of Cannabis Policy: Identification and Management of Conflicts of Interest in Procurement*. That letter may be found here: [Letter from GOC to SLG](#)

Director Schleck stated the next meeting is tentatively scheduled for January 9, 2026. Director Schleck stated during the January 9th meeting, he will present to the Committee OPEGA's annual report. Also at the January 9th meeting, Director Schleck will provide a summary of OPEGA's Current Work Plan. Director Schleck also provided the Committee a list of tentative meeting dates for 2026.

Adjourn

With no further discussion and without objection, Sen. Hickman adjourned the Government Oversight Committee at approximately 12:45 pm.



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

November 20, 2025

The Honorable Shenna Bellows
Secretary of State
28 State House Station
Augusta, Maine 04333

Dear Secretary Bellows,

At the November 19, 2025, meeting of our committee, we considered the attached request from Senator Bruce Bickford and Representative Amy Arata. The request concerns the possible issuance of drivers' licenses by the Bureau of Motor Vehicles (BMV) to non-citizens who may not have been authorized to be present in the country. The request letter is attached for your consideration.

Before considering whether to assign a review to OPEGA, we would welcome further information from your office. Consequently, we invite you and/or your designee to appear before the Committee to answer questions on December 17, 2025, in Room 220 of the Cross Building. The meeting normally begins at 9:30 am, and OPEGA Director Peter Schleck can advise your office closer to the date as to the order of items on the Agenda. Director Schleck may be reached at 207.287.1903 or at peter.schleck@legislature.maine.gov if there are any additional questions.

Thank you.

Very truly yours,

Handwritten signature of Craig V. Hickman in black ink.

Craig V. Hickman
Senate Chair

Handwritten signature of Anne-Marie Mastraccio in black ink.

Anne-Marie Mastraccio
House Chair

Attachment

cc: Government Oversight Committee Members
Peter Schleck, Director, Office of Program Evaluation and Government Accountability



Department of Secretary of State Bureau of Motor Vehicles

Shenna Bellows
Secretary of State

Catherine Curtis
Deputy Secretary of State

December 16, 2025

The Honorable Craig Hickman, Senate Chair
The Honorable Anne-Marie Mastraccio, House Chair
Joint Standing Committee on Government Oversight
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333

Dear Senator Hickman, Representative Mastraccio, and Members of the Government Oversight Committee,

Every roadway death is a tragedy. At the Department of Secretary of State Bureau of Motor Vehicles (BMV), our primary mission is road safety, and we grieve every time we learn of a roadway fatality. It's especially hard during the holiday season, and our hearts go out to the loved ones of every victim.

Pursuant to your request, I am providing details regarding the issuance of driver licenses to non-citizens. Both Maine law and the federal REAL ID Act require proof of citizenship or legal presence in the United States for driver licenses. At the BMV, we are committed to faithfully upholding all federal and state laws and rules. As we explained to Rep. Arata in the attached emails on which Sen. Bickford was copied, the cases of concern raised by her did not involve improper issuance of a driving credential. Both drivers were legally present within the United States at the time of issuance of their state ID or driver license.

To obtain a driver's license in Maine, an applicant needs to present 1. Proof of Maine residency, 2. Proof of U.S. citizenship or legal presence in the U.S., 3. Two different forms of proof of identity, and 4. Complete a vision screening.¹ BMV staff check legal presence status as required by law whenever anyone – including a non-citizen driver – applies for or renews a State ID or a license, including renewals to change the license type from a standard to a REAL ID-compliant credential.² Federal REAL ID laws require that all motor vehicle agencies nationwide use the federal Systematic Alien Verification for Entitlements (SAVE) system to verify the valid, unexpired legal status of all noncitizens applying for a REAL ID compliant credential, which Maine follows.³

¹ 29-A M.R.S. § 1301.

² 29-A M.R.S. § 1260.

³ *Id.*

With the exception of Canadian drivers who move to Maine, drivers new to the United States must also successfully complete both written and road exams with Maine BMV in order to earn their driver license, even if they were licensed drivers in their prior country of residence.⁴

Also in accordance with Maine law, any noncitizen without permanent legal status in the U.S. will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence.⁵ For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license. The list of documents BMV may accept to establish legal presence for non-REAL ID credentials is codified in rule.⁶ Acceptable proof of legal presence for REAL ID credentials is established in 6 CFR Part 37, §37.11.

It should also be noted that media reports often include only the person's legal status at the time of entry. Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws.⁷ For example, a person who enters the U.S. on a B-2 visitor visa may change to a student visa upon admission to one of Maine's colleges or universities, or to an H-1B professional worker visa based on a job offered by a Maine employer, or to Temporary Protected Status due to civil strife or national disaster in their home country, or for asylum based on fears of persecution, among others. Not only are they legally present while a timely filed petition is pending with U.S. Citizenship and Immigration Service (USCIS), in many cases federal immigration law permits them to work legally with USCIS-issued employment authorization based on their pending application or changed USCIS status. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.

Regarding the two drivers in question, we'd like to offer the Committee a timeline of events for each driver.

The driver in the August 15 fatal crash – initials LF – was a limited-term noncitizen, non-commercial driver.

- He obtained a state identification card on 03/12/2025, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements.
- He passed the required written driving exam and obtained his driver's permit on 08/05/2025.

⁴ Per 29-A M.R.S. §109, a non-resident (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive (non-CDL) using their unexpired license from their country of residence. If someone is permanently relocating to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would). 29-A M.R.S. § 1251(1-A).

⁵ 29-A M.R.S. § 1406-A(5).

⁶ Ch 15, Department of the Secretary of State Rules, *Rules Governing Acceptable Documents to Establish Legal Presence*, last updated November 13th, 2022 via the state's formal rulemaking process.

⁷ See, e.g. 8 U.S.C.A §1258 (Change of nonimmigrant classification), 8 U.S.C.A §1254a (Temporary protected status), 8 U.S.C.A. § 1158 (Asylum).

Tragically, the fatal accident occurred mere days after he earned his permit, when he lacked significant driving practice on Maine's roads.

The driver in the August 16 fatal crash – initials MM – was a limited-term noncitizen, non-commercial driver.

- He obtained his permit on 05/02/2019 and then his license later that year after passing his road test on 10/28/2019.
- His initial Class C license was issued on 12/4/2019, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements.
- He provided updated, federally issued legal presence documents on 11/22/2021 to extend his expiration date to 05/23/2022.
- He renewed his driver license on 05/09/2022, prior to which he provided federally issued legal presence documents which met Maine law and Departmental rule requirements and extended his expiration date to 05/09/2026.
- The most recent renewal (05/06/2025) was due to the customer's desire to upgrade his driver license to a REAL ID-compliant credential, similar to many other Maine drivers this year. As part of this upgrade, he provided federally issued legal presence documents which met the federal REAL ID law, Maine law and Departmental rule requirements and extended his expiration date to 05/08/2029.
- Each time he renewed his Maine driver's license he presented documentation of his continued valid immigration status, including his unexpired employment authorization document issued by USCIS based on that status.
- His valid legal status was also confirmed with USCIS via the federal SAVE system multiple times, including when he applied for his REAL ID compliant credential.

Proof of residency for the purposes of applying for a driving credential is different from the requirements to obtain a Permanent Resident Card from the U.S. Customs and Immigration Service.⁸ The term “permanent Maine residency” in Sen. Bickford and Rep. Arata's question #3 seems to derive from an eliding of these terms and ideas which does not exist in law. Neither Maine nor federal REAL ID statutes require noncitizens to be “permanently” here to qualify for a driver's license; they have to be legally here. International students attending higher education institutions, doctors and other professionals serving Maine's communities and businesses on temporary work visas, individuals with Temporary Protected Status, asylum seekers, and many other categories of immigrants do not yet have “permanent” immigration status, yet they are legally here under U.S. immigration laws and are eligible for a driver's license (assuming they pass the required exams and can prove their identity and Maine residency).

The BMV takes seriously the responsibility to ensure laws and rules governing the issuance of credentials —both federal and state--are followed. To that end, we have established the following training and business practices to ensure that only eligible residents receive credentials:

- Maine BMV has a published Legal Presence Guide to advise staff on how to review various immigration documents that could be offered to establish Legal Presence.

⁸ 29-A M.R.S. §§1301 (11); 1401(1); 8 U.S.C.A. § 1154.

- New employees who work in the driver license issuance line of work undergo multiple training modules on legal presence. This includes when, and how, to query the federal government's database through the Systemic Alien Verification of Entitlements (SAVE) online portal.
- For more complex cases, the state has contracted an immigration attorney to help BMV staff reach the appropriate determination. This attorney also helps BMV staff navigate changes in federal immigration policy.
- The contract immigration attorney routinely audits the work of BMV frontline staff to verify that credentials are being issued appropriately in accordance with federal and state law.

I am making available Deputy Secretary of State Cathie Curtis and Director of Driver Licensing Christopher Ireland. As the BMV's chief administrator, Deputy Secretary Curtis is responsible for leading the organization's driver, vehicle, enforcement, and adjudication programs. Additionally, she serves on the American Association of Motor Vehicle Administrators (AAMVA) International Board of Directors. This is the second time she has held this position. She was previously employed by the Maine BMV from 1978 - 2011, serving in various management positions including as the Deputy Secretary of State. From 2012 through 2021, the Deputy Secretary was employed by the AAMVA in Arlington, Virginia, as the Director of Vehicle Programs. She was responsible for guiding and supporting all of the Motor Vehicle Agencies throughout the U.S. and Canada. Director Chris Ireland joined the BMV as the Director of Driver License Services in 2021 after a 29-year career in the U.S. Air Force. Deputy Curtis and Director Ireland are the state's foremost experts in driver licensing and would be happy to address your questions in detail.

We are confident that should your committee choose to open an investigation into BMV's processes, OPEGA staff will find that our staff are diligently following Maine law regarding the issuance of driving credentials. We remain at your service to ensure that you have the information you need to fulfill your mission of oversight.

Sincerely,



Shenna Bellows
Secretary of State

Cook, Emily

From: Cook, Emily
Sent: Monday, August 25, 2025 8:02 PM
To: Arata, Amy; Bellows, Shenna
Cc: Stewart, Trent A.; Bott, John
Subject: RE: Question about license status

Dear Representative Arata,

Thank you for your email, and please accept our condolences on the loss of your constituent. From everything I've read she was a wonderful woman. Road deaths are always tragedies, but they hurt especially so when someone was such a pillar of their community.

We checked in with our BMV colleagues regarding Mr. Mbiya's driver license status. He's held a Maine license since 2019, and BMV staff have repeatedly checked his [legal presence status](#) (whether or not he is legally authorized to be in the United States) as is required by Maine driver license laws. Even if he were a licensed driver in his prior country of residence, he would have had to take both the written and road exam in the United States order to earn his driving privilege. Only licensed drivers [from other US states](#) may transition to a Maine license without those tests.

We have provided information to Amjambo Africa so that their readers have ease of access to information regarding Maine laws and regulations regarding driver licenses and other credentials. If you would rather provide a .gov link to constituents with questions about the process (for either US citizens or non-citizens) we have lots of information here: <https://www.maine.gov/sos/bmv/driver-licenses-and-ids>.

Road safety for all users – including pedestrians – remains a top priority for the Department. All drivers, no matter where or when they learned to drive, must abide by our laws for their own safety and the safety of others. We trust that the criminal justice system will hold Mr. Mbiya accountable for his actions.

If we can answer any further questions, please do not hesitate to reach out.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Friday, August 22, 2025 5:28 PM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Stewart, Trent A. <trent.a.stewart@legislature.maine.gov>; Bott, John <john.bott@legislature.maine.gov>
Subject: Question about license status

Dear Ms. Cook,

A tragedy recently occurred in my district (New Gloucester) and my constituents have questions that pertain to the Secretary of State's office. Please forward this to SOC Shenna Bellows if you are unable to answer these questions yourself.

On Aug. 18, Stacy Strattard was killed after being struck by a car driven by a recent arrival to Maine, Mukendi Mbiya. People in my community are grieving and have questions about the process by which a new arrival from a foreign country obtains a license and the license status of Mr. Mbiya. I have found the most complete guidance on requirements to obtain a Maine license at this website:

<https://www.amjambofrica.com/what-documents-do-immigrants-need-to-bring-to-the-bmv-to-apply-for-a-maine-identification-card-or-drivers-license/#:~:text=If%20you%20have%20a%20driver's,getting%20your%20Maine%20driver's%20license.>

Assuming that this information is correct, can you confirm that Mr. Mbiya had a Maine driver's license? If not, did he have a license from another state or was he unlicensed? If so, did he obtain one after following the process outlined in the Amjambo Africa website cited above? That is, was his legal presence in Maine confirmed and did he pass both the road and written tests?

Please rest assured that I and my compassionate, open and welcoming community are not motivated by any racial malice. However, we are legitimately concerned that everybody must follow the same rules in order to have safe drivers on our roads. I hope that your answer can alleviate these concerns, or that any shortcomings will set in motion needed corrective action.

I look forward to your or SOS Bellows' reply sometime next week.

Sincerely,
Representative Amy Arata
Maine House District 104

Cook, Emily

From: Cook, Emily
Sent: Thursday, September 4, 2025 12:08 PM
To: Arata, Amy
Cc: Bickford, Bruce; Woodcock, Eliza; Bellows, Shenna
Subject: RE: Additional questions

Dear Rep. Arata and Sen. Bickford,

Not a problem at all, below is information regarding your follow up questions. I appreciate the time you've been taking to ask and learn more about a complex process.

1. As indicated in Maine's statute at subsection 5: <https://legislature.maine.gov/statutes/29-A/title29-Asec1406-A.html>, any noncitizen without permanent legal status in the U.S will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence. For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license.
2. Media reports often include only the person's legal status at the time of entry. (This was the case in media reports about this tragic accident.) Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws. They are typically legally present and often are granted employment authorization from USCIS while their other petition is pending. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.
3. Mr. Mbiya took his written exam in Portland on 5/2/2019 and passed. He successfully passed his road exam in Portland on 10/28/2019.
4. For up to one year, nonimmigrant visa holders in Maine (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive here if they also have a valid International Driving Permit, along with their unexpired license from their country. They must have both documents on their person while operating the vehicle. And if someone is moving to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would).

I hope this information is helpful, and please know we're here if you have any additional questions.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Tuesday, September 2, 2025 12:41 PM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Bickford, Bruce <bruce.bickford@legislature.maine.gov>; Woodcock, Eliza <eliza.woodcock@legislature.maine.gov>
Subject: Additional questions

Good Morning Ms. Cook,

Thank you for the response to my questions. I have some follow-up questions regarding your answer below:

"We checked in with our BMV colleagues regarding Mr. Mbiya's driver license status. He's held a Maine license since 2019, and BMV staff have repeatedly checked his legal presence status (whether or not he is legally authorized to be in the United States) as is required by Maine driver license laws. Even if he were a licensed driver in his prior country of residence, he would have had to take both the written and road exam in the United States in order to earn his driving privilege. Only licensed drivers from other US states may transition to a Maine license without those tests."

1. When and for what occasions was Mr. Mbiya's legal presence repeatedly checked?

1.

2. It has come out that Mr. Mbiya had a tourist visa that had expired in 2019.

https://www.bangordailynews.com/2025/08/22/portland/portland-police-courts/new-gloucester-maine-fatal-pedestrian-crash-immigration-customs-enforcement-detains-mukendi-mbiya/?fbclid=IwY2xjawMj-XZleHRuA2FlbQIxMQBicmlkETFGRE9XbThkVzhUcUZRSGtiAR4EG1PkzVTs-xL7egsD_vQpLRmibejmk3Jc46o8lNWN-0SN2n0kOZ35WDFUSA_aem_mAgq3wIz6mYuZ66Udo0tiw

Since licenses expire every 4 years, he would have had to renew in 2023. Why was his licensed renewed if he was not legally present here?

3. Do you keep records on when and where the actual written and road tests occurred and can that be provided to me?

4. I've been told by a person who works with people who are immigrants that they frequently believe that their Universal Driver's License (perhaps they meant "International Driving Permit") allows them to drive in Maine. What are the facts about this?

I realize that this has become a fraught political issue and I truly appreciate your help as I try to understand exactly what happened and care for my bereaved constituents. I have included Sen. Bickford and staff as well because the family of the victim are also his constituents.

Sincerely,
Representative Amy Arata
Maine House District 104

Cook, Emily

From: Cook, Emily
Sent: Friday, September 19, 2025 4:31 PM
To: Arata, Amy
Cc: Bickford, Bruce; Woodcock, Eliza; Bellows, Shenna
Subject: RE: Additional questions

Dear Rep. Arata,

First, apologies on the delay in responding. I was out at a BMV administrator's conference for several days.

Mr. Mbiya was first issued a learner's permit, and then his driver's license upon passing the road test, and then he has renewed his license twice. The first renewal was because per state law, his driver's license expired on the same date as his legal presence documentation and so he needed to show the BMV proof that he continued to be legally present in order to retain his driver's license. The most recent renewal (May 2025) was not due to the expiration of his legal presence or license but because he wanted to change to a REAL ID compliant credential, similar to so many other Maine drivers this year. Each time Mr. Mbiya renewed his Maine driver's license he presented documentation of his continued valid immigration status, including his unexpired employment authorization document issued by USCIS based on that status. His valid legal status was also confirmed via the federal SAVE system multiple times, including when he applied for his REAL ID compliant credential. Federal REAL ID laws require that all motor vehicle agencies nationwide use SAVE to verify the valid, unexpired legal status of all noncitizens applying for a REAL ID compliant credential.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Friday, September 5, 2025 10:15 AM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Bickford, Bruce <bruce.bickford@legislature.maine.gov>; Woodcock, Eliza <eliza.woodcock@legislature.maine.gov>; Bellows, Shenna <Shenna.Bellows@maine.gov>
Subject: Re: Additional questions

Good Morning Ms. Cook

It is, indeed, a complex process and I appreciate your patient explanations. Can you clarify how Mr. Mbiya was able to renew his license in light of the statement; "To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license." ?

Since these documents would have expired in a shorter timeframe than the typical 4 year driver's license, I assume that he had to renew his license multiple times. How many times did he renew his license and what specific documents did he present to allow this?

I appreciate your answers to my questions as I work with my grieving constituents. I'm sure you can understand how difficult this situation and the related publicity have been for them.

Sincerely,
Representative Amy Arata
Maine House District 104

From: Cook, Emily <Emily.Cook@maine.gov>
Sent: Thursday, September 4, 2025 12:07 PM
To: Arata, Amy <Amy.Arata@legislature.maine.gov>
Cc: Bickford, Bruce <Bruce.Bickford@legislature.maine.gov>; Woodcock, Eliza <Eliza.Woodcock@legislature.maine.gov>; Bellows, Shenna <shenna.bellows@maine.gov>
Subject: RE: Additional questions

This message originates from outside the Maine Legislature.

Dear Rep. Arata and Sen. Bickford,

Not a problem at all, below is information regarding your follow up questions. I appreciate the time you've been taking to ask and learn more about a complex process.

1. As indicated in Maine's statute at subsection 5: <https://legislature.maine.gov/statutes/29-A/title29-Asec1406-A.html>, any noncitizen without permanent legal status in the U.S will be issued a driver's license that expires at the same time as the expiration date indicated by their immigration documents demonstrating their legal presence. For example, a person who presents their USCIS-issued work permit will be issued a driver's license that expires the same day that their work permit expires. To renew their driver's license, they must bring in an updated, unexpired document issued by immigration authorities. Otherwise, BMV cannot and will not renew their license.
2. Media reports often include only the person's legal status at the time of entry. (This was the case in media reports about this tragic accident.) Federal immigration law permits nonimmigrants (such as visitors, international students, temporary foreign workers) to apply to change to any other status for which they are eligible under the immigration laws. They are typically legally present and often are granted employment authorization from USCIS while their other petition is pending. Any limited-term noncitizen in Maine who applies to renew their Maine driver's license must show the BMV documentation that they are legally present and that their current status, which may be entirely different from their status at entry, is unexpired.
3. Mr. Mbiya took his written exam in Portland on 5/2/2019 and passed. He successfully passed his road exam in Portland on 10/28/2019.
4. For up to one year, nonimmigrant visa holders in Maine (examples include tourists, and seasonal temporary workers in Maine's hospitality and agricultural sectors) can drive here if they also have a valid International Driving Permit, along with their unexpired license from their country. They must have both documents on their person while operating the vehicle. And if someone is moving to Maine, however, they do need to get their Maine license within 30 days (as any other new resident would).

I hope this information is helpful, and please know we're here if you have any additional questions.

Emily

From: Arata, Amy <Amy.Arata@legislature.maine.gov>
Sent: Tuesday, September 2, 2025 12:41 PM
To: Cook, Emily <Emily.Cook@maine.gov>
Cc: Bickford, Bruce <bruce.bickford@legislature.maine.gov>; Woodcock, Eliza <eliza.woodcock@legislature.maine.gov>
Subject: Additional questions

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Representative Amy Arata
Maine House District 104



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
February 13, 2026

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:38 a.m.

ATTENDANCE

- Senators: Senator Hickman, Senator Duson, Senator Guerin, Senator Timberlake, and Senator Tipping
Absent: Senator Farrin
- Representatives: Representative Mastraccio, Representative Eder, Representative Lee, Representative Lemelin, Representative Perkins, and Representative Stover
- Legislative Staff: Peter Schleck, Director, OPEGA
Jennifer Greiner, OPEGA Administrative Secretary/GOC Clerk
- Others: Michael Sauschuck, Public Safety Commissioner
William Ross, Colonel of Maine State Police
Cathie Curtis, Deputy Secretary of State for the Bureau of Motor Vehicles
Chris Ireland, Driver License Services Division Director
Elaine Clark, Commissioner of Department of Administrative and Financial Services
Sara Gagné-Holmes, Commissioner of Department of Health and Human Services
Todd Haber, Acting Deputy Commissioner of Finance
Tom Roth, Director of the Fraud Investigation and Recovery Unit
Bill Logan, Associate Director of Compliance

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: [February 13, 2026 GOC Meeting](#)

Meeting Summary – January 23, 2026

A copy of this Meeting Summary can be found here: [January 23, 2026, GOC Meeting Summary](#)

The Committee accepted and approved this meeting summary.

Request of Senator Tipping for Public Safety Briefing

Sen. Hickman next invited Public Safety Commissioner Michael Sauschuck, who agreed to appear before this Committee, to provide a briefing on civil rights and safety in Maine in relation to federal immigration-related activities as requested by Sen. Tipping. That request may be found here: [Letter from Sen. Tipping to GOC](#)

With permission from the Chair, Commissioner Sauschuck introduced Colonel William Ross of the Maine State Police who will also be providing information to the Committee.

Commissioner Sauschuck reviewed the first nine pages of the handout he provided to the Committee from the Maine Department of Public Safety (DPS) and the Maine State Police (MSP) to the Committee on Civil Rights, which may be found here: [Civil Rights Handout](#)

Sen. Hickman asked Commissioner Sauschuck how long the block of training is at the Maine Criminal Justice Academy.

Commissioner Sauschuck stated there is an 18-week Maine Criminal Justice Academy and in that 18 weeks there are a couple of hours specifically on civil rights, hate, and bias.

Colonel Ross stated that the annual civil rights training for sworn officers to maintain their certification is a four-hour block of time.

Commissioner Sauschuck stated that there are also updated trainings that are mandated, and those trainings are generally a couple of hours of time.

Commissioner Sauschuck spent some time discussing the implementation of LD 1971, and his decision to implement that bill effective immediately, with data on page 8 of the handout.

Sen. Timberlake stated a concern he has, how will LD 1971 change or affect the assistance the State Police and Border Patrol have provided to each other in the past, noting the Maine border is rural and both agencies provided mutual assistance in the past.

Commissioner Sauschuck stated that the cornerstone of what law enforcement does is based on trust and relationships. Commissioner Sauschuck stated that relationships with federal partners, like any entity that they work with on a regular basis, is important, and that LD 1971 speaks specifically to immigration enforcement, not other forms of criminal investigations. Commissioner Sauschuck noted that local law enforcement is not doing immigration enforcement. Commissioner Sauschuck also stated that Border Patrol often backs up local, county and state law enforcement and that is appreciated, and he does not see that being impacted by LD 1971.

Sen. Timberlake stated to Commissioner Sauschuck his preference that there be no change to the backup policy between Border Patrol and local law enforcement, adding that he does not want anyone in law enforcement to call for backup and be told due to it being an immigration issue help cannot be provided.

Commissioner Sauschuck stated that in his 30 plus years, he has never assisted with an immigration operation, and he is not aware of a time when this has happened. Commissioner Sauschuck added that if Sen. Timberlake is asking about officer safety situations, those are being responded to.

Rep. Lee stated there are two sections in LD 1971 that address activities unaffected by the law, which allows for communication regarding immigration related information so long as it is not part of an enforcement action. Rep. Lee also stated LD 1971 includes a number of permitted activities which includes the situations Sen. Timberlake mentioned, so long as it not specifically about getting municipal or state police involved in immigration enforcement.

Commissioner Sauschuck agreed with Rep. Lee's statement.

Sen. Duson stated for the record, that in watching Commissioner Sauschuck's leadership in enforcement activities, as well as observing members of DPS as members of the Portland police department over the years, she feels confident in saying to her constituents, who perceive themselves as more likely to have problems with law enforcement action than others, that they can have trust in interactions with law enforcement. Sen. Duson stated that DPS has been open to concerns about profiling and what that can feel like on the other side of a law enforcement interaction. Sen. Duson stated her perception of LD 1971 is that it makes statewide policy what has been policy in the city of Portland for quite some time. Sen. Duson asked Commissioner Sauschuck for an example of what might have happened before LD 1971.

Commissioner Sauschuck provided an example of commercial vehicles being inspected at a weigh station, stating that troopers, while doing their investigation, have every State tool available to investigate the identity of that driver, and if it is determined that the commercial driver is not licensed the troopers can arrest that individual and have the commercial vehicle towed. Commissioner Sauschuck stated that up to this point 99.9% of the investigation is completed and the last step, before LD 1971 was passed, would be calling federal immigration authorities if it was suspected that the driver had immigration violations. Now

that LD 1971 has passed, and DPS/MSP have changed their internal referral policy on this issue, the investigation would be followed up to the last step of calling federal immigration authorities. Commissioner Sauschuck stated that DPS/MSP are no longer calling immigration authorities for assistance with identifying an individual or making a referral to federal immigration authorities to determine if an individual is here legally or if immigration authorities would come to get that individual.

Sen. Duson asked what would happen if officers haven't been able to make a confident identification of an individual during a traffic stop, what would happen.

Commissioner Sauschuck stated that individuals who are pulled over can attempt to identify themselves verbally or provide a license which may be from another state, and that every tool available will be used to verify identity of that individual, including every database they can access, however stopping at calling federal immigration authorities.

Colonel Ross went over the remaining pages of the handout provided to the Committee.

Sen. Timberlake stated that the lack of communication with ICE prior to January 19th does not make sense to him, adding that communication between ICE and Maine law enforcement would be important and asked Colonel Ross why there would be no communication.

Colonel Ross agreed that the lack of communication in this circumstance did not make sense, adding that he has never experienced no communication from federal authorities to the state and or local authorities when there has been a large increase of federal agents conducting a large operation in the state. Colonel Ross stated he suspects that LD 1971 may have played a role in this lack of communication, even though there are stipulations in the law that allow communications.

Sen. Hickman asked if the lack of communication was by those who were leading the operation into the State.

Colonel Ross stated that Sen. Hickman's statement was correct.

Sen. Timberlake asked Colonel Ross if he has reached out to the federal agency and ask for communication which was denied.

Colonel Ross stated that they spoke with local law enforcement partners, and that everyone had reached out to their particular contacts, and no one had information and no information was provided.

Sen. Timberlake asked if Colonel Ross, as chief of MSP, reached out to ICE and ask what the operational plan was.

Colonel Ross stated he reached out to someone in Homeland Security Investigations (HIS), provided cell phone numbers of command staff to call, adding that no calls back were received.

Sen. Duson asked Colonel Ross if he was made aware of particular training of federal officers who might be coming to Maine, including de-escalation training.

Colonel Ross stated that the information Sen. Duson asked about would typically be discussed during a briefing, as would consulting with local law enforcement agencies or the state police and/or county sheriffs. Colonel Ross stated that this time of briefing is a good time to exchange information about the operation plan, and local law enforcement can provide feedback about what may or may not work. Colonel Ross stated he does not know what type of training, including de-escalation training the federal officers have. Colonel Ross added that he did not know how many federal officers were brought into the state, who they were, and what their backgrounds are.

Rep. Mastraccio asked if the lack of information from the federal government is still ongoing.

Colonel Ross stated that there has been no communication regarding any other operations that are occurring in the state that he is aware of, adding that there may be some communication with local law enforcement agencies. Colonel Ross added that local, state, county law enforcement all working together with federal law enforcement is the safest path forward.

Sen. Hickman read from LD 1971 into the record:

§4762. Activities unaffected This chapter may not be construed to prohibit:

- 1. Exchanging information consistent with federal law. A law enforcement agency from sending to or requesting or receiving from an immigration authority information regarding the immigration status of a person or maintaining or exchanging that information with any other federal, state or local governmental entity under 8 United States Code, Section 1373 or 1644; or**
- 2. Actions against a person pursuant to certain criminal laws. A law enforcement agency from investigating, lawfully detaining, executing a criminal warrant or taking other action against a person pursuant to state criminal law or federal law as provided in section 4763, subsection 2.**

Sen. Hickman stated that according to media reports, there were a number of people who were the targets of this ICE operation. Sen. Hickman stated that he thought that the federal agency, under LD 1971, would have reached out to local law enforcement to ask for help with the whereabouts of people who were on their targeted list, which would not be prohibited by the law.

Colonel Ross stated that during the week of January 19th, there was no direct contact from federal law enforcement to the Maine Unified Command, which would normally happen if state, local or county law enforcement were involved in either the planning or execution of an operation.

Rep. Lemelin stated that while he understands and respects everything that has been said so far, he knew that Maine passed LD 1971, and that there are many leaders in Maine, paid activists, and the press, who would impede the federal immigration agents' job of removing illegal immigrants. With this information, why would the federal government communicate with the state about their operation, stating it could escalate to what was seen in Minnesota.

Colonel Ross stated he understands Rep. Lemelin's point, however that part of the conversation would be a better question for ICE's administration. Colonel Ross added that for officer safety, as well as for the safety of everyone, it would have been better had the state, local and county officials been involved in the planning of the operation, stating that the deconflicting piece is very important.

Sen. Guerin asked what the parameters are for protecting information if someone from federal law enforcement contacts DPS/MSP.

Colonel Ross stated that if federal law enforcement reaches out to MSP, that would be considered confidential information, which could be shared with the local law enforcement community as appropriate, adding that it would not be something that would be done publicly which protects the integrity of the operation and the safety of all involved.

Rep. Lee stated there was an arrest made by the U.S. Marshals in corporation with either Lewiston PD or the State Police during the operation, but unrelated to the operation.

Colonel Ross stated he is aware of the situation Rep. Lee mentioned, however, he noted that the State Police were not involved in that instance.

Rep. Lee asked if someone wanted a federal law enforcement operation to be disorderly, would not contacting local or state police assist with that goal.

Colonel Ross stated anytime there is a communication breakdown a disorderly situation could be a potential outcome.

Sen. Tipping stated he has some concern with the discussion so far, by talking about this as if the operation in Maine was a legitimate law enforcement operation. Sen. Tipping stated the Governor's statement was very clear that the operation inflicted pain and suffering across the state. Sen. Tipping stated he is trying to figure out what happened, who was protected and how can they continue to protect people whose rights may be violated. Sen. Tipping asked if any state resources, money, personnel, facilities or property had been used in coordination with ICE at all this year.

Commissioner Sauschuck stated, going back to the data on page 8 of the handout, there were 63 contacts with ICE/CBP to deal with real-time problems in the 9.5 months before going live with LD 1971. Commissioner Sauschuck stated that no state resources were used in coordination with ICE during the week of January 19th.

Sen. Tipping asked if ICE has requested access to any state databases or government-held information about Maine people that Commissioner Sauschuck is aware of.

Commissioner Sauschuck stated he is not aware of any ICE request for any state databases or information about Maine people.

Sen. Tipping stated that many reports of people being detained or arrested, including U.S. citizens, have been heard, and stated this seems to be a violation of civil rights. Sen. Tipping asked if Commissioner Sauschuck is investigating any of these cases, or if there is anything Commissioner Sauschuck plans to be doing regarding these apparent violations.

Commissioner Sauschuck stated the back half of the handout explains proper referral tools and what the process is of investigating civil rights complaints, and he reviewed that process with the Committee.

Sen. Tipping stated that he understands there are pathways for reporting, and also stated that there have been some very public examples that happened during the week of January 19th and asked if that is something Commissioner Sauschuck would investigate apparent violations proactively, rather than waiting for a referral.

Commissioner Sauschuck responded that a problem with “apparent violations” is that asking local, county, or state law enforcement to step in after the fact with zero information about what happened, it would be very difficult to investigate anything. Commissioner Sauschuck stated that from a state and local perspective, the Board of Trustees, in 2020, said that law enforcement officers have a duty to intervene in the moment, as an example, if there are two law enforcement officers dealing with a problem, and something is criminal, immoral, unjust, in that moment. Commissioner Sauschuck stated this is implicit in law enforcement training with assertive language saying you shall, you must step into these situations to stop it from happening and report it accordingly. Commissioner Sauschuck added that asking law enforcement officers to go in after the fact with zero information, he does not know what the expectation would be about investigating or making a determination one way or the other, whether the duties of the federal officer were valid, lawful, or not.

Sen. Duson asked for clarification, regarding the suggestion that if our state law enforcement leadership were briefed about an impending immigration enforcement action, if that information would be leaked out to the media.

Commissioner Sauschuck stated that information about an impending enforcement action would not be leaked to the media.

Sen. Timberlake asked if ICE had reached out to DPS/MSP about the impending enforcement action or a future enforcement action, would they work with ICE, or would they not work with ICE.

Colonel Ross stated he would meet with and collaborate with ICE, exchange information with them, and depending on what the intent of the operation was, would determine what the next move would be. Colonel Ross stated that communication with a federal agency is paramount, particularly if they are conducting an operation in Maine.

Rep. Eder stated that going forward the concern for him is the gap in communication and asked if there is a normal process for communication among federal, state, local, or county officials, and if so, has that process been changed by LD 1971. Rep. Eder also asked whether they would recommend increasing communication to have a better understanding of an operation.

Colonel Ross stated communication is key and moving forward communication will be critical on all aspects of operations, including connecting with local partners, and he will take every opportunity to have that discussion. Colonel Ross stated, as it is written, LD 1971 would not interfere with communication with federal authorities unless it explicitly involves immigration enforcement.

Colonel Ross stated that he checked with the Attorney General’s Office to see what they have received through their citizen reporting email which was monitored for documentation of potential violations of the Maine and federal Constitutions as well as the Maine Civil Rights Act, and where citizens were urged to report any intimidating and excessive federal enforcement behavior, to see if they were conducting any

investigations from this email. Colonel Ross stated that currently the Maine State Police is not conducting any investigations in coordination with the Attorney General's Office.

Rep. Mastraccio stated that the Maine Civil Rights Act provides that “all people living, working, or visiting the State of Maine” are protected, and federal law “protects all persons in the United States in their civil rights”, adding that she wanted to be clear that everyone in this state is protected, not just residents or citizens.

Rep. Perkins stated that he appreciated Commissioner Sauschuck and Colonel Ross for being here and for their professionalism. Rep. Perkins also stated that, while the presentation was useful, he questioned its relevance to the Committee’s mission, noting that the Committee has a very specific task to look over state government, not federal government. Rep. Perkins stated that he believes today’s discussion has turned into a political discussion and would have been more appropriate to have been in the committee on Criminal Justice and Public Safety or in the Judiciary Committee.

Sen. Hickman stated that he does not disagree with Rep. Perkins’ statement, adding he believes in free speech and wants to keep the focus on Commissioner Sauschuck and Colonel Ross who were invited, and to understand how they are dealing with the changing landscape and what processes and procedures they have in place to protect civil rights of all people residing in Maine.

Rep. Lemelin stated that in his previous comments regarding the possibility of information being leaked to media, that he did not intend to challenge the integrity of Commissioner Sauschuck and Colonel Ross or those directly below them in their command. Rep. Lemelin stated his comments were to try to give a different point of view to understand why ICE may not want to communicate with state, local, or county law enforcement.

Sen. Tipping asked Commissioner Sauschuck or Colonel Ross, in broad terms, is there anything they are investigating as a potential state crime that is arising out of the ICE operation in Maine.

Commissioner Sauschuck stated that they are not investigating anything arising out of the ICE operation in Maine, adding that from a jurisdictional standpoint, MSP handles certain areas of the state, then there are other law enforcement agencies that cover areas and that there may be something happening at the local level.

Sen. Tipping stated that there was recently a legal memo from ICE that they were legally allowed to enter homes without a judicial warrant and asked if there were any reports of this taking place in Maine.

Commissioner Sauschuck stated that he has not received any reports of homes being entered without a judicial warrant.

Sen. Tipping stated that some federal judges have recently ruled that ICE must provide detainees with immediate access to legal counsel and asked if there are any steps at the state level to ensure individuals detained in Maine jails have this right.

Commissioner Sauschuck stated DPS does not have jurisdiction over correctional facilities.

Sen. Tipping asked if the Maine Information and Analysis Center (MIAC) was used during this ICE activity.

Commissioner Sauschuck stated that he has no knowledge of reports from MIAC referencing ICE activity. Rep. Lee asked if during previous federal law enforcement operations did communication from the federal level with state or local police happen even if involvement of state or local police was not wanted.

Commissioner Sauschuck stated that as a general rule Maine law enforcement has outstanding relationships with federal partners, noting there is an FBI office in Portland that has been there for 15 years, adding that avenues of communication continue to be strong.

Sen. Tipping asked what actions have been taken to find out the status of the 200 individuals taken from Maine and if there are any children included in that number.

Commissioner Sauschuck stated he did not have any information on the status of the 200 individuals, adding he is not involved in the conversations the Governor has initiated to seek those answers.

Colonel Ross added that on the last page of the handout provided to the Committee is the ICE website and Detention, Removals, and Information Line phone number.

Sen. Hickman thanked Commissioner Sauschuck and Colonel Ross for providing this information to the Committee.

Sen. Hickman put the Committee at ease at approximately 11:10am.

Further Consideration of Sen. Bickford and Rep. Arata's Request for OPEGA Review Relating to Controls Over Driver's Licensing

Sen. Hickman called the meeting back to order at approximately 11:25am.

Sen. Hickman turned to the next agenda item and invited Cathie Curtis, Deputy Secretary of State for the Bureau of Motor Vehicles and Chris Ireland, Driver License Services Division Director, who may have additional answers to questions posed by members of the Committee at the December 17, 2025, meeting concerning controls over the issuance of driving credentials.

Deputy Secretary Curtis began by going over answers to questions asked at the December 17, 2025, meeting, and those answers may be found here: [Deputy Secretary Curtis Letter to GOC](#)

Deputy Secretary Curtis also provided two redacted reports of investigations of alleged interpreter cheating that were completed under the previous Secretary of State, and those may be found here:

[BMV Investigative Report 2019](#)

[BMV Investigative Report 2020](#)

Rep. Perkins asked if in the situation of an individual seeking a learner's permit, no verification of legal status is required to obtain the learner's permit.

Deputy Secretary Curtis stated that Rep. Perkins was correct.

Rep. Perkins asked, when verification of legal status is done for a driver's license, if that verification is established by rule and not statute.

Deputy Secretary Curtis stated that verification of legal status is established by federal and state rule and law.

Rep. Lemelin asked how long an individual can drive with a learner's permit.

Deputy Secretary Curtis stated a learner's permit is good for two years.

Sen. Duson asked if a non-driver identification card can be a REAL ID.

Deputy Secretary Curtis stated that a non-driver identification card can be a REAL ID, or a standard identification card and the applicant can designate which they are requesting.

Sen. Hickman asked, regarding the free professional interpreter services, what the cost is to the state.

Deputy Secretary Curtis stated that the cost to the state for the interpreter services is between \$60 and \$70 per hour, adding that they plan to group applicants of the same language together for exams to try to make sure resources are used appropriately.

Rep. Perkins stated the Secretary of State's website on BMV, under documents required for limited legal presence, it says "Notice to Appear, court hearing notice or other evidence indicating a currently pending removal proceeding" is an acceptable form of documentation, adding that number 15 of the rules, established by the Secretary of State, governs acceptable documents to establish legal presence. Rep. Perkins stated his question was if legal status is established by rule, stating if so, it is the Secretary of State's decision to allow a summons to court for deportation as a document that gives legal status.

Deputy Secretary Curtis stated one of the reasons that a court hearing notice for a pending removal proceeding qualifies is because it is unknown what the outcome of that hearing would be.

Rep. Perkins stated he understands it is not known what the outcome of a court hearing would be but asked if it would be in the state's interest to wait for that outcome prior to issuing a driver's permit or license in the interest of public safety.

Deputy Secretary Curtis stated that prior to the outcome of the hearing, that individual has legal status.

Rep. Perkins stated that individual would have legal status because the Secretary of State gives it.

Director Ireland stated that Maine statute in Title 29A does not lay out criteria but directs the Secretary of State to determine legal presence and run the rules through the appropriate process of a public hearing and rulemaking process.

Deputy Secretary Curtis added that during the rulemaking process there is opportunity for public comment, and that public comment influences the outcome of the final rule.

Rep. Lemelin stated, based on the two investigations provided, it is clear to him that the BMV knew there was cheating happening with interpreters. Rep. Lemelin asked why when examiners, who came to him as whistleblowers, went to their leadership with concerns of cheating under this Secretary of State, those concerns were not investigated.

Deputy Secretary Curtis stated that the examiners were asked for specific situations, the information was very vague. Deputy Secretary Curtis also referred to the chart on the second page of the 2019 Investigation, which shows three interpreters who assisted with written exams and shows that some individuals needed to retake those exams.

Rep. Lemelin pointed to the conclusion of that report which was that there was cheating.

Deputy Secretary Curtis stated that the conclusion was that there was a concern of possible cheating. Deputy Secretary Curtis stated that they have looked at this issue very carefully, including hiring a new Chief Driver License Examiner who is a retired State Trooper as well as having worked for the Federal Motor Carrier Safety Administration for a time and one of the priorities given to the Chief Examiner was to review the interpreter services program and make recommendations for program improvement. Deputy Secretary Curtis stated the Chief Examiner provided recommendations in January, and one was to have the BMV provide interpreters, and that change was made as of February 1, 2026.

Rep. Lemelin asked if any of the interpreters being provided by the BMV are those interpreters who the whistleblowers were concerned about, adding that all five whistleblowers named the same interpreters.

Deputy Secretary Curtis stated the BMV has hired the same interpreters that the court system has hired and has been vetted, with a master agreement with the state procurement system.

Director Ireland stated that the names of interpreters in the investigative reports under the previous Secretary of State are not interpreters that are seen by the BMV currently, noting that he is not aware of the names of interpreters that the whistleblowers provided to Rep. Lemelin.

Rep. Lemelin asked how to provide the list of interpreter names, given that he had recently emailed Director Ireland directly asking about whether the BMV was going to no longer allow outside interpreters as of February and that Director Ireland responded in a vague manner with no answer. Rep. Lemelin stated he asked Director Ireland about this earlier today and Director Ireland stated he was told he was not allowed to respond back to legislators.

Deputy Secretary Curtis stated that if anyone receives an email from any legislator, it is forwarded to leadership and then there is a discussion among leadership. Deputy Secretary Curtis stated a discussion regarding Rep. Lemelin's emails was held and it was decided to answer the email in front of the Committee so that all Committee members had the same information at the same time.

Rep. Lemelin stated that if he has a question going forward, he will have to ask the Committee to ask it, as he may not get a response.

Deputy Secretary Curtis stated their leadership does an excellent job of assuring that responses are given to legislators.

Sen. Duson stated she has experience in training in total quality management, noting that it is a continuous cycle and asked for Deputy Secretary Curtis to share, with the changes made in response to concerns raised, is a plan in place to evaluate whether the changes are taking care of the concerns.

Deputy Secretary Curtis stated they will be communicating with staff often for feedback on the changes made, adding so far there have been no concerns raised in the feedback, and they will continue to check data, keeping an eye on the program to ensure it is working as needed. Deputy Secretary Curtis stated they also have a reconciliation process to ensure they are being billed properly for interpreter services and described that to the Committee.

Director Ireland added that one of the other decisions made was a commitment of auditing, to look at data and results of examination pass rates as well as some other data points quarterly to see if a change is taking place and to stay mindful of making sure things are being done properly, and that there are no negative impacts.

Sen. Duson stated that she hoped during the auditing process of these changes, that they include feedback from customers, stated that the presentation had implications of customers who might need interpreter services and who might have experienced directed referrals to certain interpreters, adding she believes the new system might make interpreting services more accessible.

Rep. Mastraccio stated, in looking at the two investigations, that she can see why the concerns raised in the investigations were missed as the date for the 2020 investigation was March 20, 2020, which was right when the COVID shutdown began, also noting that at the end of 2020 there was a new Secretary of State. Rep. Mastraccio also noted that since 2020 there has been a large influx of asylum seekers and government was trying to figure out how to use interpreter services for many areas of government. Rep. Mastraccio asked how government can avoid missing issues in the future.

Deputy Secretary Curtis stated Rep. Mastraccio was correct, also noting that there was also a large changeover in staff at BMV as a result of the COVID shutdown. Deputy Secretary Curtis stated they are committed to continually communicating with their teams so there is continuity if a staff member leaves. Deputy Secretary Curtis added that they currently have over 80 projects that they are working on, using spreadsheets and program tracking tools as well as SharePoint, which is a team collaboration software tool, all to make positive changes to improve customer experience as well as employee experience.

Director Ireland stated that the implementation of modern management and leadership tools are helping to avoid missing issues in the future.

Rep. Perkins asked for an overview of the modification of the digital licensing system in June of 2026 mentioned earlier.

Deputy Secretary Curtis stated they are building a new computer system with a lot of improvements, including seeing the customer's documentation before a permit is issued.

Rep. Perkins asked how the new system will impact a young person going through driver's education, will they now have to go to the BMV and show legal status documentation before receiving a permit?

Director Ireland stated that they believe the new system will function without imposing an extra visit on the customer on the back end of the process as it is now. Director Ireland stated that individuals will be asked to provide legal status documentation on the front end of the process, which would be the same for a REAL ID.

Rep. Lee stated the concern regarding interpreters was a real problem, and his reading of the investigations is that the retests were discrete actions in which interpreters were involved where they may not have been involved in the initial test, and those three interpreters in the investigation seem to have 100% pass rate.

Deputy Secretary Curtis stated that it was not completely clear to her, and wished there was more data in the investigations.

Rep. Lee stated that Rep. Mastraccio did a good job of explaining how the conclusions of the investigations were not acted on but wonders if part of potential new legislation could provide the BMV with more authority to isolate issues such as these in the future.

Deputy Secretary Curtis stated they are looking at how the BMV could have authority to deal with cheating, adding that they are looking at what other states are doing.

Rep. Lee asked if they are seeking a way to be able to take action against cheating.

Director Ireland stated that they are seeking ways to have the authority to deal with cheating, and that conversation might include a delegation of administrative authority to the Secretary of State so that they do not have to continue to pursue criminal processes which bogs down the court system as well as law enforcement. Director Ireland stated that allowing someone under the Secretary of State to look into and be able to take action against an offending applicant or interpreter with some form of penalty.

Rep. Lee stated he believes that is the right approach to take.

Sen. Hickman asked if legislation to give such authority would be something the department would present, or would the authority and remedies outlined come from a legislator.

Deputy Secretary Curtis stated that she believes the Secretary of State will have a conversation with the chairs of the Transportation Committee regarding developing a plan to go forward.

Sen. Duson stated that she would have concerns if the system ended up where an individual who speaks another language may not bring their own interpreter, adding that she would be fine if the department interpreter needed to be present at the same time if there was a hint of concern but that she does not want an automatic bar on an individual being able to bring their own interpreter, particularly where there is no concern of cheating. Sen. Duson asked about a situation where an individual speaks a language that the BMV does not have an interpreter available, could that individual bring their own interpreter.

Deputy Secretary Curtis stated that as of February 1st, the BMV is providing all interpreters.

Sen. Duson asked if that meant that an individual is barred from bringing their own interpreter.

Deputy Secretary Curtis stated there are always unique circumstances that could be evaluated on a case-by-case basis.

Sen. Duson stated she understands making interpreters available, but would an individual be allowed to also bring their own interpreter as well as have the provided interpreter and asked for the BMV to proceed with caution around this issue.

Deputy Secretary Curtis stated that as they gather customer feedback with this new system, she believes that the type of concerns Sen. Duson is discussing would come out in that feedback.

Rep. Lemelin stated that he is glad the BMV has changed their policy to stop using outside interpreters and also respects Sen. Duson's concerns, however, he believes that if the provided interpreter speaks in that language fluently it should not be a problem. Rep. Lemelin stated he still has two concerns, that the hired interpreters are none who have been accused of a possible impropriety, and that if an examiner comes forward with a concern or complaint that it be looked into.

Sen. Timberlake stated he is concerned that the investigation report from 2019, showing 100% test pass rates, did not result in any action, and asked how this would be addressed going forward.

Deputy Secretary Curtis stated she had conversations with the examiners at that time, trying to get specific information however she did not receive any specific details other than the examiners suspected cheating and she could not act without specific details and information.

Sen. Timberlake asked what is being done now to make sure this situation doesn't happen again.

Deputy Secretary Curtis stated that there will not be a relationship between the interpreter and the individual taking the test as there was in the past, and the individual will not know who the interpreter will be before they go into the room to take the test.

Sen. Hickman stated that the timing of the investigative reports may have had something to do with the lack of action taken by the recommendations made, and also stated that the agency has now taken steps to address this concern.

With no further questions from the Committee, Sen. Hickman thanked Deputy Secretary Curtis and Director Ireland for their time today.

Motion and Committee Vote

Sen. Hickman asked for the will of the Committee, including whether there is a motion how, if at all, to proceed with the matter further.

Following Committee discussion the following motion was made.

Rep. Perkins made a motion to send a letter to the Committee on Transportation based on the discussion during the meeting, and to ask the BMV to report back in six months the pass rate for citizens and non-citizens.

The motion was seconded by Rep. Stover.

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

Sen. Hickman put the Committee at ease at approximately 12:37pm.

Further Consideration of Request of Senators Timberlake, Farrin, and Guerin for OPEGA Review of Aspects of Maine State Contracting, and Matters Relating to MaineCare Program Integrity

Sen. Hickman called the meeting back to order at approximately 12:50pm.

Sen. Hickman turned to the next agenda item, the request of Senators Timberlake, Farrin and Guerin with a number of items in that letter that the Committee is considering in turn, one of which was concerning 16 non-competitive contract awards flagged in the most recent Single Audit, and another on some questions about the effectiveness of program integrity in relation to detecting potential fraud and other forms of possible non-compliance with state or federal requirements for MaineCare funding.

Sen. Hickman invited Commissioner Clark, of the Department of Administrative and Financial Services (DAFS) to make a statement to the Committee.

Commissioner Clark read a written statement into the record, which was provided following the meeting to the Committee. That statement may be found here: [DAFS Commissioner Statement to GOC Regarding State Auditors 2024 Findings](#)

Commissioner Clark added that in the request letter from Senators Timberlake, Farrin and Guerin to the Committee there was something about a letter from Sen. Harrington to the Chief Executive which went unanswered, noting that the response to that letter was in process at the time the request letter was received by this Committee and was sent to Sen. Harrington on February 9, 2026. A copy of those letters was provided to the Committee after the meeting and may be found here:

[Letter from Sen. Harrington to Governor Mills](#)
[Response Letter to Sen. Harrington](#)

Sen. Hickman asked the Committee if they had any questions for Commissioner Clark.

Sen. Timberlake stated the request letter he submitted with Sen. Farrin and Sen. Guerin was a result in part to State Auditor Matt Dunlap's testimony before this Committee on the 2024 Single Audit Report and asked Commissioner Clark if the State Auditor's Single Audit Report is not correct.

Sen. Timberlake stated he has a lot of concerns, and that the Committee needs the written testimony to review and analyze it as there was a lot of information.

Rep. Lee stated that from what Commissioner Clark stated, there seems to be a broad gulf between DAFS' understanding of the materials and the State Auditor's understanding of the materials, and asked how common that gap in understanding is, and why did the State Auditor not make changes to the Single Audit Report based on DAFS' response.

Commissioner Clark stated that DAFS' responses were submitted in cooperation with the Office of State Controller which endorsed the responses. Commissioner Clark stated that she does not have enough history with audits to know if it is common practice for an office's response to not be responded to, adding that they did not receive a response from the State Auditor.

Rep. Stover asked Commissioner Clark if in her opinion, is it common that there can be no findings of waste, fraud, or abuse in an audit, but still have errors found during the audit that are then explained, whether the audit is a state or federal audit.

Commissioner Clark stated that it is very common to find errors during an audit, adding that when an error is found they admit the error and correct things.

Sen. Hickman reminded the Committee that at the last meeting the Committee voted to task OPEGA with a review of the 16 non-competitive contracts discussed today, and whether the Committee wishes to modify or update that considering this discussion with Commissioner Clark.

Rep. Lee asked about the two contracts Commissioner Clark stated that had been corrected after the Single Audit, and if there were recommendations that came with those audit findings.

Commissioner Clark stated that on the IT contract, there was a recommendation to, in the future, obtain preapproval for IT contracts. Commissioner Clark stated this recommendation became a correction that OSPS made as well as provided training for staff so this would not be repeated. Commissioner Clark stated on the other contract, someone mistakenly let an invoice be paid prior to approval of the contract, adding that corrective action was taken and leadership reviewed procedures with staff to ensure compliance in the future.

Sen. Timberlake asked Sen. Hickman what the Committee was tasked with today on this matter.

Sen. Hickman stated that the Committee has tasked OPEGA to do a review of the 16 non-competitive contracts, and that he does not believe he heard anything today to change that.

After further committee discussion, and no further questions for Commissioner Clark, Sen. Hickman thanked Commissioner Clark for coming before the Committee, and to provide in writing what she read into the record today.

Sen. Hickman next welcomed Commissioner Sara Gagné-Holmes of the Department of Health and Human Services (DHHS) to discuss with the Committee the Department's efforts to ensure program integrity in MaineCare.

Commissioner Gagné-Holmes began with an opening statement, which may be found here: [DHHS Commissioner Statement to GOC Regarding Fraud February 13, 2026](#)

Commissioner Gagné-Holmes then introduced Acting Deputy Commissioner of Finance, Todd Haber, to provide a brief overview of the Division of Audit to begin the "Presentation: Ensuring Accountability in DHHS Programs Overview of Audit, Fraud & Program Integrity." The presentation slides may be found here: [DHHS Fraud Presentation Slides](#)

Mr. Haber then introduced Tom Roth, Director of the Fraud Investigation and Recovery Unit (FIRU) within the Office for Family Independence to continue with the presentation.

Rep. Mastraccio asked if there was data about how much was stolen in the cloning of EBT cards from SNAP recipients.

Director Roth stated the first incident was a little over \$30,000 and the second incident was just under \$9,000.

Rep. Lee asked what Director Roth meant by internal sources as mentioned on page 18 of the presentation.

Director Roth stated that internal sources are those which are looking at the reviews and applications of people applying for benefits. Director Roth added that the biggest things they look at on the applications are accuracy of income, who is living in the home, what the applicant does for work. Director Roth stated that when something raises suspicion, the eligibility person would be an internal reporter. Director Roth stated that the training provided helps eligibility workers to look for potential fraud.

Director Roth then introduced Bill Logan, Associate Director of Compliance in the office of MaineCare services, who oversees the Program Integrity Unit, to continue the presentation.

Sen. Hickman asked Associate Director Logan what "upcoding" is, as reviewed on page 30 of the presentation.

Associate Director Logan stated an example of "upcoding" would be using a 30-minute code for billing when the time was a 15-minute code, adding "upcoding" is any type of utilizing of a code that will provide a higher reimbursement when a lower code should have been billed.

Rep. Lee asked if the process for determining a 100%, 25%, or 20% recoupment on a claim is based on benefits manuals or discussion of medical necessity or is the % recoupment of a claim more of a clerical error question.

Associate Director Logan stated that a 100% recoupment on a claim is due to the claim not being medically necessary or performed by unqualified staff, for example. Associate Director Logan stated that if a claim is for a service that has to be signed off on by a doctor, and there is a progress note that does not have a doctor's signature, that recoupment would be in the 0% to 20% range. Associate Director Logan stated the rules are structured so that recoupment of a claim can have an informal review requested by a provider including a request that recoupment be lower based on additional information provided.

Rep. Mastraccio asked for clarification on the term "provider" as a lot of people might think that is only a doctor.

Associate Director Logan stated that when he says provider he means what they call "the pay to provider" which is the provider that receives the payment. Associate Director Logan stated a provider can mean an individual but could also be a physician office that has 17 doctors who are also providers who are enrolled individually, a mental health agency, a dental agency, or a hospital.

Rep. Lee asked if, in the context of a mental health agency, a provider could be one institution but with several independent contractors.

Associate Director Logan stated that with any type of provider agency, there is the entity and then they may have their employees underneath that entity that may or may not be required to be enrolled. Associate Director Logan stated it is ultimately the responsibility of the provider who is submitting the claim to ensure that all their people are doing the right thing.

Sen. Hickman asked Associate Director Logan, regarding page 33 of the presentation, where it discusses law enforcement requesting that no suspension in payments be imposed during its investigation, how often that happens generally.

Associate Director Logan stated that in almost every case referred to the Healthcare Crimes Unit that is accepted, law enforcement will ask that suspension of payments to that provider be delayed because they are just beginning their investigation.

Rep. Mastraccio asked what would happen if a MaineCare provider has an allegation of fraud, and that provider withdraws from the MaineCare program, or closes the business before funds were recouped, will that money ever be recouped, or does that get referred to the Attorney General's office?

Associate Director Logan stated that once a fraud case is sent to the Attorney General's office, that office will continue their process on that case. Associate Director Logan stated that if a provider has been issued a notice of violation that states the provider owes \$100,000 in recoupment, and then that provider shuts down the business, there are a few ways to go after that recoupment. Associate Director Logan stated that he could go after the entity, but not individuals within the entity according to statute. Associate Director Logan stated if that entity goes out of business, and the debt has been established, there are processes on the collection side to see if there are any available assets. Associate Director Logan stated if there are no available assets then there is nothing to recoup against.

Sen. Timberlake asked if a provider is an LLC, the state could only go after the LLC's assets for recoupment, and not after the provider's personal assets.

Associate Director Logan stated that Sen. Timberlake was correct.

Rep. Stover stated that a provider can have assets including equipment, a building, a vehicle, or supplies and the state would have the right to take those assets as part of recoupment.

Associate Director Logan stated there are asset recovery processes that include a checklist of things to go through, noting at times the assets do not make sense for recoupment, and other times it is possible.

Associate Director Logan stated that they also have the ability to place liens on property.

Commissioner Gagné-Holmes stated there is a division within the Commissioner's office, outside of the Program Integrity's work, that does look at recoupment separate from MaineCare, and if it is known that an agency is going to file bankruptcy or is dissolving, liens are put on assets so that the state can recoup.

Rep. Mastraccio asked if some providers who do owe some recoupment can remain MaineCare providers.

Associate Director Logan stated that yes, some providers who do owe some recoupment can remain MaineCare providers.

Rep. Mastraccio asked if some overpayments to providers can be due to the provider not understanding how to bill properly and making mistakes.

Associate Director Logan stated that if Program Integrity has not issued a request to terminate an enrollment along with the overpayment, that provider can remain in the MaineCare program.

Sen. Hickman asked what a "significant amount of time" for an investigation would be.

Associate Director Logan stated that Sen. Hickman's question is difficult to define, adding that review typically has a goal of being done within 6 months or less, however if a provider appeals the decision that process can take much longer depending on how far the appeal process goes.

Sen. Hickman asked, regarding when law enforcement asks for payment to that provider not be suspended due to their investigation, how much time might that process take.

Associate Director Logan stated that with Sen. Hickman's question, there are cases that have been ongoing for over a year.

Rep. Mastraccio stated that it seems some of the providers have more than one site in other states, and while the Program Integrity Unit (PIU) only looks at Maine, at what point is the federal government involved, and it becomes a multi-state investigation.

Associate Director Logan stated that he does not have the ability to look at what other states are doing.

Rep. Mastraccio asked about pharma, stating that a lot of overbillings that she has seen seem to be for pharmaceuticals, and those providers are billing Medicaid in other states and does that ever get put together on a federal level investigation.

Associate Director Logan stated that pharmaceuticals are interesting, and he has seen cases involving whether a pharmaceutical manufacturer is being reimbursed at proper rates for Medicare and Medicaid, stating the reimbursement is a very complex system. Associate Director Logan stated these reimbursements for pharmaceuticals are supposed to be the lowest of what their usual and customary rate is, and there are big debates whether the reimbursement rates are too high. Associate Director Logan stated this is generally something his office does not look into.

Associate Director Logan stated that there are instances where providers are operating in multiple states, which may be neighboring states, adding that there have been task forces that his office work with federal partners on for specific issues. Associate Director Logan also stated that his team engages frequently with CMS (federal) and other states to discuss fraud, waste and abuse that they are seeing, and that they have technical advisory calls on a monthly basis as well as “small states” calls. Associate Director Logan added that every state operates the program differently.

Sen. Hickman asked more about law enforcement asking the state to not stop payments due to an investigation, including if it is determined there was wrongdoing at the end of the investigation, are the payments that were continued to be made at the request of law enforcement recouped.

Associate Director Logan stated the only way to recoup those funds are to review those payments and issue another notice of violation in order to establish that debt, unless it was established in the course of the criminal proceedings as restitution.

Rep. Perkins asked Associate Director Logan how many cases, on average, are referred to the Attorney General’s Office yearly by the PIU.

Associate Director Logan stated that the average number of cases referred to the Attorney General’s Office yearly is four to five cases.

Rep. Perkins asked Associate Director Logan if he knew what percentage of total cases that the Attorney General’s Office works on that are referred by PIU.

Associate Director Logan stated he did not have that data.

Rep. Perkins referred to the U.S. DHHS Office of Inspector General’s (OIG) Report released in 2015, which may be found here: [OIG Report 2015](#)

Rep. Perkins stated that in the 2015 OIG Report, it mentioned that there was a high turnover rate in the PIU, and that only 2% of the caseload was coming from PIU. Rep. Perkins asked Associate Director Logan if there was currently a high turnover rate in the PIU.

Associate Director Logan stated that he does not believe there is currently a high turnover rate, noting there are a couple of vacancies now stating most of those currently in PIU have been there for at least three or four years. Associate Director Logan added there is one job posting that is about to close and another new employee is scheduled to start within the next few weeks.

Rep. Lemelin asked if there was anyone within the state that is investigating the complaints of Gateway Community Services, and the OIG report released in January of this year which stated there were at least \$45.6 million in improper Medicaid payments.

The OIG report released in January may be found here: [OIG Report 2026](#)

Associate Director Logan stated that PIU has a case right now regarding Gateway Community Services which is pending an administrative hearing. Associate Director Logan added that the Attorney General who represents the office of Medicare Services are representing the state in this appeal, which he anticipates being scheduled for Spring of 2026. Associate Director Logan stated that there was a review on Gateway Community Services, done around 2017 and 2018. Associate Director Logan added that PIU has just issued Gateway Community Services another Notice of Violation in December of 2025. Associate Director Logan noted that Gateway Community Services has paid back the recoupment on the first audit, the second audit is in the appeal process, and the third audit resulted in the Notice of Violation in December of 2025, and currently there is a payment suspension on Gateway Community Services.

Rep. Lemelin asked the total dollar amount of the third audit's finding on Gateway Community Services.

Associate Director Logan stated the third audit's finding is just over \$1 million.

Associate Director Logan stated that the OIG Report released in January 2026 is an audit that the OIG conducted with statistical sampling and included what their office determined to be improper payments and potentially improper payments. Associate Director Logan stated that his team is currently reviewing the findings of this report and addressing those findings. Associate Director Logan stated that the findings in the OIG report were not fraud, but categories of improper documentation.

Rep. Lemelin stated his concern was how the \$1 million of improper payments to Gateway Community Services and the \$45.6 million in the OIG report, if it is all accurate, happen.

Associate Director Logan stated that it is not known what a provider's records look like until they are reviewed.

Rep. Lemelin asked how, in previous audits done by the department, the findings of the OIG report were missed.

Associate Director Logan stated that audits of the providers in the OIG report have been done, adding that he has identified some things that he believes do align with the OIG report.

Rep. Lee asked Associate Director Logan, regarding the OIG report of the \$45.6 million in improper payments, if it was just paperwork errors and that no fraud was involved.

Associate Director Logan stated that is what the findings of the report were.

Rep. Lee stated that procedurally, the federal government has said that it's \$45.6 million and asked if after their review of the records that they have not reviewed medical necessity.

Associate Director Logan stated the OIG reviewed medical records from the providers from samples chosen, adding that an enrollee-month basis is the process used to choose those samples.

Rep. Lee asked if the \$45.6 million in improper payments entitles the federal government to a 100% recoupment, then the state would also be entitled to 100% recoupment.

Associate Director Logan stated that his office is in the process of validating the recoupment rates, stating that in some cases the OIG report indicated a 100% recoupment and in other cases a 20% recoupment, noting that the OIG audit was a statistical sampling.

Rep. Lee asked if the federal government extrapolated from the statistical sampling, and they believe there are more violations than were found in the audit.

Associate Director Logan stated that Rep. Lee was correct.

Rep. Lee asked if once the PIU goes through the audit, if they will seek all the recoupments that they can justify.

Associate Director Logan stated that yes, his office will seek recoupments.

Rep. Lee asked if the PIU will, from those recoupments, return the federal portion of those recoupment funds to the federal government and retain the state portion.

Associate Director Logan stated that Rep. Lee was correct.

Sen. Timberlake asked that of the \$45.6 million in improper Medicaid payments, is the federal government asking for \$28.7 million back.

Associate Director Logan stated he has not seen a request for \$28.7 million from the federal government, adding that the OIG recommended that amount be refunded to the federal government.

Sen. Timberlake stated that the OIG report showed that 100% of all sampled enrollee-months contained problems.

Associate Director Logan stated that PIU is in the process of verifying the findings and whether or not they agree with the findings, noting that they did find a fairly high rate of errors. Associate Director Logan added that the report did not provide specifics and worked off an entire month of records, so that it is not known whether there was one instance in the month where the OIG found a document with a problem.

Sen. Timberlake stated that, having served on the Appropriations and Financial Affairs Committee for four years, he is concerned about the state potentially having to pay back \$28.7 million dollars to the federal government. Sen. Timberlake stated that though Rep. Lee said the OIG Report was not showing fraud, if it is not fraud, it is very bad business practice and asked Associate Director Logan if he would agree with that statement.

Associate Director Logan stated he would generally agree that if the provider's documentation does not meet the requirements, then yes, the provider has some bad record keeping issue that needs to be addressed.

Sen. Timberlake stated what he learned today is that Gateway Community Services, which owes the state \$1 million dollars, could close business and the state could end up not getting money back. Sen. Timberlake asked if Gateway Community Services is still billing the state for services, even though there is a stop payment from the state.

Associate Director Logan stated he does not know if Gateway Community Services is still submitting claims, stating it is possible they are still submitting claims, but if they do submit claims, they will not be paid because of the payment suspension.

Sen. Timberlake asked if anyone could answer the question of whether Gateway Community Services is still submitting claims.

Commissioner Gagné-Holmes stated that she does not know the answer to Sen. Timberlake's question, adding there are people in her department who do, and she will provide that information to the Committee. Commissioner Gagné-Holmes stated it is important to note that the state is no longer paying Gateway for any services, and if Gateway is still submitting claims those claims will be pended and not paid until the case is finished.

Sen. Timberlake asked for the total amount of money owed to the state by Gateway at this time.

Commissioner Gagné-Holmes stated she will report the amount owed by Gateway back to the Committee.

Rep. Perkins stated that, regarding the OIG report, he does not believe that the findings are just paperwork errors. Rep. Perkins noted that beginning on page 25 of the report is shown every sample and every category checked of each sample, noting that there is not one sample where just one issue is found. Rep. Perkins noted that for every sample detailed it shows multiple errors on each sample checked. Rep. Perkins agrees that some paperwork errors were found, however he stated that copying and pasting session notes from one encounter to another is not just a paperwork error, it is fraud. Rep. Perkins stated that consistently overbilling time periods for encounters is fraud. Rep. Perkins stated that consistently billing for services not qualified for is fraud. Rep. Perkins stated that providers defrauding the state, taking people's tax dollars is theft. Rep. Perkins noted that the state did send a concurrence letter which is included in the report.

Rep. Perkins asked, in PIU, if there are two types of reviews, a post payment review, and a scheduled review, and if there are other types of reviews.

Associate Director Logan stated that a periodic review would be a post payment review of provider documentation. Associate Director Logan stated that an annual review is when PIU creates an annual plan of what they will review in addition to what is received by complaints.

Rep. Perkins asked how often the Department conducts reviews for the purposes of education, to reduce paperwork errors by providers.

Commissioner Gagné-Holmes stated that scheduled reviews are audits chosen by PIU to review and that plan is made annually to determine which program to review. Commissioner Gagné-Holmes noted that there are over 4,000 providers and annual reviews are a sampling of providers.

Rep. Perkins stated that the OIG report noted a 100% failure rate on the samples reviewed, and multiple errors on each sample. Rep. Perkins asked if PIU had ever reviewed these providers and how the analytics relevant to this report were missed. Rep. Perkins stated that if PIU is understaffed or overworked, he could understand this being missed, however he does not understand being told that the findings of the report are just paperwork errors.

Commissioner Gagné-Holmes stated that the Department is not saying that the OIG report is not important or does not deserve to be looked at carefully. Commissioner Gagné-Holmes also stated that the findings show samples that are not in compliance with MaineCare rules. Commissioner Gagné-Holmes stated that she and those present today are here willingly to share information, however, to question the credibility of civil servants is not appropriate, adding they are not the ones doing any improper billing.

Rep. Perkins stated that he agrees that DHHS is not doing the improper billing, however he is not seeing enough oversight.

Commissioner Gagné-Holmes stated she takes great offense to criticizing her team for not being forthcoming or credible. Commissioner Gagné-Holmes stated they are not saying that the OIG does not cause them concern, adding that they are currently going through a validation process where they will require the providers, they have questions about to provide information, the team will go through that information and if they find there are mistakes they will collect the recoupment and repay the federal government. Commissioner Gagné-Holmes stated that it is important to note that since 2023 they have taken steps to ensure the integrity of the program and the ADA services that are provided. Commissioner Gagné-Holmes stated there is a new licensing rule that was adopted that overlay additional oversight to the licensing office within the Department. Commissioner Gagné-Holmes stated they have taken steps to increase proactive prevention services so the findings of the OIG report will not happen again. Commissioner Gagné-Holmes stated she understands why Rep. Perkins is upset, noting it is a big dollar amount of taxpayer dollars.

Rep. Lee stated that all are concerned about the overpayment and recoupment is the priority. Rep. Lee stated that he has read the OIG report and nowhere in the report is an allegation of fraud. Rep. Lee also stated that the federal government has conducted 3 of these reviews (two in other states) and they found substantial overpayments in all three states, Indiana, Wisconsin and Maine. Rep. Lee asked what the Indiana overpayment is.

Rep. Mastraccio stated that she looked for the information Rep. Lee asked for and stated that Indiana was found to have \$76.7 million in overpayments.

Sen. Timberlake restated that while the OIG report did not use the word fraud, it did state there was a 100% failure rate of those sampled, and whatever it is called someone is not paying attention to what is going on.

Sen. Hickman stated that the purpose for today's meeting was to review the processes by which DHHS examines, investigates, and determines compliance for or with respect to Medicaid services. Sen. Hickman

stated the Committee, based on information received today, was to determine what next steps for the Committee will be.

Sen. Duson stated she wanted to understand the process of what happens now that the OIG report is released and what information they used.

Associate Director Logan stated that the federal government requested claims information from the state, then according to the report, they did a random sampling of providers, about 31 providers, of whom they were going to look at the records.

Commissioner Gagné-Holmes stated DHHS provided claims, and that OIG reached out to providers for documentation on claims submitted.

Sen. Duson stated she wanted to understand how OPEGA, if requested by the Committee, would be part of the steps that go forward now that the OIG report is released, and asked if a response to the OIG report was being prepared.

Associate Director Logan stated that there is a requirement that the Department submit a corrective action plan for the four recommendations in the OIG report and that corrective action plan is due March 5, 2026. Associate Director Logan stated that part of that corrective action plan is reviewing medical records that the OIG reviewed to see whether the Department concurs, partially concurs, or disagree with that finding and expects that review to be done in the next month or two. Associate Director Logan stated that the OIG provided the medical records that they reviewed.

Sen. Duson stated that once PIU completes that review, will there be a public document issued with their findings.

Associate Director Logan stated that PIU will issue two things on each medical record reviewed, either a no significant findings letter which states that the documentation meets requirements, or findings that were found that do not meet requirements.

Sen. Duson asked if the Committee would have a chance to compare the OIG findings with PIU findings, and if OPEGA is instructed to look into any step of the process, that there is a paper trail for OPEGA to be able to double check.

Associate Director Logan stated that yes, there will be documentation of notice of violations to the provider if PIU agrees with, or partially agrees with, the OIG report.

Sen. Duson stated she wanted to affirm the process that the Department is in, and the process the Committee may ask OPEGA to be involved in, will answer the questions of noncompliance, or paperwork errors, noting that she shares concerns with the members of the Committee, and that the details of the audit process will provide those answers.

Rep. Lemelin asked if DHHS has recouped the SNAP (Supplemental Nutrition Assistance Program) payments that were made to individuals who were deceased, which were noted in the 2024 Single Audit Report.

Commissioner Gagné-Holmes stated that DHHS does check death records, and, because of the 2024 Single Audit Report, they have changed how often death records are checked to make sure that improper benefit payments are not being made.

Sen. Timberlake asked if DHHS believes there is fraud happening and that the state could use more auditors to find it.

Associate Director Logan stated referrals are made to the Attorney General's office on an annual basis, stating that he believes there is probably fraud in every government program, adding that if he had more staff, he could conduct more reviews, and look at more providers, and more promptly respond to complaints.

Sen. Timberlake asked if there was something the Legislature could do to help DHHS in this area of concern.

Commissioner Gagné-Holmes asked for time to consider Sen. Timberlake's question, adding that she believes there are probably opportunities for the Legislature to help.

Sen. Hickman stated that he will put Sen. Timberlake's question on hold, due to the Committee potentially asking OPEGA to review this matter, and OPEGA's own reporting may make suggestions that may be necessary to improve outcomes.

Rep. Lee asked, regarding the 2026 OIG report, if the OIG allows for provider feedback on findings.

Associate Director Logan stated that the OIG does not transmit specific findings to providers and therefore does not ask for provider feedback.

With no further questions from the Committee, Sen. Hickman thanked Commissioner Gagné-Holmes, Acting Deputy Commissioner Todd Haber, Director Tom Roth, and Associate Director Bill Logan for being here today.

Sen. Hickman asked for the will of the Committee on next steps on this matter.

Rep. Mastraccio stated she would like the Committee to take some time to think about today's discussion and discuss this at the next meeting.

Following further discussion Sen. Hickman stated the Committee will take this matter up at the next meeting.

Request of Sen. Timberlake for OPEGA Case File Review of OCFS Involvement, if any, With Two Additional Families Where There Was a Child Fatality

With Permission from Sen. Timberlake, this matter will be addressed at a future Committee meeting.

OPEGA Director's Report

Sen Hickman next asked Director Schleck to present any other matters for the Committee.

Director Schleck stated that at the next Committee meeting, he will present the OPEGA Report: *Office of Child and Family Services: Timeliness of Child Care Payments*. Director Schleck stated the scope of this review was, as approved by Committee members in April of 2025, the following:

- By what standards and requirements, if any, is the timeliness of DHHS payments for foster children in daycare measured and managed, and
- How has DHHS performed relative to any standards and requirements, or in their absence, and as indicated by sampling and testing methodologies for performance time frames chosen by OPEGA.

Director Schleck stated that this OPEGA review looked across a range of transactions, not focused on any individual.

Director Schleck stated that the OPEGA Tax Team is currently in the process of a 30-Day Limited Analysis Project, *Select Information Related to Maine's Affordable Housing Tax Credit*. Director Schleck stated this project will be delivered to the Tax Committee as well as this Committee simultaneously and then OPEGA will present this project to this Committee at the next desired opportunity.

Director Schleck stated, as the Committee considers adding to OPEGA's non-tax work plan, that he would request clear guidance as to the order of the items on the work plan as soon as possible, in terms of any revised priority.

Director Schleck stated that the next Committee meeting, subject to the approval of the Chairs, is scheduled for February 27, 2026.

Sen. Tipping stated that the Tax Committee, of which he is a member, has been having a conversation about making sure tax credits are designed to be able to have data tracked, without violating confidentiality, and have applied some reporting guidelines for an expansion of a bill with a tax credit. Sen. Tipping stated that the Tax Committee would like a more formal set of reporting requirements that could be added as a clause to tax credit programs going forward.

Director Schleck thanked Sen. Tipping and stated the OPEGA Tax Team will put suggested reporting requirements together. Director Schleck stated that when the Legislature, when creating the tax expenditure review process, provided for two positions in OPEGA to conduct those reviews. Those two positions are dedicated for Tax Expenditure review work and not affected by OPEGA's other assigned work.

Adjourn

With no further discussion, Sen. Hickman adjourned the Government Oversight Committee, without objection, at approximately 3:01pm.



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

January 16, 2026

The Honorable Shenna Bellows
Secretary of State
28 State House Station
Augusta, Maine 04333

Dear Secretary Bellows,

Thank you for the appearance of Deputy Secretary Cathie Curtis and Director Chris Ireland at the Government Oversight Committee meeting on December 17, 2025.

The following are the questions for which they kindly agreed to return to the Committee with additional answers. These representatives are invited to appear before the Committee on February 13, 2026, in Cross Building room 220, at 9:30am.

Thank you.

Very truly yours,

Handwritten signature of Craig V. Hickman in cursive.

Craig V. Hickman
Senate Chair

Handwritten signature of Anne-Mare Mastraccio in cursive.

Anne-Mare Mastraccio
House Chair

Cc: Government Oversight Committee Members
Peter Schleck, Director, Office of Program Evaluation and Government Accountability

Questions GOC Members asked which Secretary of State representatives stated they would bring back the answer to the committee.

1. What is the pass rate for immigrants who bring interpreters?
2. Is there any statistical difference in the evidence of cheating between citizens and non-citizens who are trying to receive a permit or license?
3. How many interpreters, brought in by the applicant seeking a permit, fill out the 81 Form, the form with their credentials, are the interpreters paid by the applicant for their services, and how often do individual interpreters provide their services?
4. What is the difference between fraud and cheating?
5. What is the permit test pass rate for those who take driver's education?
6. Does the Department accept a summons to a court date, even a summons for a removal process, as a valid documentation for legal presence in issuing driving permits in the State of Maine?
7. Have REAL ID's been issued based solely on someone having an EAC?
8. What would constitute "substantial evidence" of cheating on an exam?
9. Does Maine use all the standards that the federal government requires, or only the EAC standard?
10. Are you aware of any evidence of differences in accident rates based on immigration status?
11. If an interpreter is signing the MV81 form, stating that they're an interpreter, with integrity, and if they were cheating, wouldn't that be a form of fraud?
12. Do you have a record of the investigation of interpreter cheating that was completed under the previous Secretary of State that the Committee could see to determine if the Committee believes it was thorough enough for the purposes of this conversation?
13. Do you collect any data on the number of permitted drivers who have an accident while on permitted status?
14. Has anyone in the State of Maine, as an asylum seeker, who only had a petition for asylum and a work permit, would they be allowed to obtain a REAL ID?
15. If an individual has an H-1B visa, and applied for a REAL ID, would that person be authorized for a REAL ID under current processes?



**Department of the Secretary of State
Bureau of Motor Vehicles**

Shenna Bellows
Secretary of State
State

Catherine Curtis
Deputy Secretary of

February 12, 2026

The Honorable Craig Hickman, Senate Chair
The Honorable Anne-Marie Mastraccio, House Chair
Joint Standing Committee on Government Oversight
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, ME 04333

Dear Senator Hickman, Representative Mastraccio, and Members of the Government Oversight Committee,

The mission of the Bureau of Motor Vehicles is to protect public safety on Maine roadways. We are committed to continuous improvement of customers' experience to improve accessibility and reliability; a positive employee experience where our employees are experts, valued and empowered to serve the public; investment in trusted technologies to improve efficiency and security; and ever safer roadways by supporting improvements to driver education, driver behavior and vehicle safety initiatives. Roadway safety is our north star.

We are proud of our ongoing work to safeguard the integrity of our programs and the safety of our roadways. Every roadway fatality is a tragedy, and our hearts go out to everyone who has lost a loved one in a crash.

Pursuant to your request, I am happy to provide the following information to answer your questions about driver education and driver licensing in Maine.

1. What is the pass rate for immigrants who bring interpreters?

Broadly speaking, state-wide pass rates of the written exam for customers with an interpreter are consistent with pass rates of customers who do not use an interpreter. Of the total 13,889 non-Commercial Driver License (CDL) written examinations conducted across the state in 2025 without an interpreter, 72% of applicants passed the exam. For the 2,416 applicants with an interpreter, 70% passed the written exam during the same period.

2. *Is there any statistical difference in the evidence of cheating between citizens and non-citizens who are trying to receive a permit or license?*

This is not an area of current data collection. If an examiner suspects cheating, they are empowered to stop the exam.

3. *How many interpreters, brought in by the applicant seeking a permit, fill out the 81 Form, the form with their credentials, are the interpreters paid by the applicant for their services, and how often do individual interpreters provide their services?*

All interpreters are required to complete an MV-81 form prior to providing translation services during an exam. Driver License Examiners capture those forms which are scanned into our licensing system attached to the applicant's record. We do not capture any information on fee charged or paid by the examinee to the interpreter for their services. In 2025, we supported an average of 264 interpreted exams per month, state-wide. This includes all languages, including American Sign Language requests, as well as accommodations for various learning styles.

4. *What is the difference between fraud and cheating?*

We are unaware of a uniform definition for either "fraud" or "cheating" in Maine law; rather, if those terms are utilized, they depend on statutory context. For example, cheating is not addressed in the motor vehicle laws in 29-A MRSA in the specific context of a driving examination. That being said, we have identified the following examples of how fraud is defined:

29-A MRSA §2103 defines crimes associated with fraud or falsity on documents submitted to the BMV. One provision states that a person commits a Class E crime if they knowingly make a

"...material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State..." 29-A M.R.S.A. §2103(1)(A) (emphasis added).

This limiting language refers to information provided on a license application, not necessarily to conduct in an exam room.

BMV requires exam interpreters to complete an MV-81 form, titled "Oral Test Attestation" as part of each exam they support. On the MV-81, the interpreter certifies that,

"the answers given on this examination were supplied by the applicant, and that no answers were given nor corrections made by me. 'I am aware that false statements on this form are punishable under the provisions of 17-A MRSA §453 as a Class D crime.'"

17-A M.R.S.A. §453 establishes that a person is guilty of a Class D crime of unsworn falsification if they make

“a written false statement which he does not believe to be true, on or pursuant to, a form conspicuously bearing notification authorized by statute or regulation to the effect that false statements made therein are punishable...” 17-A M.R.S.A. §453(1)(A).

5. *What is the permit test pass rate for those who take driver’s education?*

We do not collect information related to written exam pass rates for students who take the written exam via a licensed driver’s education program. In Maine, driver education schools administer the written exam to students on behalf of the BMV. The BMV issues to licensed driver education schools multiple versions of a written exam to allow re-testing should a student not pass on the first attempt. BMV only receives course completion notification, which includes successful completion of the written exam.

6. *Does the Department accept a summons to a court date, even a summons for a removal process, as a valid documentation for legal presence in issuing driving permits in the State of Maine?*

As directed by statutes in Title 29-A, BMV reviews and confirms legal presence before issuing a nondriver identification card (§1410(8), (9)) or driver license (§1301(2-A)). BMV does not review or establish legal presence as part of the Class C driver license permit process, considering a driving permit is not an identity document and does not convey to the holder any privileges other than the right to learn how to drive under adult supervision. Currently, legal presence is reviewed after successful completion of the road test, when the customer comes back into the branch to have their photo taken and have the driver license issued, pursuant to 29-A M.R.S.A. §1301.

In the summer of 2025, we identified a plan to adjust this process to make a legal presence determination earlier in the Class C driver license permit process. The change is important, but substantial, and will require some modification of our digital licensing system. This project is currently slated to be started after we modernize our digital licensing system in June 2026.

7. *Have REAL IDs been issued based solely on someone having an EAD?*

With regard to what documents we accept, we adhere to all federal requirements when issuing a REAL ID. In fact, TSA authorizes state licensing agencies to submit an ‘exceptions policy’ for TSA approval, but in the first 6+ years of our REAL ID program, we have not pursued any

exceptions. Our training products explicitly call for a second document if an employment authorization document (EAD) is provided, and a record of a pending asylum application would count if provided with an EAD in certain circumstances. This is aligned with the federal government's REAL ID requirements.

8. *What would constitute “substantial evidence” of cheating on an exam?*

Our Examiners are empowered to stop an exam if they have reason to suspect that an applicant—with or without an interpreter—may be cheating. We expect our Examiners to handle that situation professionally and to report the matter to their supervisors for follow-up and review. As outlined above, Maine law does not define cheating in the context of driver education. Our department stands ready to work with the Transportation Committee in the 133rd Legislature for proposed changes in the law with regard to applicant cheating.

9. *Does Maine use all the standards that the federal government requires, or only the EAD standard?*

As outlined above, the BMV follows the federal REAL ID law without exception for issuance of REAL ID driver licenses and identification cards. We require a second document if the EAD is presented.

10. *Are you aware of any evidence of differences in accident rates based on immigration status?*

Looking back over 2025, we can see that 62,152 Maine drivers were involved in a crash¹, out of a total population of nearly 1.2 million Maine permit and license holders (data as of 12/31/25). Limited term, non-citizen drivers in the BMV system were involved in 989 crashes in 2025, representing 1.5% of all drivers involved in crashes in 2025.²

11. *If an interpreter is signing the MV-81 form, stating that they're an interpreter, with integrity, and if they were cheating, wouldn't that be a form of fraud?*

Yes. BMV requires all exam interpreters to complete an MV-81 form, titled “Oral Test Attestation” as part of each exam they support. On the MV-81, the interpreter certifies that,

¹ BMV data only reflect driver involvement in a crash; these numbers do *not* reflect responsibility for the crash.

² This data was not filtered to account for drivers with more than one crash during 2025.

“the answers given on this examination were supplied by the applicant, and that no answers were given nor corrections made by me. ‘I am aware that false statements on this form are punishable under the provisions of 17-A MRSA §453 as a Class D crime.’ ”

As noted, above, 17 M.R.S.A. §453, establishes that a person who makes “a written false statement which he does not believe to be true, on or pursuant to, a form conspicuously bearing notification authorized by statute or regulation to the effect that false statements made therein are punishable” is guilty of a Class D crime.

In order for the Bureau to hold accountable an interpreter or examinee under these sections, the guilt of the individual in question must be determined in court.

12. Do you have a record of the investigation of interpreter cheating that was completed under the previous Secretary of State that the Committee could see to determine if the Committee believes it was thorough enough for the purposes of this conversation?

Yes. Please see attached.

13. Do you collect any data on the number of permitted drivers who have an accident while on permitted status?

Yes, all crashes recorded in the Maine Crash Reporting System are digitally transmitted to the BMV License system and applied to the appropriate driver’s record. Please indicate if you would like this data and for what period.

14. Has anyone in the State of Maine, as an asylum seeker, who only had a petition for asylum and a work permit, would they be allowed to obtain a REAL ID?

Yes. Maine follows the federal law established by the REAL ID Act, which permits asylum seekers with a petition for asylum and a work permit (EAD) to hold a REAL ID driver license.

15. If an individual has an H-1B visa, and applied for a REAL ID, would that person be authorized for a REAL ID under current processes?

A standalone H-1B visa by itself is generally not sufficient proof on its own to establish legal presence for a REAL ID. An H-1B visa in conjunction with a foreign passport with the visa and an I-94 that reflects admission and status is acceptable per TSA regulations (§202 of the REAL ID Act).

We are proud of our work to provide oversight to driver education programs and ensure that permits and driver licenses are issued in strict adherence to federal and state law. We retain an immigration attorney to answer queries from our staff on a regular basis and to audit our records to identify and rectify any errors. We implemented a rigorous training program with two staff trainers who work directly with our frontline staff to learn the laws and rules to ensure adherence to the law. Our management team regularly audits and evaluates the work of our frontline staff. Furthermore, we are dedicated to the principle of continuous improvement.

Effective February 1, 2026, the BMV provides free professional interpreter services to applicants for written exams. The applicant no longer brings their own interpreters. Applicants identify what specific language services they need when taking the written basic knowledge test to earn their Class C driving permit on the newly modified exam application form, and an interpreter will be provided at no cost to the applicant. The BMV digital testing system provides the basic knowledge test in 8 languages: Arabic, Canadian French, English, French, Portuguese, Somali, Spanish and Swahili. If the applicant speaks a language provided in our testing system, they will be scheduled to take the test with the digital system at one of our 13 branches across the state. If the applicant speaks a language our system does not provide, the BMV will provide a free interpreter for the written test. Scheduling for an applicant that requires an interpreter may take 4 weeks or more, depending on interpreter availability.

Additionally, should the Legislature desire to designate authority to the BMV to hold applicants accountable for cheating, we stand ready to work with the Transportation Committee in the 133rd Legislature to do that.

We are confident that should your committee choose to open an investigation into BMV's processes, OPEGA staff will find that our staff are diligently following Maine law, rule and federal law regarding the issuance of driving credentials, while also actively auditing ourselves for these processes. We remain at your service to ensure that you have the information you need to fulfill your mission of oversight.

Sincerely,



Catherine Curtis
Deputy Secretary of State
Bureau of Motor Vehicles



BUREAU OF MOTOR VEHICLES
DIVISION OF ENFORCEMENT, ANTI-THEFT, AND REGULATIONS
INVESTIGATIVE REPORT

CASE
NAME [REDACTED]

CASE
NUMBER 2018-02691

INVESTIGATOR Bruce Hurley

DATE 01/03/2019

APPROVED
BY

.....

Driver License Exams Section personnel suspects that an interpreter assisting driver license written exam applicants may be cheating the exam, by providing the applicant the correct answer to the question during the exam. The suspicion is based on a 100% pass rate for one particular interpreter.

Details:

Driver license Exams Section Chief Examiner [REDACTED] forwarded a complaint from Driver License Examiner [REDACTED] against [REDACTED] St. Auburn, Maine. In his complaint, [REDACTED] states that [REDACTED] is an interpreter providing interpreting services to individuals having trouble with the languages offered on the written driver license exam software program. He believes that [REDACTED] is possibly assisting the applicant in cheating the exam by covertly providing the correct answer to the question on the test during the actual exam. [REDACTED] also states that it appears to him that the applicants for which [REDACTED] provides assistance, have high exam pass rates, that are much higher than other interpreters that assist applicants as well. Based on this unusually high pass rate, [REDACTED] believes [REDACTED] must be cheating on the exam.

I contacted Chief Examiner [REDACTED] and requested information on the following:

1. Number of exams and dates that [REDACTED] was the interpreter,
2. Name of the applicants,
3. Of those applicants listed, how many passed the exam?
4. How many failed the exam?
5. Provide the exam for each applicant to compare questions and answers,
6. How often and when does [REDACTED] arrive at the branch to provide interpretation?
7. Has anyone (Examiners) heard or observed [REDACTED] give answers to the exam? if so, who?
8. Did the examiner report this to management?

According to Chief Examiner [REDACTED], there is no pre-determined time, date or schedule, as to when [REDACTED] provides interpretation services to applicants at any branch. His presence on exam day is apparently random. Motor Vehicle Exams Section procedures do not require the applicant to advise the Exams Section in advance that an interpreter will be used during the written exam and/or who that person will be on the day of the test. [REDACTED] also states it would be difficult to obtain through the database which exam (s) [REDACTED] may have interpreted for in the past, without examining each document. Apparently, interpreter information is noted on the applicant's documentation but is not captured on the Motor Vehicle Exams area of the database.

I interviewed Examiner [REDACTED] and asked him if he observed anything out of the ordinary during an actual exam that [REDACTED] assisted with that would cause him to believe they were cheating the test. I suggested examples such as pointing to the correct answer, nudging the applicant at a certain time, etc. and he said nothing stood out. Examiner [REDACTED] is adamant that [REDACTED] is cheating on the tests based mostly on his 100% pass rate during initial exams as well as re-test exams. [REDACTED] advised me that he spoke to [REDACTED] on a couple of different occasions regarding his interpreting services. According to [REDACTED], [REDACTED] told him he collects a fee for his services and the amount of money collected varies depending on the customer's ability to pay. According to [REDACTED], [REDACTED] advised him he does it for business and to help people in his community that struggle with english. [REDACTED] stated that on at least one occasion he advised [REDACTED] he suspected he was cheating on exams and told him he was contacting upper-level management requesting an investigation. [REDACTED] apparently told [REDACTED] if he did so and he lost his ability to interpret exams for applicants, would take away a large income source and hurt him financially.

No other Driver License Examiners have come forward or submitted statements alleging cheating on written exams involving [REDACTED].

On 01/22/2019 I requested a list from Information Services for all "Oral" exams in the Portland Branch from January 2018 through December 2018. ("Oral Exam" can be through the computer or an actual interpreter). That list produced 1,003 oral exams that were requested during that timeframe in 2018. Of those exams given, Examiner [REDACTED] administered 105.

Motor Vehicle Information Services Section provided the requested information and that report was further broken down by The Division of Enforcement, Anti Theft and Regulations personnel listing applicant names, dates, initial test dates, re-test dates, pass/fail notes and interpreters names. The report indicates that seven interpreter names appear more than once on the list. Three interpreters on the list have a 100% pass rate on initial exams and re-test exams. The re-test exam list indicates the applicant came in for an "Oral Exam", using the computer language software program, failed the exam, then requested another "Oral Exam" for the re-test, used an interpreter and passed the re-test.

<u>Name</u>	<u>OLN#</u>	<u>Total Tests</u>	<u>Initial</u>	<u>Re-test</u>	<u>Fail</u>	<u>Pass rate</u>
[REDACTED]	7682356	25	14	11	0	100%
[REDACTED]	4266351	25	22	3	0	100%
[REDACTED]	5282357	15	8	7	0	100%

The pass rates for the other four interpreters on the list range from 87.07% to 28.57%.

Conclusion:

- Given the number of oral tests given, while being assisted by the aforementioned top three interpreters, and all having a 100% pass rate, it is possible that they are assisting the applicant taking the exam by one or more of the following methods:
 1. Giving the applicant the correct answer by signaling in some way during the exam;
 2. The interpreter and the applicant speaking in their native language and collaborate with each other to select the correct answer;
 3. The interpreter has assisted enough applicants during exams and is familiar enough with what questions that will be asked and/or subject areas of interest, makes it likely they can coach/teach the applicant the answers to the test at home before the exam.
- There is no direct observation of cheating and/or specific instances where actual observations or conversations were overheard during exams between the applicant and the interpreter. With the lack of direct evidence to show cheating definitely happened, it would be difficult to prove beyond any reasonable doubt.

Recommendations:

- The Bureau of Motor Vehicles reviews current policies and/or develop new policies regarding the administration of exams to include the use of interpreters by applicants during written driver license exams.



BUREAU OF MOTOR VEHICLES
DIVISION OF ENFORCEMENT, ANTI-THEFT, AND REGULATIONS
INVESTIGATIVE REPORT

CASE		CASE	
NAME	DLS Admin. Exam Review	NUMBER	2019-02091
		March 20,	APPROVED
DETECTIVE	Robyn Stankevitz	DATE	2020
			BY

On March 9, 2020, I Detective Robyn Stankevitz was assigned the task of conducting an administration review of the driver license examination process within the Bureau of Motor Vehicles in order to determine whether changes should be implemented. I met with fourteen driver license examiners including three supervisors at various locations between the dates of March 9th-13th, 2020. Each interview was conducted individually and in a private setting. I presented each examiner with similar questions and allowed them an opportunity to provide their personal experiences, input and perspectives. The following contains my findings.

I began each interview by asking the examiners their years of experience and employment with the Bureau of Motor Vehicles. One examiner, [REDACTED] has as little as six months whereas others, including but not limited to [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED] range from one year to over twenty years of service. The supervisors included [REDACTED] and [REDACTED]; each with over thirty years of service and [REDACTED] with over twelve years.

Individually, I asked everyone to tell me about the driver license examination process. For example; what their normal procedure is when conducting a written or oral driver license exam, such as the amount of applicants during one block, room configuration, deceptive behavior or “cheating”, number of examiners overseeing the exam and whether they have a full visual of all the applicants. Each provided similar information, some more detailed than others regarding the exam process. My interpretation of their responses is summarized in the following few paragraphs.

Please note; I frequently use the term “*translator*” throughout this report which shares the same meaning as *reader* or *interpreter*.

At each scheduled hour, the applicants are given instructions to form a line in the lobby in order to check in. They are instructed to have their appointment letter and a form of identification available. Also, they are advised to turn their phones off for testing purposes. Often there are applicants that may need assistance with an exam because of a language barrier or a disability. If the applicant requests language interpretation, currently our Electronic Commercial Driver Licensing system (or ECDL) offers five languages for the Class C exam; English, French,

Spanish, Somali and Arabic. If the ECDL doesn't offer their language or they have an (ADA) disability, the applicant may request an *oral exam* with the assistance of a reader, interpreter or translator. Most times, the applicant is already preregistered for an oral exam however not always. It is my understanding that some applicants may not be preregistered but will request an oral exam at the time of their appointment. Apparently, we use-to deny oral exams if we offered their language or if they weren't preregistered however that is no longer practiced. According to the examiners they were recently instructed by management via email that they shall always allow an oral exam even if the language they speak *is available* on the ECDL system and/or they are not preregistered for an oral exam. They do however deny some requests if there isn't enough space in the room; one oral exam is equal to two regular written exams. Depending on the location, the exam rooms are generally allotted enough space for up to ten applicants however it depends how oral exams are scheduled during one block. Some examiners mentioned that since they received the directive to *grant all oral exam requests*, the road exams have become increasingly more dangerous, which is detailed further along in this report. I was provided a copy of the BMV Driver License Examiner Procedures Manual (revised May 2019). I noted the following guidelines because they are specific to interpreter/translator use:

Knowledge Exam Procedure (BMV Branch Office) ECDL Computer Exams -Page 55

"An interpreter may be used only if the EDCL system does not offer the language requested or if the Examiner deems interpreter is necessary to complete exam."

Guide on Interpreter Use -Page 58 *"The purpose of this guide is not to deny interpreter services to those who have the need for it, but to determine when the interpreter is necessary. The ADA has determined that not speaking English in itself is not a disability."*

When an applicant uses a *reader, interpreter or translator*, that person is required to acknowledge and sign our MVE-81 form, certifying they will not supply the answers to the applicant or make corrections during the exam. The MVE-81 form is used to maintain the integrity, explicitly advising the translator if they aid with the exam, they would be in violation of Maine Criminal Statute Title 17-A section 453; Unsworn Falsification, a Class D crime. Each translator must provide identification which is documented on the top of the MVE-81. These forms are kept with the applicant's packet and later documented in Augusta.

According to the examiners, the process of checking everyone in can take up to or greater than 15 minutes. Each test gets started individually therefore some applicants start their exams while other applicants are still getting checked in. I learned that generally, the oral exams are conducted in a separate room referred to as the "quiet room" which separates the oral exams from the other written exam applicants. Majority of the examiners concurred that if there are multiple oral exams at one time, it can be difficult to maintain a full visual on everyone. Examiner [REDACTED] shared with me that he has shut the door to the quiet room while an oral exam was on-going because of another exam applicant was distracted or complained that it was

too loud. Sometimes, if there are more oral exams than written, they'll swap the rooms and place the written applicants in the quiet room. If the examiners are unable to maintain a visual on the applicants or shut the door if it's too loud, the chances of deceptive behavior increase greatly. With that said, I inquired whether there is a policy or a trained procedure if they witness or suspect *cheating* during a written or oral exam. Many of the examiners stated that there isn't a specific policy surrounding cheating however they are trained to maintain a visual on the applicants in order to maintain the integrity of the exam. They advised they can give warnings and/or stop an exam if needed. Such as, if they witness restricted behavior like talking, using a phone or evident cheating. Moreover, each examiner I interviewed, including Supervisors [REDACTED], [REDACTED] and [REDACTED] individually elaborated that they must be sure the applicant is cheating or clearly attempting to cheat, in order to stop an exam.

Throughout this review, I generalized my questioning around both *written* and *oral* examinations. And although I invited responses involving both scenarios, I noted that each of the examiners continually referenced *oral* exams in their responses. More specifically, incidents involving translators. Based on their responses, it was obvious that they each had some level of concern that there are translators possibly giving applicants the answers. With that, I asked each examiner to disclose specific details, such as their personal observations of an incident *or* a suspected deceptive situation; including the people involved, date, time and details of what happened. A few of the examiners shared some situations that I've highlighted below but unfortunately, most of them couldn't recall important details and only remembered bits and pieces. Others spoke generally about their suspicions or had a relatively loose recollection from an incident many years ago. If they experienced an incident that led them to stop an exam, they usually completed a handwritten note on the appointment notice and notated the computer but otherwise, they weren't required to keep a detailed record. In hindsight, they wouldn't be able to provide enough information to pursue a criminal investigation. Portland Examiner [REDACTED] recalled a situation recently involving an unknown female applicant and an unknown male translator. Examiner [REDACTED] stated that the applicant requested the exam in French however she overheard the translator reading it to the applicant in Angola. Examiner [REDACTED] found this to be out of the norm. Shortly thereafter, the translator started pointing at the computer screen. Examiner [REDACTED] told the translator to stop and gave him a verbal warning. As the exam continued, Examiner [REDACTED] believed that the translator was only translating one answer instead of all three. Given Examiner [REDACTED] observations and that she had already issued one verbal warning she ultimately stopped the exam. She told the translator he needed to leave the room. The translator reportedly became angry and failed to finish filling out the MVE-81; specifically, he never signed it. It is my understanding that Examiner [REDACTED] notified her Supervisor, [REDACTED] of the incident via email. I have not seen a copy of the email.

Other deceptive incidents provided involved situations where the applicant and translator communicated too much between each other. Portland Examiner [REDACTED] has reportedly experienced this several times, mentioning that he stopped three exams within one month for this behavior. He added that he always provides upfront instructions prior to the start of the exam that they cannot talk back and forth, and the communication must be limited to the question and the

answer only. As previously stated, a verbal warning may be issued and if the behavior doesn't cease, the examiners can ultimately stop the exam. With that, each examiner stressed that they often don't know whether to stop the exam entirely because of the language barrier. Emphasizing, they *must* be sure in order to accuse someone of cheating.

Examiner [REDACTED] described another common practice among translators is when the translator tells an applicant to skip a question. Examiner [REDACTED] stated that some translators will not read the question *out loud* and tell the applicant to go to the next question. While skipping a question is an option on the ECDL system, it is up to the *applicant* to make that decision, not the translator. If the question isn't read/translated for the applicant, how do they know whether to skip it or not? So, Examiner [REDACTED] concluded that skipping a question is an obvious sign of deceptive behavior however elaborated *only* if the examiner can understand the language and make that determination. Lastly, Examiners [REDACTED], [REDACTED], [REDACTED] and [REDACTED] each expressed their suspicions involving translators using a series of gestures, also known as "cues" or body signals; examples included movements of the head, legs or tapping of the chairs. While cues can be presumed as cheating, articulated and documented as suspicious the consensus I received after speaking with all the examiners was that they're unfortunately impossible to determine.

Portland Examiner [REDACTED] shared concerns surrounding the same handful of translators constantly in and out of the southern Maine branches. He claims they have been providing their services multiple times a day, over the course of many months. He believes they have been abusing their services and power, such as solicitation within communities and/or at the branch offices. Furthermore, that they charge applicants a fee in return for the correct answers. He expressed that his suspicions have led him to start maintaining a record of certain translators pass versus failed exams. He told me that he's been keeping track of these translators for a significant amount of time. He admitted that he has never *actually* caught one of them because certain ones are too experienced. He stated that they have been doing it for a long time and they know the exam Q & A by memory. Examiner [REDACTED] is confident they can't be caught. He ultimately bases his beliefs off their success rate being significantly higher than the average of normal exam results.

As previously mentioned, most of the examiners, more explicitly Examiner [REDACTED] have expressed their belief that cheating on the written and oral exams has ultimately been affecting the safety of the road exams. Furthermore, that the drivers just don't know the material and subsequently take the road test multiple times before they pass. The applicant(s) reportedly fail to follow simple instructions, such as reading road signs and stopping at red lights. Examiner [REDACTED] stressed that he and his fellow examiners are regularly placed in grave danger.

Lastly, I asked each examiner to provide me their thoughts and beliefs on what could help lessen or eliminate the practice of deceptive behavior within the written and oral examination process. The most received answer was requesting the Bureau of Motor Vehicles to hire licensed interpreters and translators. They believe having licensed professionals working under directives

provided by the BMV would reduce the opportunity of cheating. The second greatest suggestion was to have all examinations involving a translator recorded for viewing purposes. They feel that having the written/oral exams recorded from the ECDL system or a surveillance camera in the room would deter cheating. Although the review of the exams wouldn't be completed until after the fact, it may help decrease deceptive behavior and address safety concerns on the road. The overall belief and hope within the unit are that by recording these exams it will allow the Enforcement division the opportunity for an investigation and hopefully prosecution. Ultimately with prosecution, the thought is that we would be setting a precedent. Other recommendations suggested were going back to the way it was before by *only* allowing oral examinations *as needed* or by adding additional languages to the ECDL system. Increasing personnel for observation purposes. And lastly, scheduling the oral exams separate from the regular written exams or limiting the number of oral exams done during an appointment block. Overall, having a more controlled environment during an appointment block with less multi-tasking would ultimately benefit everyone.

All in all, the unanimity I established over the course of this review was that most of the driver license examiners (some more so than others) have concerns with the current written, oral and road exam processes. Concluding a belief that deceptive practices are taking place regularly without detection and it may be caused by the examiners unintended inability to break the behavior using their current tools and guidelines. The examiners strongly feel as though the process should be reevaluated.

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March 19, 2020