



SEN. CRAIG V. HICKMAN, SENATE CHAIR  
REP. JESSICA FAY, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM  
SEN. MIKE TIPPING  
SEN. RICHARD BENNETT  
SEN. JILL C. DUSON  
SEN. JEFFREY TIMBERLAKE  
REP. AMY ARATA  
REP. H. SAWIN MILLETT, JR.  
REP. MARK BLIER  
REP. ANNE MARIE MASTRACCIO  
REP. MARGARET M. O'NEIL

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

**MEETING SUMMARY**  
**January 27, 2022**

**Call to Order**

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:05 a.m.

**ATTENDANCE**

Senators: Sen. Hickman, Sen. Duson, Sen. Tipping  
Absent: Sen. Bennett, Sen. Keim, Sen. Timberlake

Representatives: Rep. Fay, Rep. Mastraccio, Rep. Millett, Rep. O'Neil, Rep. Blier  
Absent: Rep. Arata

Legislative Officers and Staff: Peter Schleck, Director, OPEGA  
Sabrina Carey, Secretary, OPEGA, GOC Clerk

## 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: <https://legislature.maine.gov/Audio/#220>)

- **Meeting Summary**

The January 13, 2022, Meeting Summary was accepted as written.

- **131st GOC Committee Rules -Discussion, Consideration, and Adoption**

Sen. Hickman invited OPEGA Director, Peter Schleck to present the proposed changes to the 131<sup>st</sup> Government Oversight Committee Rules. Director Schleck explained the changes that have been made. The changes included permissions for remote participation of Committee Members, the requirements for a quorum and voting, allowing Members to have beverages, and allowing audience members to specify how they prefer to be addressed. Director Schleck explained the other changes to the rules regarding Committee Member voting. He explained that the new set of GOC rules are meant to conform with and not be otherwise inconsistent with the Joint Rules.

Motion: Move that the 131<sup>st</sup> Government Oversight Committee Rules be adopted as amended.

(Motioned by Rep. Mastraccio, Seconded by Representative Blier, Motion Passed, 11-0)

(Sen. Keim, Sen. Bennett, and Sen. Timberlake voted on the motion in the allowed time frame in accordance with the GOC's rules)

- **Tax Expenditure Review Orientation - General Information**

(Presentation slides can be viewed here: <https://legislature.maine.gov/doc/9696>)

Director Schleck shared an orientation presentation with the Committee Members. He explained that Maine is one of over 30 states that regularly review their Tax Expenditure Programs and Maine has been recognized by multiple organizations as a leader in this regard. He explained that there are three categories of this type of review: full reviews, expedited reviews and no review. Full evaluations are conducted by OPEGA in accordance with statute and the Tax Expenditure Review Schedule set by the GOC. Expedited Reviews are conducted by the Taxation Committee, where they review certain tax provisions to assess the continued relevance or need for adjustment or both to the broader tax policy under review and the individual expenditure grouped in a particular policy area. The expedited reviews are divided into policy clusters across a six-year schedule.

Director Schleck explained that the committee also approves any proposed parameters for OPEGA in terms of what OPEGA is actually going to measure. He stated that currently, OPEGA is working on the Visual Media incentive tax expenditure review, and will be reporting that to the Committee March 24, 2023. He shared that on February 10, 2023, the Committee will be able to discuss which of the next four Tax Expenditure Reviews to start next. He mentioned that the Ship Building Facility Credit is the only one of the next four that has a specific date by which OPEGA is called upon to complete the relevant review.

Rep. Mastraccio stated that she likes to look at the legislation coming in that may be extending a program or something of the sort and look into the program critically and evaluate it before it is extended.

Director Schleck stated that the next review report will be coming to the Committee in March on the Visual Media Incentives, which should be timely the Committee and the Legislature because the Department of Economic and Community Development will also be coming forward to explain how they see the program moving forward in light of the OPEGA Report.

Rep. Mastraccio explained that one of the things that has been done with legislation around Tax Incentive Programs has been to try and put in the measurement which was not included before. She asked how that was working.

Director Schleck answered that there has been progress and work remains, and the report in March will be another indicator.

Rep. Fay asked if Director Schleck could go into more detail about the Tax Expenditure Reviews, like what type of data is being gathered and what the scope might look like.

Director Schleck used the Visual Media Incentives as an example to show they are looking at what type of media production occurs in Maine and evaluate the economic benefits of the Tax Incentive. He explained that the 130<sup>th</sup> Legislature's GOC provided parameters the OPEGA has followed for the review, and will be reporting back to the Committee about. He explained that the Committee would be receiving from OPEGA, reviewing, modifying, and then approving similar parameters for the next set of Tax Expenditure Reviews.

Rep. Mastraccio suggested that it may be helpful for Committee Members to read an old report to read through an example of a Review and to help them better understand the process.

Director Schleck stated that there is a documents page on the OPEGA web page that would be useful for this purpose.

## **Director's Report**

Director Schleck stated that the Department of Health and Human Services has responded within the 15-day window with their comments on the first CPS Case File Review, which concerns Hailey Goding. He shared that the report will be ready for the Committee on February 10, 2023. The Director asked the Committee chairs which agency representative they would like to invite to that meeting for comment.

Rep. Mastraccio suggested that Director Landry (OCFS) should be there, and that if the Commissioner wanted to be there that would be good too.

## **Unfinished Business**

None.

## **Next GOC meeting date and planning**

Director Schleck explained that the next meeting date is planned for February 10, 2023, and will be the day they present the first CPS Case File Review to the Committee. He explained that the Child Welfare Ombudsman, Christine Alberi was also invited to the next meeting for any questions the Committee may have on her 2022 Annual Report. He explained that there would need to be a two week notice period before the Public Hearing could be held on OPEGA's Case File Review report. He shared that from past discussions, the Committee was not planning on meeting exactly two weeks after the Report presentation, but that they could request approval to hold a meeting on a different week, or wait until the next meeting in March to hold the Public Hearing.

Rep. Fay asked for clarification on whether the Committee had always met on the second and fourth Fridays. Director Schleck answered that it was his understanding that the Committee had always done a combination of the alternating Fridays during session, either first and third or second and fourth. He reiterated the Committee would simply need Presiding officer approval to meet on other days.

Rep. Mastraccio stated that if the Report is given on the 10<sup>th</sup> that there would be time to post, give notice, and have a Public Hearing on the 17<sup>th</sup> or March 3<sup>rd</sup>.

Sen. Hickman clarified that the Committee would need to receive the Report first, then post the two-week Public Hearing Notice, meaning that the earliest they could hold the Public Hearing is March 3<sup>rd</sup>.

Director Schleck then shared that at the next meeting, there would be a discussion on Requests for Reviews, as the Committee has already received one from Sen. Bennett. He explained that he would seek approval to engage in some preliminary inquiry before coming back to the Committee with a formal recommendation on how to proceed further.

Rep. Mastraccio asked if the Report on the 10<sup>th</sup> would be emailed to the Committee Members on the 9<sup>th</sup>. Director Schleck answered yes, and that it would be Confidential until presented. He explained that the Committee Clerk would be delivering a hard copy of the Report directly to the legislators who will be in Session the day before the Report Presentation. It was subsequently clarified by Senator Hickman that the reports should only be delivered by hand, and that this would occur early on Thursday, February 9, 2023, by the Committee clerk.

Rep. Millett asked if they could be provided a list of bills that address the role of the GOC and their access to privileged or confidential records.

Director Schleck answered yes, that could be provided.

Sen. Tipping asked if there was any process for participating in Executive Sessions remotely.

Sen. Hickman stated that should be discussed with the Committee's legal team because of what an Executive Session is actually for and whether remote participation makes any sense in that scenario.

## **Adjourn**

The Chair, Sen. Hickman, adjourned the Government Oversight Committee meeting at 10:09 AM on a motion by Rep. Mastraccio, Second by Rep. Fay.