



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.