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
September 16, 2026

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:34 a.m.

ATTENDANCE

Senators:	Senator Hickman, Senator Duson, Senator Farrin, Senator Guerin, Senator Timberlake Attended Via Zoom: Senator Tipping
Representatives:	Representative Mastraccio, Representative Eder, Representative Lee, Representative Lemelin, Representative Stover Absent: Representative Perkins
Legislative Staff:	Peter Schleck, OPEGA Director Jennifer Greiner, OPEGA Administrative Secretary/GOC Clerk
Others:	Aaron M. Frey, Maine Attorney General Cara Cookson, Director of Victim Services, Office of the Attorney General Catherine Curtis, Deputy Secretary of State Chris Ireland, Director of Driver License Services Division Dale Doughty, Commissioner of Maine Department of Transportation Chelsea Pettengill, Executive Director of Maine Port Authority Mark Dion, Mayor of City of Portland Kevin Kraft, Director of Planning & Urban Development for City of Portland Michael Goldman, Corporation Counsel for City of Portland

Scott Linscott, Owner of H.B. Fleming Inc.
Mark Curtis, Vice President of Gorham Sand & Gravel
Jim Shaw, Gorham Sand & Gravel
Andy LeConte, General Manager, Main Line Fence

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: September 16, 2026

Meeting Summary – August 19, 2026

A Copy of the Meeting Summary can be found here: August 19, 2026 GOC Meeting Summary

The Committee accepted and approved the meeting summary.

Request for Attorney General Legal Opinion on Scope of OPEGA Authority, if any, to Review the Maine Community Foundation's Collection, Management, and Distribution of Donated Funds in Response to the October 2023 Lewiston Mass Casualty Shooting

Invited: The Attorney General, and others in the Office of the Attorney General as determined by the Attorney General

Sen. Hickman introduced the next item on the agenda, a return to the Committee's previous discussions of the concerns received over the collection, management, and distribution by the Maine Community Foundation (MCF) of donations in response to the mass casualty shooting in Lewiston in October 2023. Sen. Hickman invited the Attorney General, Aaron Frey, to the microphone to introduce himself and any others with him and to offer any statements to the Committee on this matter and then answer questions from the Committee members.

Attorney General Frey introduced himself as well as Phyllis Gardiner, Chief Deputy Attorney General, Christina Moylan, Consumer Division Chief, Office of the Attorney General, Cara Cookson, Director of Victim Services which includes the Victim Compensation Fund of the Office of Attorney General, and Danna Hayes, Director of Public Affairs of the Office of the Attorney General.

Attorney General Frey stated that he appreciates the Committee's patience as his office prepared a response to the questions the Committee sent his office in June 2026. Attorney General Frey then reviewed his response letter with the Committee. A copy of the letter may be found here: Response Letter from the Office of Attorney General_OPEGA's Authority to Pursue a Program Evaluation of Maine Community Foundation

Attorney General Frey stated in the letter that "Based on the facts presented, MCF was neither receiving public funds or administering a government program, nor are any of MCF's officers or employees "public officials" or "public employees." Accordingly, none of the provisions in section 991 [referring to OPEGA Statute] supports finding that OPEGA has jurisdiction to perform a program evaluation of MCF's receipt or expenditure of private funds donated for the purpose of helping victims and families of the Lewison mass casualty shooting."

Attorney General Frey also stated in the letter that the term "Public Funds" includes revenues from taxes, fees and other sources, which are appropriated and allocated in the state budget and may be expended by a state agency through a contract with a nonprofit corporation or distribution to a local government. Here, the facts show that donations made voluntarily by individuals and businesses were sent to the City of Lewiston's recreation department, initially, and later to a specially designated bank account established by the city administrator and LAMCC [Lewiston Auburn Metropolitan Chamber of Commerce Foundation] to keep funds separate from the City's treasury." The letter further states "the placement of these funds temporarily in an account established by city officials, and /or the City and LAMCC, does not transform them into public funds."

The Response Letter further states; "it appears from the documents we reviewed that all the funds the City of Lewiston reported distributing to MCF were private monies donated voluntarily by individuals and businesses or other private organizations, plus the bank interest generated from deposits of those funds in the Androscoggin Bank. The city did not transfer any municipal or state funds to MCF and thus did not transfer any funds obtained through state revenue sharing."

Attorney General Frey stated he was also prepared to talk about the overall charitable investigation work of the Office of Attorney General (OAG), and to take questions from the Committee on what has been discussed so far.

Rep. Mastraccio stated the concern she had on this issue involved the funds initially held by the City of Lewiston in an account and whether those funds were considered "public funds". Rep. Mastraccio asked if it is correct that the City of Lewiston was merely a conduit for donations collected.

Attorney General Frey confirmed Rep. Mastraccio's statement, adding that what his office recognized happening in this situation was private individuals who had an impulse to donate to address this tragedy called the City of Lewiston, and the city needed a place to put the funds for a brief period of time, until an appropriate place for donations was set up.

Rep. Mastraccio also asked whether, had MCF been contracted by the city or by the state government to manage the donations, then the Committee and OPEGA would be able to look into the management and distribution of the money.

Attorney General Frey stated that if the city of Lewiston or the Maine government designated MCF as the contractor to manage and distribute the donations, then it would fall under the jurisdiction of OPEGA to address the receipt and expenditure of those private funds as part of a program evaluation. Attorney General Frey stated that in his letter to the Committee, there are examples of this type of situation in a footnote on page 3.

Rep. Mastraccio stated that she wanted to confirm at no time was MCF contracted by a public entity to manage and distribute donations.

Attorney General Frey stated that Rep. Mastraccio was correct. Attorney General Frey added that MCF had their own team, their own design, and had articulated what they were going to do with the funds received. Attorney General Frey stated that MCF established how it was going to be spending the private donations, and to the extent to which these other private donations were sent to MCF it was not with any instruction to MCF of how to manage or distribute the funds.

Sen. Timberlake asked Attorney General Frey, if in his opinion the City of Lewiston made no donations to MCF.

Attorney General Frey stated that it is his office's understanding, based on information from the City of Lewiston, that the city did not spend any of their funds on this.

Sen. Timberlake stated his concern that if this Committee does not have jurisdiction over this matter, how do legislators inform individuals who believe money was misappropriated or handled incorrectly what they can do to find answers on how to fix the situation.

Attorney General Frey stated that an individual who is aggrieved by the activity of a nonprofit organization can report their concern to the Attorney General's office, adding that the OAG makes an evaluation of whether or not they have the legal ability to act and that answer may or may not be consistent with what the individual wants to hear. Attorney General Frey stated that the extent to which OAG believes they have evidence to use the government's power to investigate and bring some action against an organization is going to depend on whether or not statute provides authorization and the answer to that may be no.

Attorney General Frey stated that a second avenue for an individual who was personally aggrieved by MCF and believes that MCF did not fulfill what they were supposed to do, is the option of private litigation.

Attorney General Frey stated a third avenue is to publicly criticize MCF which may have the effect of MCF taking some action, or some other actors could take action because they don't want to accept the consequences of somebody who's not happy with the way in which MCF fulfilled their duties in this matter.

Attorney General Frey stated that there is more information than he had realized that has been made available publicly by MCF on this matter, adding that his office continues to receive some questions on this matter, and the answers are already provided by MCF in publicly available documents on their website.

Attorney General Frey stated if these avenues are not enough, he encourages the legislature to prospectively consider what might be a statutory framework to better direct these activities in the future to prevent some of these concerns and questions.

Sen. Timberlake stated that the City of Lewiston received quite a bit of money through donations, then that money became the possession of the city and therefore public funds. Sen. Timberlake stated that the city could have done anything with the funds and did not have to give them to anyone or anything as he understood it and asked how these funds were not considered public funds.

Attorney General Frey stated that his office did consider whether once the donations were in the possession of the City of Lewiston if they were then public funds and concluded that the parking of private donations in a city account while an appropriate receptacle was set up did not change those private donations into money that was going to be then spent by the City of Lewiston. Attorney General Frey stated that if the city had directed the money into its accounts and then made decisions about spending that money then a review of the City of Lewiston might be appropriate.

Sen. Hickman asked, if the City of Lewiston did make decisions on spending these funds wouldn't the city council have had to draft some sort of resolution that would make it possible for the city to spend that money however it wanted to.

Attorney General Frey stated that to have a review of a city would not necessarily require a resolution made by the city council. Attorney General Frey added that in this case private donors were seeking to donate private money for the benefit of victims in the surrounding community, not to be spent by the city, and were parked in an account until four days later when an appropriate account was set up. Attorney General Frey stated this action did not change the donations into tax dollars or fees.

Sen. Timberlake asked if once the donations were in the possession of the city, if those funds then become public funds, and once they became public funds, they were still public funds when they were sent, as decided by the city, to MCF.

Attorney General Frey stated he understands Sen. Timberlake's point of view, however he does not agree that the holding of the funds for a short period of time turned them into revenue or money of a governmental body that included bank deposits, instruments representing investments of public money, or that it encompassed funds flowing from public coffers, which are the ordinary definition of what public funds are.

Attorney General Frey stated that in this situation, there were donors who made private contributions that ended up being held in an account the City of Lewiston had available for a brief period of time, so that the funds could pass through and do what the donor of those private funds intended which was to go into an account that would be available for the victims. Attorney General Frey added that the only decision the City of Lewiston made was to provide a conduit for those funds.

Rep. Lee stated that he believes this situation did have governmental involvement that may have a governmental program to review because for a substantial period of time the State of Maine website directed people to the MCF website for donations and believes the city of Lewiston also directed people to MCF for donations. Rep. Lee stated he believes these actions could be sufficient to bring this matter into the Committee's jurisdiction for review.

Attorney General Frey stated that the extent to which a government might suggest to private citizens how they spend their money does not change that money into public money. Attorney General Frey added that if he, as the Attorney General of Maine, suggested a good place for citizens to donate at a time of a crisis is to the Red Cross, that suggestion doesn't turn the Red Cross into a public program. Attorney General Frey stated sometimes there are links to a relief organization on a state or federal government webpage, and his office did not interpret this as creating public funds because the private individual decided where they wanted to send their private funds, adding that he understands why there would be a question if there is a state actor at all involved in making suggestions about where the pubic could donate funds.

Rep. Lee asked what is the governmental action that would bring this matter under the Committee's jurisdiction.

Attorney General Frey stated, according to the statute, to be under the Committee's jurisdiction depends on whether or not the money is from the state, federal or municipal government or whether or not there is some directed programmatic action that is directed by the state government as to how that money ends up getting spent. Attorney General Frey stated that MCF did not have a contract relationship with the state of Maine or the City of Lewiston to facilitate this program.

Sen. Farrin asked for clarification that the fact that the city held the donated funds in an account the city administrator set up specifically for the purpose of receiving private donations did not result in this Committee having jurisdiction.

Attorney General Frey stated Sen. Farrin's statement is correct, there was no record of any municipal money put into the account, or any record of municipal money being spent to facilitate the account. Attorney General Frey stated the City of Lewiston has made public statements that any fees due to processing the credit card payments came out of the donations. Attorney General Frey stated that MCF spent about $100,000 of their own money to facilitate the management of the donations they received.

Sen. Farrin stated that everyone wants to do the right thing for the victims and families, and this concern is not going away. Sen. Farrin asked if more evidence came to light that municipal funds were involved, would that change the opinion about the jurisdiction of this Committee.

Attorney General Frey stated that if additional evidence develops showing that public funds were spent, or that there was sufficient government direction of private funds, then that evidence would be considered.

Sen. Farrin stated that everyone is trying to find a way to get answers for the victims and their families so that there is not a similar situation for any possible future tragedy. Sen. Farrin stated he is not saying that the City of Lewiston did anything wrong intentionally, but the city accepted donations and he would like to know if there is any culpability on the part of the city by accepting those funds.

Attorney General Frey stated that he appreciates Sen. Farrin's and Sen. Timberlake's questions, but the analysis of his office is that there was not sufficient activity to legally change the character of the private donations to turn them into some kind of government program to give OPEGA jurisdiction. Attorney General Frey suggested that if the legislature believes there should be some structure in place for more transparency or direction in how this type of situation is handled in the future, they could consider steps to take.

Attorney General Frey stated that there is information publicly available on the MCF website that can provide transparency of how the funds were handled, and which addresses some of the questions his office has received. Attorney General Frey stated the Committee could also invite MCF to come to talk about how they managed and distributed the funds which could provide some transparency and understanding of the evidence.

Rep. Eder stated, with regard to the involvement of the City of Lewiston, that resources were spent by the city of Lewiston for the brief time it received and spent the funds, including human resources to take calls and donations and then transfer those funds. Rep. Eder stated that he believes that for the time the funds were in the possession of the City of Lewiston, before they were sent to MCF, those funds were public funds. Rep. Eder also stated that weeks after the shooting in Lewiston, the Governor established this fund and had MCF be the fiduciary to receive and administer the donations, therefore there was governmental involvement. Rep. Eder stated that the governor's office continued to advertise the fund on state webpages, therefore it was endorsed by the state. Rep. Eder concluded that this matter is properly before the Committee due to the Governor choosing MCF to administer the fund, and the state government bears ultimate responsibility for how the funds were distributed.

Attorney General Frey stated that he hears what Rep. Eder stated, and that for the legal analysis it was considered whether or not the city administrator answering the phones to take the donations for that short period of time changed the character of the private donations and their analysis, but that based on what the legislature has provided for statue and what the law would direct, the donations were not changed to public funds in this situation. Attorney General Frey stated he recognizes that not all may agree with the analysis.

Attorney General Frey also stated that page 5 of his Reply Letter references a statutory amendment in 2024 which added "<u>any expenditure by any public official or public employee during the course of public duty, including, but not limited to, any expenditure of private money for the purposes of the agency or other entity.</u>" Speaking in favor of the amendment on the floor of the Senate on April 16, 2024, Senator Youngblood explained the purpose of the amendment as follows:

> "It restores the ability of the OPEGA Oversight Committee to say it is not only important to look at the items that are run, the budgets that are run, or the programs that are run by our own state agencies; it is important to follow the money, whoever is spending state money."

Attorney General Frey stated that in looking at legislative intent, which is where a court might go if looking into this, the intent that was articulated when this language was put in statute was to be following a public program or public money. Attorney General Frey stated that his office did not see that the actions by a city official answering phones to take donations for a short period of time qualify as bringing jurisdiction over those donations.

Attorney General Frey stated with regard to Rep. Eder's second point--that while some public officials might direct people to different entities--his office did not see that as transforming the entity that was identified as being a government program at that point.

Attorney General Frey stated that his office's understanding is that the Governor did not contract with MCF to do this work, noting the Legislature was not in session during October of 2023 and there was no appropriate place for the state to be facilitating this kind of charitable impulse. Attorney General Frey stated he understands that individuals might see the Governor as sending people to MCF as a sufficient relationship, however his office's review of this did not demonstrate that there was a state actor, governor, city or otherwise, that would have turned MCF into a public actor, consistent with what the statute provides for what OPEGA might have jurisdiction over.

Rep. Eder stated that it is known that the Governor did work with MCF to have them be the fiduciary and administer the fund.

Sen. Hickman asked Rep. Eder where his information came from.

Rep. Eder stated that his information came from a newspaper article that stated that the Governor tapped MCF to administer the fund.

Sen. Hickman stated he did not have that information in front of him.

Sen. Guerin asked who was responsible for making the decision that the donations that had come into Lewiston were transferred to MCF instead of another organization, and once the money was transferred to MCF who had oversight of MCF to ensure they kept their word. Sen Guerin stated that it seems like there is quite a bit of documentation that MCF said 100% of donations would go to the victims and families.

Attorney General Frey stated the initial donations received by Lewiston were transferred to the OneLewiston Fund that was set up by the LAMCC with the understanding from the city that the funds that were collected into that account would go to the victims and families. Attorney General Frey stated at this point it was the responsibility of the OneLewiston Fund to make sure that those private donations would go to victims and families.

Attorney General Frey stated that his office understands from OneLewiston Fund that when the money was transferred roughly $80,000-$90,000 of this Fund had been given directly to help victims and families, with the remaining $193,564.29 transferred to MCF with the intent that MCF would spend the money on victims and families.

Attorney General Frey stated that in terms of oversight, a charitable review over whether or not the donations that came in were expended as intended would be the oversight.

Sen. Hickman asked for more information on the money that OneLewiston Fund gave directly to victims and families before the remaining money was transferred to MCF.

Attorney General Frey stated that the OneLewiston Fund, managed by LAMCC, was directed out to specific victims by LAMCC.

Sen. Hickman asked if the OneLewiston Fund always remained separate from the City of Lewiston.

Attorney General Frey stated that the OneLewiston Fund was always separate from the City of Lewiston and was not a city or state account.

Sen. Hickman asked if the decision to send the remaining funds in the OneLewiston Fund to MCF was made solely by the LAMCC.

Attorney General Frey stated Sen. Hickman was correct.

Sen. Hickman asked if the City of Lewiston had anything to do with the decision to send the remaining funds to MCF.

Attorney General Frey stated the City of Lewiston was involved in directing the $19,756 in private donations they had collected to the LAMCC OneLewiston Fund account, adding it is his understanding that the OneLewiston Fund account was established because the City of Lewiston needed to direct people someplace, and the expectation was going to be that all money collected would be going to the benefit of victims and families. Attorney General Frey stated that when the time came to close the OneLewiston Fund account, which ceased collection on January 31, 2024, the balance of funds were transferred to MCF. Attorney General Frey added that the city of Lewiston's webpage describes their understanding of how the OneLewiston Fund directed its money out. Attorney General Frey stated that to the extent there would be a review, it would be a Charitable Review of either the OneLewiston Fund or ultimately MCF to determine whether or not the donation of private funds that came in ended up going to the purposes that were represented by or for the reasons that the donations came in.

Sen. Tipping asked Attorney General Frey to provide any information on the OAG's role in oversight of charities and nonprofit organizations as he had earlier stated he was prepared to do.

Attorney General Frey stated he wanted to provide the Committee with a general understanding of what the charity oversight of OAG is. Attorney General Frey stated that generally the office has jurisdiction to investigate complaints about Maine charitable organizations that involve the misappropriation of charitable funds or fraudulent or misleading solicitation.

Attorney General Frey stated that when complaints come into the office, they assess whether there is a role for the office, including an investigation. Attorney General Frey stated that his office assumes facts presented to the office are true and then work through the matter to determine if the presented facts are actually true or not which could lead to an enforcement action or provide the charity with some guidance or assistance to bring them into compliance.

Attorney General Frey stated if there is a potential role for OAG to enforce, that role could be informal such as requesting voluntary cooperation from the charity, or formal such as subpoenas for documents and testimony which would require a court approval. Attorney General Frey stated once information is received from the charity, next steps could include filing a complaint with the court which would involve gathering additional information from the charity, or organizations or persons that might be subject to the complaint, or from third parties who might have relevant information.

Attorney General Frey stated it is not the role of the OAG to second guess the decisions of a charity, or to micromanage the decisions they are making. Attorney General Frey stated the role of the OAG is to determine whether the law that's been set up that provides the framework for how they're supposed to operate is being followed. Attorney General Frey stated that if a charity is abiding by the legal framework, then to the extent that we approach a complaint that a charity has misrepresented to it's donors what their donations would be used for, the OAG looks at whether or not it was intentional or fraudulent misrepresentations which could be actionable under civil and criminal avenues. Attorney General Frey stated the OAG also considers whether it was unintentional or confusing messaging which would unlikely lead to enforceable action. Attorney General Frey added that the OAG also looks at whether the funds are

being applied for the purposes for which they were intended, and this could include funds that were meant for certain purposes are being diverted for personal purposes.

Attorney General Frey stated that complaints are received regularly and they do what they can to work through those complaints based on the information provided and then make a decision about the extent to which it's appropriate to pursue some further action, adding sometimes it is just a matter of getting the charity or organization on better footing to clear up any concerns.

Rep. Stover stated she is the executive director of a nonprofit, which takes in and expends public funds, and she understands clearly what a restricted fund and an unrestricted fund is. Rep. Stover stated that there seems to be an erosion of trust for the victims and families based on the information she has reviewed, adding that there is some written material from MCF that stated 100% of funds would go to the victims and families, and there is some discrepancy on whether or not that truly happened 100% of the time. Rep. Stover stated that there has been a breach of trust from the original intent, adding that all the intentions were good and she is not questioning malfeasance or intent, but there are questions now from victims and families that the expenditure of 100% to victims and families was not met in their eyes. Rep. Stover stated she wanted to understand if the city of Lewiston did waive all costs incurred in receiving donations, and what could OPEGA look at around the commitment that was made to direct a restricted fund and how the fund was actually expended and do a full audit of the fund.

Attorney General Frey stated that his office asked the city of Lewiston questions about whether any sort of public money was spent, or costs deducted from taking in donations, and the answer received from the city was that no public money was spent in facilitating the donations. Attorney General Frey added that the assessment was that the law did not support a conclusion that actions by the city of Lewiston in receiving the donations transformed the donations into public funding.

Attorney General Frey stated that he is aware of one reference in the Lewiston verified timeline where it describes donations as being public funds, adding that in the context of where that is present it reads as funds coming in from members of the public, not that they were city funds. Attorney General Frey stated this is the only instance that his office saw communication about public funds, adding that if individuals believe that there are representations that suggest something different from what he is presenting to the Committee today, they can report that to the Attorney General's office.

Attorney General Frey stated that he is also aware of documents that made reference to 100% of funds being spent for a purpose, that there were representations to victims about where the money was going to go. Attorney General Frey stated that the OAG is looking at how donations were collected and the extent to which we've been presented with information where a contractor or MCF generally may have provided information to victims about how funds were going to be spent, that is different than telling a donor that we are going to spend your money on one thing and then spending it on something else.

Attorney General Frey stated that as he understands it, when monies came in to MCF a letter went out to donors thanking them for sending their money into X fund. Attorney General Frey stated there were two funds that donors could select from, one for victims and families and one for community response.

Attorney General Frey stated that in terms of the donor, OAG looked at whether the donor was in some way enticed inappropriately. Attorney General Frey stated that what has been sent to his office does not support

that these communications to donors were to entice them, or that there wasn't transparency as to how those funds were going to come in. Attorney General Frey added that the analysis presented today is based on information they have received and what they understand from a significant amount of information on the MCF website.

Rep. Stover asked about breach of trust, that the understanding that the website said 100% of the funds would go to the victims and families and the questions the victims and families have about whether or 100% was met.

Attorney General Frey stated that he was not here to explain the conduct of an entity, that he was here to describe what legally OAG is allowed to take legal action against an organization in the state. Attorney General Frey stated that he will accept that the way in which certain communications were put out could have led somebody to believe something that is giving them concern now about what happened with that money. Attorney General Frey also stated that he would encourage those with questions to do a full review of the information that has been public about what happened, and to evaluate the extent to which that information addresses some concerns. Attorney General Frey stated his office has received complaints as recently as June 1, 2026, adding that he does not know how to mend what Rep. Stover describes as breach of trust and OAG does not bring an action to address that issue. Attorney General Frey stated MCF might be the best place to get information to resolve this issue.

Rep. Lemelin stated that the legal analysis seems to have closed the front door to an OPEGA review, however the Committee can investigate the Governor's actions and the city of Lewiston's actions in giving money to MCF, and OPEGA may come across MCF's actions which could show that something is not right, and asked Attorney General Frey if that was possible.

Attorney General Frey stated that OPEGA is able to investigate a state official for actions taken, and if it generates more evidence that has not been made available it may change the outcome of this legal analysis.

Rep. Lemelin asked if OPEGA investigates the Governor's actions and the city of Lewiston's action, and if that opens the door to further investigation into MCF's actions, is it true that OPEGA would have the right to investigate MCF in this circumstance.

Attorney General Frey added that if further evidence develops that there were public funds spent, or that MCF was acting at the behest of a public entity, that changes the outcome of the analysis. Attorney General Frey stated that based on current information, the statute does not allow OPEGA to be investigating MCF, which is a nonprofit corporation.

Sen. Timberlake asked for more information about the money that was given directly to victims or victims' families from the OneLewiston Fund. Sen Timberlake added that the city made a determination of where this money was going, and to him those funds became public funds once the decision to disburse the money was made. Sen. Timberlake asked Attorney General Frey how to get to the point that this analysis can be reevaluated to the point that this matter falls under the Committee's jurisdiction.

Attorney General Frey stated that all of the funds were private donations that were made through some entity, and these funds were not spent by the City of Lewiston. Attorney General Frey stated that these were all private donations that were coming in for a specific purpose and the OneLewiston Fund and the private

donations that came in through Androscoggin Bank were spent on the purpose that the donations had come in for.

Sen. Timberlake stated he disagrees with Attorney General Frey because the city did write checks directly to make mortgage and car payments and pay other bills for some victims and victims' families, therefore the city made a determination of how to spend some of the donated funds, and at that point those funds became public funds and asked Attorney General Frey to explain how these were not public funds.

Attorney General Frey introduced Cara Cookson, who is the Director of Victim Services, for the Office of the Attorney General who joined him at the microphone and who had more answers for Sen. Timberlake.

Director Cookson stated that she led the State Victim Services response on behalf of the Criminal Division because this was a criminal matter that involved crime victims. Director Cookson stated she could talk about what she witnessed around the $87,000 that was spent out of the OneLewiston Fund and who was making the decisions about how it was spent.

Director Cookson stated that what she witnessed and experienced was, as the Attorney General described, that the initial $19,000 that came in, very quickly moved to a private nonprofit foundation that was the LAMCC, a non-governmental entity. A nonprofit fiscal agent was required to administer these funds and LAMCC stepped up to administer the OneLewiston Fund, adding that LAMCC did not take any money from the donations and absorbed the costs that were involved in administering the donations.

Director Cookson stated that a challenge immediately after the shooting was that some people had immediate needs due to not being able to work for many different reasons. Director Cookson stated needs that needed to be addressed included paying people's mortgages, rent, and electric bills. Director Cookson stated that it became apparent to those working directly with victims that MCF was amassing a larger pool of donations, but based on national best practices, it would take a longer time for those funds to be distributed, adding that MCF engaged a national expert on how to distribute funds like this and the process for distributing those funds takes several months due to a public comment period, opportunity to receive feedback from victims, an application process for those seeking to receive funds and ultimately was not distributed until March or April of 2024. Director Cookson stated that victim advocates worked to vet individuals with immediate needs and worked with LAMCC to write checks to cover those immediate needs, adding that this took place until MCF was at the point it could distribute funds, and then shut down the OneLewiston Fund and sent the remaining funds held to MCF for distribution to victims and victims' families.

Sen. Hickman stated that in his question to Attorney General Frey, Sen. Timberlake stated that the city of Lewiston made those payments to the victims.

Director Cookson stated she did not witness the City of Lewiston making direct payments to victims, adding that as soon as the initial donations received by the city were moved to the OneLewiston Fund, the city completely stepped back from anything to do with administering donated funds.

Sen. Hickman asked who wrote the checks for bills of those individuals with immediate needs after the shooting.

Director Cookson stated that her understanding is that LAMCC wrote the checks to cover victims' immediate needs, adding that she helped facilitate this.

Sen. Hickman asked if Director Cookson had knowledge that LAMCC took any direction from the City of Lewiston in the handling and disbursing of donations to victims.

Director Cookson stated the city of Lewiston absolutely did not give direction to LAMCC regarding the donations, adding that the City of Lewiston tried to stay as far away as possible from the distribution of individual funds to individual victims. Director Cookson stated the City of Lewiston was focused on the broader work of recovery within the city.

Rep. Lee stated the Committee has viewed materials that have statements like the Lewiston and Auburn Response Fund will distribute 100% of donations as gifts to victims and survivors of the October 25, 2023, shootings. Rep. Lee stated that everyone can agree that statement is not true, adding there are questions of intent and timing of the statement.

Attorney General Frey stated that the statement Rep. Lee is referencing was communication to victims, and not communication to solicit donations from individuals. Attorney General Frey stated it is accurate that the statement of the fund labeled Lewiston Auburn Area Response Fund was passed out to victims, and the OAG looked at whether donations were being solicited with this information, adding that materials viewed are not evidence of donations being solicited.

Rep. Lee stated he understands how messaging to victims would be different than messaging to donors, however if the victims are being told 100% of donations would go to victims and survivors, what are the donors being told and asked if the OAG asked this question of MCF and what was the investigation that took place.

Attorney General Frey stated that he was not going to get into the investigation his office performed, however he stated that there is a lot of public information that is already available that has been released through either a FOAA request or by MCF themselves, which the Committee has. Attorney General Frey stated that Rep. Lee can obtain information from those sources.

Attorney General Frey stated MCF has provided a fair amount of information on what they did and did not do, and answer questions about concerns on how they acted. Attorney General Frey stated the MCF website has a Frequently Asked Questions page they released, that was updated as late as September of this year, in which they specifically answer questions about a contractor who made certain representations, adding that he does not believe MCF addresses specifically the Lewiston Auburn Response Fund document that Rep. Eder and Rep. Lee have referred to, but they do describe this communication. Attorney General Frey stated that MCF also describes on their website that for the entirety of their advertising they were very clear about what the donations were for, including if an individual donated through the website had a choice between the Victims & Families Fund or the Broad Recovery & Organization Fund.

Attorney General Frey stated that he hopes the Committee also takes into consideration that there are some donors who selected the Broad Recovery & Organization Fund and wanted to give their money to support community organizations. Attorney General Frey stated there would be a question of donor intent being met if you take donations given to the Broad Recovery & Organization Fun and send it to a different purpose.

Attorney General Frey stated these are the kinds of things taken into consideration when evaluating whether there is a legal role for the OAG in bringing some action against an entity.

Attorney General Frey stated he asks the Committee to direct their attention to the publicly available information on this matter, which is a very good place to start and whether or not the Committee agrees with the answers, it does provide answers about what MCF did, when it did it and why there might be concern over representation that were made for a certain time.

Rep. Lee agrees that there are public sources and public documents from MCF, stating he has read them, however he still has a question which is, why was this the messaging to the survivors if it was not accurate and why was the messaging different which is a question for MCF.

Attorney General Frey stated the messaging from MCF would matter if it was made to intentionally mislead donors, and for the OAG to determine whether or not his office should use its charitable oversight powers in this matter, they do not have evidence that supports legal intervention based on the representations that may have been made at a particular time.

Attorney General Frey stated that MCF has released on its website a public document from December 30, 2024, from the OAG that stated it had reviewed material and did not conclude that there was a legal role for the OAG to play.

Rep. Eder stated that the crux of the matter is that victims were repeatedly informed in writing that they were promised 100% of the funds raised, but nearly one-third of the amount raised was diverted away from victims' needs and funneled to nonprofits. Rep. Eder stated that this communication seems misleading to donors, adding he has seen many communications on social media saying they would not give to a fund like this in the future because their understanding was that all funds would go to victims. Rep. Eder asked Attorney General Frey if he would do an investigation of this under the Maine Charitable Solicitations Act, because it seems to Rep. Eder that victims were repeatedly told 100% of funds would go to them and that was the public perception as well.

Attorney General Frey stated that if his office receives a complaint from a donor who made a donation based on the representation that the donor believes was intentionally misleading, then his office could consider whether there is some legal authority because the donation was solicited in such a way that was misleading. Attorney General Frey stated that his office has not received any complaints from donors.

Sen. Hickman asked Attorney General Frey to repeat what he said about not receiving complaints from donors.

Attorney General Frey stated that his office has not received a complaint from a donor that they were misled, adding that if they did receive a complaint, they would evaluate it to the extent to which there was some effort by MCF to intentionally mislead the donor to give to the fund to then spend it on something else.

Attorney General Frey, in response to Rep. Eder's statement about one-third of the money received by MCF being misapplied, asked the Committee to consider that there was the opportunity for each donor to click on Lewiston Area Response Fund Broad Recovery Efforts & Organizations, and that there were donors who

intentionally selected that fund, and in talking about donor intent, if the 1.9 million dollars that was directed to the Lewiston Auburn Area Response Fund Broad Recovery Efforts & Organizations was spent on something else that would equally be of concern.

Attorney General Frey stated he understands that there's this thought that 1.9 million dollars was mismanaged in some way, however it's ignoring that there was an opportunity for donors to make a decision.

Attorney General Frey stated that there's also communication from MCF in thank you letters sent to donors, that stated which fund their money went to. Attorney General Frey stated if a donor gave to the Lewiston Auburn Area Response Fund Broad Recovery Efforts & Organizations, or if the donor received a letter saying where their donation was parked and the donor didn't object, there is objective evidence that that donor intended for their money to go someplace other than to the Lewiston Auburn Area Response Fund for Victims & Families.

Rep. Eder asked if people did have the opportunity to choose where they intended their donation to go, adding that the fund had one name with two parts which could be misleading to donors, is it known that $1.9 million dollars was donated by the people who chose for their donation to go to the Broad Recovery Efforts & Organizations rather than the victims.

Attorney General Frey stated that his office is basing their analysis on the representation that everyone has been accepting about what the amounts of funds raised were, that $4.7 million was raised for the Lewiston Auburn Area Response Fund Victims & Families, and $1.9 was raised for the Lewiston Auburn Area Response Fund Broad Recovery Efforts & Organizations. Attorney General Frey stated that since determining there is not a legal role for the OAG to file with the court to engage in a formal investigation of MCF, they have not done an audit of the books to verify what it is that everyone has accepted to date about what money went into what fund. Attorney General Frey stated his understanding is that the concerns about this matter were that any money at all went to the Broad Recovery Efforts & Organizations. Attorney General Frey stated that his office does not have the authority to do an audit of MCF, and there has not been a complaint that is actionable to start that activity now.

Sen. Farrin asked even if donors had chosen to give to the Broad Recovery Efforts & Organizations, were there restrictions on how those funds could be used by nonprofits or were there no restrictions and nonprofits could use those funds however they wanted.

Attorney General Frey stated that publicly available materials provide the same information he is going to state, which is that MCF did provide information about what their framework was going to be in distributing the Broad Recovery Efforts & Organizations fund. Attorney General Frey stated that the role of his office is not to micromanage the decision making, in this case a steering committee, that determined how to allot these funds. Attorney General Frey stated there is a framework that MCF has publicly identified that it followed.

Sen. Farrin stated if donors are listening and watching this discussion and feel misled with the options and where donation dollars go, the course of action for them would be to file a complaint with the Maine Attorney General's Office.

Rep. Lee stated the question of donor intent is hugely nuanced in this case, however there were people who sent money to MCF without selecting from one of the two funds, and his understanding is that MCF split the money between the two funds in those cases.

Attorney General Frey stated, understanding the scenario that Rep. Lee presented, that MCF did make it clear from the beginning that if someone just sent them money without designating a fund for it to go that those donations would be split evenly between the two funds. Attorney General Frey stated that he understands that a donor may have just clicked and donated without reading through what MCF would do with the funds, however to the extent that the donor didn't take the time to educate themselves about what they were doing, a thank you notification was sent to every donor that indicated how that money was applied. Attorney General Frey stated if a donor received that thank you notification and learned that the money they gave to MCF generally ended up getting split between two accounts, the donor should have followed up with MCF if that is not what they intended for their donation.

Attorney General Frey stated that what we are left with is publication by MCF that they would take general donations and send it to two different funds, a thank you communication to each donor stating where the donation was applied, and if the donor doesn't object after receiving that thank you communication, he does not understand that this would infer that maybe the donor was misled. Attorney General Frey stated that it could be suggested that if a person is told that this is where their donation went, and they don't object that they are adopting that that's where the money is going to be.

Rep. Lee stated his frustration that Attorney General Frey told the Committee at the beginning of the meeting that the Committee does not have jurisdiction to ask these questions, adding that he has a lot of questions about the messaging, and questions about how many people called after receiving their thank you communication, and no means to ask or get answers to these questions as a government official.

Attorney General Frey stated he understands Rep. Lee's frustration and it relates to Rep. Stover's earlier comment about breach of trust, adding that he suspects that MCF or someone on their behalf is listening to this conversation, and wonders the extent to which there might be an appropriate opportunity for the Committee to engage directly with MCF, if MCF is willing. Attorney General Frey stated that he cannot compel MCF to provide the answers to questions, adding that there is publicly available information which provides answers. Attorney General Frey noted that the answers already available may not be accepted by some or all, but they are available.

Sen. Duson asked Attorney General Frey if his opinion letter is on the matter of whether there were funds administered or distributed by a government entity, and the answer is that there were no funds administered by a government entity which means that the OPEGA or Government Oversight function is not triggered by the receipt of the funds by the city of Lewiston. Sen. Duson also asked Attorney General Frey if a victim or victims' family of the shooting or a donor to the funds is aggrieved around how the donations were actually distributed, the option for triggering the OAG under the Maine Charitable Solicitations Act to investigate has not happened because no donor has submitted a complaint to the OAG.

Attorney General Frey stated Sen. Duson's statement is correct.

Sen. Duson asked Attorney General Frey if it is only a donor who can ask the OAG to look into this matter via the Maine Charitable Solicitations Act or may a group of family members or victims also come to his office with a complaint.

Attorney General Frey stated that if there is evidence that supports that donations were solicited with intentional misrepresentation, it does not have to be a complaint by a donor. Attorney General Frey stated that his office has not received evidence of intentional misrepresentation as of today. Attorney General Frey stated that his office needs additional evidence, more than what it has received so far, that would demonstrate some intent to deceive donors.

Sen. Duson stated she just wanted to understand, for the benefit of everyone, that a statement of concern or request for investigation under the Maine Charitable Solicitations Act may come from someone other than a donor, and could someone who feels aggrieved by how the funds were distributed go to the OAG to request an investigation.

Attorney General Frey stated there is a form online for individuals to file complaints with his office, adding his office has received input and complaints about different aspects in the way in which these funds were addressed. Attorney General Frey stated he has a very talented and experienced team that is looking at whether the law allows his office to act and to the extent there's evidence that supports their ability to act under the law they will look at that.

Attorney General Frey stated that anyone can use the form online or call into the OAG to submit complaints. Attorney General Frey stated a letter was received just this morning that came in from the City of Lewiston that is asking for certain things. Attorney General Frey stated his office regularly accepts complaints and makes an evaluation. Attorney General Frey stated that at this time, the answer from his office on this matter is not what some individuals wish it to be, adding that he does not know how to change that.

Sen. Hickman asked Attorney General Frey if he could estimate for the Committee how many complaints his office has received asking for some review and is he at liberty to tell the Committee what the City of Lewiston's letter which he just referenced is requesting of his office.

Attorney General Frey stated the letter from the city of Lewiston was from the chair of the Lewiston city council and was addressed to his office, the State Auditor, to the Chairs of this Committee, and others expressing an interest in some investigation being done by the government into what happened with MCF.

Attorney General Frey stated that he does not have a firm number of the requests his office has received, however he is aware that there has been direct engagement by his consumer protection division and by his victim services team with those submitting complaints to his office or asking for some resource of the office.

Attorney General Frey stated that his office did provide the Committee with a list of different victim support services that his office is aware of that have been provided since the mass shooting event, and the Maine Legislature has become the second state in the nation to establish a mass violence fund that is due to be active within two weeks, which will be available for some of those individuals who are still experiencing a

need for help. A copy of this list, previously given to the Committee, may be found here: Lewiston Victim Services and Resources

Attorney General Frey stated that if there are any further questions from the Committee after today's discussion to please send them along to him and he will answer them as soon as possible on a priority basis.

Sen. Hickman thanked Attorney General Frey for answering the Committee's questions, adding if the Committee has any further questions, those questions will be put in writing and sent to his office.
Sen. Hickman put the Committee at ease for a short break at 11:35am.

6-Month Follow Up on Driver's License Tests Results – Bureau of Motor Vehicles

Invited: Deputy Secretary of State and Director of Driver License Services

Sen. Hickman called the Committee back to order at approximately 11:45am.

Sen. Hickman introduced the next item on the agenda which concerns a matter the Committee considered in February 2026, about concerns over the integrity of an aspect of driver's license testing; specifically, whether there were irregularities apparent relating to the conduct of persons brought in to translate the tests for those for whom English proficiency was limited. At the time, it was disclosed that some internal reviews within the Bureau of Motor Vehicles (BMV) did tend to indicate there were concerns among at least some of those administering the tests. Sen. Hickman stated that back in February, the Committee invited BMV leadership to return in six months with an update on this matter, with a focus on obtaining data on relative test passing rates.

Sen. Hickman welcomed Deputy Secretary of State Curtis and Director Ireland and invited them to provide the Committee with any statements they wish to make.

Deputy Secretary Curtis introduced herself and Director Ireland and then reviewed her letter to the Committee which outlined changes made within the BMV and the results of those changes. A copy of that letter may be found here: Letter to GOC from Deputy Secretary of State Curtis.

Sen. Farrin stated he believes the changes made within BMV were the missing piece needed based on the concerns raised on this matter. Sen. Farrin asked for Deputy Secretary Curtis's opinion on this Committee brining this concern forward, having the discussion with this Committee back in February, and the changes implemented, and whether the process was positive.

Deputy Secretary Curtis stated that they always appreciate a good look at what they are doing, and they strive to improve processes every day. Deputy Secretary Curtis stated that BMV had started looking at this concern before this Committee began its discussion on the matter, adding that putting a spotlight on an area of concern helped BMV make good decisions and keep them accountable by reporting back to the Committee. Deputy Secretary Curtis stated that she and BMV leadership always appreciate opportunities for improvement.

Rep. Mastraccio stated that she always appreciates it when improvements are made that work better and save money at the same time. Rep. Mastraccio stated she believes the changes made are good and have probably eliminated any questions about whether it is fair for everyone.

Rep. Lemelin asked if BMV would still be using interpreters that are also court appointed interpreters and no longer using other interpreters.

Deputy Secretary Curtis stated that individuals are no longer allowed to bring their own interpreters with them to take tests at BMV, and BMV is using the same interpreter companies that are used by the courts and are contracted with the state of Maine.

Director Ireland stated that the state procurement agency establishes master agreements with different businesses to conduct business with the state on prearranged terms, adding the state has contracted with three interpreter businesses and the BMV is working with those businesses to ensure professional services.

Rep. Lemelin stated his only concern now is regarding individual interpreters who were accused in the past of cheating and would like to know that those interpreters are not working with the three contracted interpreter businesses, and if anything is being done to prevent this.

Director Ireland stated that one of the BMV's most seasoned examiners oversees interpreters at BMV and proctors every interpreter exam whether it is virtual or physical, individual or group exams across the State of Maine. Director Ireland stated this examiner knows exactly who the interpreters are and can flag any interpreter whom BMV has concerns about conduct and can prevent those interpreters from being scheduled even if they work for one of the three contracted interpreter businesses.

Sen. Duson asked if those individuals who are non-citizen, and non-English speaking, as well as citizen English speaking individuals, who do not pass the exam have the opportunity to take the exam again.

Deputy Secretary Curtis stated that absolutely, anyone who does not pass the exam can take the exam again.

Sen. Farrin asked if the BMV would be willing to work with the Transportation Committee in the 133rd Legislature to continue the discussion from February in which Deputy Secretary Curtis stated that BMV does not currently have any authority in statute to have a recourse if someone was violating the rules.

Deputy Secretary Curtis stated that BMV already has on their list to continue this discussion with the Transportation Committee in the 133rd Legislature.

Sen. Hickman thanked Deputy Secretary Curtis and Director Ireland for coming today and for their willingness to provide the Committee with the follow up information requested on this matter.

Sen. Hickman put the Committee at ease until 1pm.

Further Discussion on the Request by Senator Farrin Regarding the Maine International Cold Storage Facility (Maine Port Authority)

Invited: The Commissioners of DOT and DECD, and a range of other officials or interested persons at the state and local level

Sen. Hickman called the Committee back to order at approximately 1:08pm

Sen. Hickman turned to the next item on the agenda, stating the Committee will hear from a range of officials and other interested parties about some concerns over the Maine International Cold Storage Facility (MICSF), beginning with the Commissioner of the Maine Department of Transportation (DOT), Dale Doughty, who can walk the Committee through the State's and his agency's connection to the facility and role with respect to it. Sen. Hickman stated others, including the Mayor of Portland, will also be invited to speak on this matter.

Commissioner Doughty asked if Chelsea Pettengill, Executive Director of the Maine Port Authority, could also join him to speak with the Committee. Sen. Hickman welcomed both.

Sen. Hickman asked Sen. Farrin to begin the discussion.

Sen. Farrin asked Commissioner Doughty and Executive Director Pettengill to walk the Committee through how this project evolved and where it currently stands, adding that he understands a couple more contractors who worked on this project have been paid since the Committee's discussion on this matter, and what can the Legislature do going forward to prevent this situation from happening again.

Commissioner Doughty shared some handouts with the Committee to help explain the MICSF stakeholder and contract flow as well as examples of past public-private projects in the state. Commissioner Doughty stated that the state strongly believes in public-private partnerships. The handouts may be found here: DOT Commissioner Handouts

Commissioner Doughty stated the list of public-private partnerships ranges across many different areas including marine and railway work, adding he believes this exemplifies that the state government in general performs roles that the public sector cannot.

Commissioner Doughty stated that public-private partnerships work when the project involved is good for both parties. Commissioner Doughty stated that MICSF is an example of this, and the idea of this project has been around for a couple of decades and had not reached a point where it could become a reality until the state acquired the land with the Maine Port Authority. Commissioner Doughty stated once the land was acquired focus turned to finding a developer for the project and ultimately ended up with Amber Infrastructure Group as the developer.

Commissioner Doughty stated that the role of the Maine Port Authority and DOT in this project was to bring the MICSF to the state to support Maine agriculture, Maine fishing and imports. Commissioner Doughty stated Maine's investment in this project was about $8.6 million in the facility and the property.

Commissioner Doughty went over the MICSF stakeholder and contract flow chart provided in his handouts.

Commissioner Doughty stated Maine Port Authority is the owner, operator and planner for the port and Maine DOT, in partnership with them is the funder and participates on the board. Commissioner Doughty stated that Amber Infrastructure Group is the company that owns and operates the facility.

Commissioner Doughty stated that Amber Infrastructure Group sought a general contractor, which ended up being FCL who then hired multiple subcontractors.

Sen. Farrin asked Commissioner Doughty where Amber Infrastructure Group is based.

Commissioner Doughty stated that Amber Infrastructure Group is based in London. Director Pettengill stated that Amber just had a merger with another company, Boyd Watterson, which is a US-based company.

Sen. Farrin asked where FCL is based.

Executive Director Pettengill stated that FCL is based in Maryland.

Commissioner Doughty stated both Amber and FCL went through the state procurement process and obtained contracts. Commissioner Doughty stated that the contracts today's discussion is focused on are the subcontractor contracts.

Commissioner Doughty stated that some of the subcontractors have received payment through settlements, and at this time three remain unpaid: HB Fleming; Gorham Sand & Gravel (both of which are Maine companies); and Turner Brothers which is an out-of-state company. Commissioner Doughty stated that Turner Brothers has reached a partial settlement.

Commissioner Doughty stated that there had been a lawsuit between all of the subcontractors and FLC, Amber, and Maine Port Authority for outstanding payments, and currently there is an active lawsuit between the three remaining subcontractors who have not received what they are owed from FCL, Amber and Maine Port Authority. Commissioner Doughty stated that due to the ongoing litigation, there may be some answers he cannot provide.

Executive Director Pettengill added that the Maine Port Authority's involvement in this project is through an operations and development lease with Amber, who is the developer for the project.

Commissioner Doughty stated that some action DOT and Maine Port Authority have taken in regard to Amber is that no staff has the authority to speak with Amber on any matter going forward, adding this restriction has been in place for over a year, adding it has been made clear to Amber that DOT and Maine Port Authority have no interest in talking about future business with them, at least until this matter is settled and possibly beyond.

Sen. Timberlake asked for more information about who and what the Amber Infrastructure Group is, and how much money is still owed to the remaining unpaid or underpaid subcontractors.

Executive Director Pettengill stated that the Amber Infrastructure Group is focused on infrastructure and was a UK-based company at the time they went through the procurement process with the state. Executive Director Pettengill stated that Amber does have offices worldwide.

Sen. Timberlake asked how Amber was chosen to be the developer for this project, adding that it is concerning to him that the state contracted with an out-of-country company.

Commissioner Doughty stated that DOT put out an RFP, and Americold, an American company, and Eimskip, an Icelandic transportation company, went through the RFP together, and Americold did chose to back out of the process and Eimskip asked to continue forward, and they were part of the selection of Amber.

Executive Director Pettengill stated that she did not have the total amount still owed to subcontractors, adding that Amber would have that information. Commissioner Doughty added that due to the lawsuit, he and Executive Director Pettengill do not have some answers to questions.

Sen. Timberlake stated that his concern is that situations like this can impact whether companies come to do business in the state of Maine and could also impact how companies bid on projects. Sen. Timberlake asked if there is a way to prevent this situation from happening again in the future with public-private partnerships.

Commissioner Doughty stated his department is still exploring how to prevent this situation from happening, adding that there is also a risk of a negative impact of having too many restrictions, and the problem to solve is how to put restrictions in place but not have control. Commissioner Doughty stated it becomes tricky once you have a chain of events where the benefit is to the state taxpayers in general, not necessarily to the DOT. Commissioner Doughty stated one way to prevent this situation is to not do business with the private entity who has not honored claims filed against it by subcontractors.

Commissioner Doughty stated that what he does know about the claims against Amber is a matter of lack of payment. Commissioner Doughty stated that as the Committee can see the list of public-private partnerships, these partnerships are done often, and while there are likely some claims involved in these past partnerships, claims are mostly settled without rising to the level of the situation with Amber. Commissioner Doughty stated that the situation with Amber could just be a one-time event with a company that is not acting the way they should be.

Sen. Timberlake asked how much money the state has invested in this project.

Commissioner Doughty stated the state multimodal funds for this project were $8 million, which went towards earthwork and remediation of the site, adding that this amount would have been needed no matter who the developer was due to the site needing the work to prepare it for the project. Commissioner Doughty stated that the state also secured half a million dollars from EPA, and the Maine Port Authority contributed $100,000, so total funds were $8.5 million.

Sen. Farrin asked if the $8.6 million in state funds does not include the property itself, adding that the value of the property on top of the $8.6 million is a significant investment.

Commissioner Doughty stated some of the land for this site was obtained through a swap with the city of other property owned by the state which was not being utilized.

Sen. Farrin asked whether the project is completed and operating, and is the state of Maine generating any revenue from Amber or receiving lease payments from Amber for the project.

Commissioner Doughty stated that MICSF has been operating for about a year and a half, adding there are a number of triggers within the agreement that the Maine Port Authority and Maine DOT have with Amber, which was negotiated with the Attorney General's office. Commissioner Doughty stated the triggers for payments from Amber are based on the amount of material that passes through the facility as well as the amount of revenue Amber makes.

Executive Director Pettengill stated that the way the development operation contract is written, payments made to the state are based on throughput, adding that twice a year there will be a rent statement, and whether or not the Port Authority receives a payment is based on a certain net profit of Amber that is determined by the contract. Executive Director Pettengill stated that as the facility is still getting off the ground, payments to the Port Authority have not been triggered, however as the facility continues to increase throughput payments will begin.

Commissioner Doughty stated some investments will not be repaid, such as rail investments, adding that the facility will be supporting Maine's agriculture, fishing and import industries, which is what this project was intended for. Commissioner Doughty stated rent payments will go back to the Maine Port Authority.

Sen. Farrin asked if Eimskip is currently using the facility.

Director Pettengill stated that Eimskip does have customers in the facility.

Sen. Farrin stated that as the owner of the property the facility is on, the state should have had some leverage over Amber or FCL to be able to mitigate the issues the subcontractors have had in receiving payment for work completed, adding that there were no complaints regarding the quality of the work that was done or the timeframes in which the work was completed by the subcontractors. Sen. Farrin stated that most of the subcontractors on this project have had relationships with the state for years with any past disputes dealt with reasonably. Sen. Farrin stated that subcontractors who have received payment for work on this project through settlement had incurred legal fees to receive payment, and that payment was a year and a half after work was completed. Sen. Farrin expressed concern about this project will hurt the prospects for future public-private partnerships.

Commissioner Doughty stated he does not have an answer today as to how to prevent this type of situation from happening in the future, adding that this situation has frustrated him and he understands the difficulties this has put on the subcontractors involved. Commissioner Doughty stated that every public-private partnership is structured differently and is complex, so the solution needs to be able to prevent this situation while also fitting in to the other public-private partnership projects without negative impacts. Commissioner Doughty stated that at least two of the subcontractors involved with the MICSF project have since done work for the state, doing good work for good pay.

Commissioner Doughty stated he is working on understanding the circumstances surrounding the lease agreement with the Maine Port Authority and how it was structured to learn how to bring these types of projects to Maine in an equitable and reasonable way, adding that he agrees with everything Sen. Farrin has said.

Sen. Farrin stated that there were individuals within Amber that the state delt with when negotiating the contract and asked if there have been conversations with those individuals, and does Amber have any justification for how they have treated the subcontractors on the project.

Commissioner Doughty stated as he was not DOT Commissioner when the contract was negotiated with Amber, he does not have the full understanding of the circumstances that are nuanced surrounding the negotiation, adding that he needs to have that understanding before he can fully answer Sen. Farrin's question. Commissioner Doughty stated that the previous DOT Commissioners did continue with people at Amber and the other entities about the difficulties, and answers from Amber have not always contained accurate information, and it has been very difficult to understand what Amber is doing and what the progress has been, and due to the lawsuits have had to stop having conversations with Amber.

Sen. Farrin, in reference to the fact that the Attorney General's Office was involved in the contracts, asked if the administration, DOT or the Maine Port Authority have asked the Attorney General for an opinion on remedies for the situation.

Commissioner Doughty stated that DOT has a set of attorneys who are working with OAG to work through the situation but currently cannot answer with any more information due to the litigation.

Sen. Hickman asked when the lawsuit was filed.

Executive Director Pettengill stated the lawsuit was filed in the summer of 2024.

Sen. Timberlake asked if the state was still doing business with Amber, and what steps have been taken to try to get the subcontractors paid the money they are owed. Sen. Timberlake also stated that he does not understand how the state has not voided the contract with Amber.

Commissioner Doughty stated that the attorneys have given the state options that are available regarding the lease to Amber, which cannot be acted upon at this time due to the lawsuit, adding that the first phase of discovery has been recently completed. Commissioner Doughty also stated that there have been a couple of attempts at mediation, however those attempts did not result in any agreements.

With no further questions from the Committee for Commissioner Doughty and Executive Director Pettengill, Sen. Hickman asked them to stay in the room in case there were further questions.

Sen. Hickman stated that Michael Dugay, Commissioner of the Department of Economic and Community Development (DECD), as well as Wade Merritt, President and State Director of the Maine Internation Trade Center (MITC) were both unable to attend today's meeting. Maureen Terry, DECD Legislative Liaison and Communications planned to attend for any questions DECD or MITC can look into for the Committee.

Commissioner Doughty added that Commissioner Dugay is aware of this matter and is kept informed.

Sen. Hickman next invited the City of Portland officials, who attended via Zoom, to present any statement to the Committee and answer questions the Committee may have for them.

Mark Dion, Mayor of the City of Portland introduced himself along with Kevin Kraft, Director of Planning & Urban Development for the City of Portland, and Michael Goldman, Corporation Counsel for the City of Portland.

Mayor Dion provided the Committee with a letter regarding MICSF and the City of Portland's role in this matter. A copy of the letter may be found here: Letter to GOC from City of Portland_MICSF

Mayor Dion stated that the most instructive observation he can provide is that as this project began to spiral downward, as expressed by Sen. Farrin at both the August 19th GOC meeting as well as during Committee discussion today, the public had an assumption that the City of Portland could intervene and be able to act in the best interest of the subcontractors. Mayor Dion stated that the public did ask the City of Portland to intervene because MICSF is a core element of the City's marine waterfront and the public did not want to see the project fail. Mayor Dion stated that all the City of Portland has been able to tell the public is that it appears to the City of Portland, as a spectator to the process, that the subcontractors were not in a position to apply any liens on the principal in order to protect their interests surrounding non-payment. Mayor Dion stated that some of their more informed citizens came to a similar conclusion but expected the City of Portland to take some action. Mayor Dion stated that the City of Portland is not able to intervene, even though MICSF is an important element in the City's working waterfront.

Mayor Dion stated that he is interested in whether the Committee makes any suggested legislative amendments to the lien statutes because of this situation, adding that he believes it would be helpful to all parties. Mayor Dion stated that the City of Portland made a huge investment of time and energy for this public-private partnership project and would like the project to succeed and hope the issues can be resolved.

Sen. Hickman asked Mayor Dion if the public-private partnership contract is a public document.

Mayor Dion stated that he has never personally read the contract.

Mr. Goldman stated that he also has not read the contract, adding his office has not been involved in the process of the contract and the city's involvement was limited to changing the zoning for the property the project is on as well as the planning board in approving the site plan and amendment.

Sen. Hickman stated he received the affirmative from Commissioner Doughty that the contract is a public document.

With no further questions from the Committee, Sen. Hickman thanked Mayor Dion, Mr. Goldman and Director Kraft for speaking with the Committee today and sharing their perspective on the matter.

Sen. Hickman next invited representatives from three companies who worked on the MICSF project to share with the Committee their experience on this project.

Sen. Duson asked for those now before the Committee to let the Committee know if they are party to any of the litigation involving Amber.

Scott Linscott, Owner of H.B. Fleming Inc., Mark Curtis, Vice President of Gorham Sand & Gravel, Jim Shaw, Gorham Sand & Gravel, and Andy LeConte, General Manager, Main Line Fence, introduced

themselves to the Committee, adding that H.B. Fleming Inc. and Gorham Sand & Gravel are both in litigation, and that Main Line Fence is not in litigation.

Sen. Farrin asked Mr. LeConte to share with the Committee his company's involvement in MICSF and where it stands today.

Mr. LeConte stated that Main Line Fence is based in Cumberland Maine, is family owned and has been in business for 78 years. Mr. LeConte stated that Main Line Fence contracted to install perimeter fencing and gates around the facility which was done in November and December of 2024. Mr. LeConte stated that the invoice for their work was submitted to the contractor in December of 2024, adding they were paid the contracted amount in June 2026. Mr. LeConte stated that there were no problems or deficiencies with the work done, adding that everything was completed per the contract and signed off by the contractor, however payment was not made for approximately 19 months.

Sen. Farrin asked Mr. LeConte if he had done work with the State of Maine before working on the MICSF.

Mr. LeConte stated he had previously done work for the State.

Sen. Farrin asked Mr. LeConte if there were any warning signs that there would be problems receiving payment for work completed.

Mr. LeConte stated that he had communication from the general contractor, FCL, of the project schedule and when Main Line Fence would be needed on site. Mr. LeConte stated that Main Line Fence met the timelines and deadlines but were not privy to any information that there was any difficulty with payment.

Sen. Farrin asked Mr. LeConte what the value of Main Line Fence's contract was.

Mr. LeConte stated Main Line Fence's contract was $57,290.

Sen. Farrin asked Mr. LeConte what being without payment for almost two years for work on MICSF meant to his business finances.

Mr. LeConte stated Main Line Fence has about 25 employees and the amount of the contract was larger than their weekly payroll. Mr. LeConte stated that the company had to use a line of credit while waiting for payment which incurred interest and other expenses.

Rep. Mastraccio asked if Main Line Fence received any type of deposit or payment upfront for the contracted work.

Mr. LeConte stated per their contract, no deposit or payment was given upfront.

Rep. Mastraccio asked if there were payment terms within their contract.

Mr. LeConte stated that payment terms were in the contract, adding that it is typical on commercial projects that no money is paid upfront. Mr. LeConte stated that typically invoices are submitted as work is completed

on a monthly basis or upon completion of the work. Mr. LeConte stated that it was his company's assumption that once the work was completed and the invoice was submitted, they would be paid based on the contract.

Rep. Mastraccio asked, with many subcontractors doing work for MICSF, at what point did they worry they would not receive payment, and became aware that it was not just one company experiencing this same problem.

Mr. LeConte stated that he started to become concerned in April 2025, adding that once they hit 90 days without receiving payment after submitting their invoice they followed up with the contractor to request payment and communication was difficult and answers hard to come by. Mr. LeConte stated at this point his company reached out to the Association of General Contractors to inquire if any other subcontractors were experiencing the same difficulties and found out there were other subcontractors not receiving payment. Mr. LeConte stated he and the other subcontractors began meeting regularly to discuss their individual situations.

Rep. Mastraccio asked Mr. LeConte to share his experience of working on other public contracts compared to working on the MICSF project, and how it differed in terms of any recourse that he had to seek payment owed.

Mr. LeConte stated when working on a project that is strictly public, you know who the entity is and there is an avenue to recover payment owed, adding when working on a project that is private a company can go through the lien process to recover payment. Mr. LeConte stated that on the MICSF project, because the facility is on state-owned land, contractors cannot put a lien on the property. Mr. LeConte stated a further complication with MICSF is that the State does not own the development which means contractors cannot go to the state for payment.

Sen. Farrin asked, if they were presented with the opportunity to bid on work for a public-private partnership again, would they.

Mr. LeConte stated that Main Line Fence is currently working for Gorham Sand & Gravel at the Maine Port Authority and has no doubt about receiving payment for work done.

Mr. LeConte stated that the MICSF project was touted as a great development for the State of Maine and Main Line Fence was excited to be involved but based on the experience does not believe Main Line Fence would bid on the next opportunity unless there are systemic changes that happen.

Sen. Farrin asked Mr. Curtis and Mr. Shaw of Gorham Sand & Gravel to share their experience of working on MICSF and to share what they are able about outstanding unpaid invoices for their work.

Mr. Curtis stated Gorham Sand & Gravel is a 40-year-old company that started from nothing and worked very hard to be where they are today. Mr. Curits stated his company has worked for public and private entities, adding he reads every contract and makes sure that their employees and any subcontractors they hire get paid.

Mr. Curtis stated that Gorham Sand & Gravel started their contracted work at MICSF in 2020, adding that payments of invoices began to be made slower and it became obvious that there was some problem. Mr. Curtis stated that Gorham Sand & Gravel did everything they could to address their concerns, however the contract would not allow them to stop work until payment was received. Mr. Curtis stated their only option was to complete the work and then go through the process available, which is litigation. Mr. Curtis stated that

eventually it will be made clear if Amber or FLC leveraged the contract knowing that work could not stop even if payment was not made.

Mr. Curtis stated that his company did receive a letter, while they were still being paid as work was being done, that stated that his company could not put a lien on the project, which to him was the first red flag. Mr. Curtis stated that as each subcontractor reached the original contracted sum, payments began slowing down for any additional work that was mutually agreed to on top of the original contract and eventually stopped. Mr. Curtis stated that, as Mr. LeConte stated earlier, each subcontractor had to complete the work regardless of receiving payment and then seek payment through litigation.

Mr. Curtis stated that Gorham Sand & Gravel is still owed $1 million for work completed, adding that on top of the $1 million are interest and attorney costs. Mr. Curtis stated that the money still owed represents payroll, profit sharing, and 401k and other benefits to employees.

Sen. Hickman stated that if a company with the portfolio that Amber has could be in the position to take advantage of a public-private partnership, he wonders how the state's procurement processes did not catch that this could be a problem.

Sen. Farrin stated he is not sure what the Committee can do about this situation due to the pending litigation, however he believes today's discussion helps bring attention to the issues involved. Sen. Farrin stated that he wants Maine companies to be involved in public-private partnerships and asked the business owners for their thoughts on how to work with the State to prevent this from happening again, suggesting a possible working group with business owners and DOT and others to add language to future contracts that provide protection.

Mr. Curtis stated he was here today to help affect the change that allows leverage to be put into contracts, adding the piece that was missing from the contracts to work on the MICSF project was a process to follow if a problem arises which would allow parties to work through the problem in a way that works for all parties. Mr. Curtis added that he would be happy to provide language suggestions.

Sen. Hickman asked if any reason was provided by Amber for unpaid invoices, adding that in looking at the company information online Amber is a multi-billion-dollar company.

Mr. LeConte stated that his company did not have direct contact with Amber, adding that his contract was with FCL, and FCL had a contract with Amber. Mr. LeConte stated that within his contract with FCL, FCL was not obligated to pay invoices until Amber had issued payment to FCL, which is standard. Mr. LeConte stated that FCL had not been paid by Amber, therefore FCL could not pay Main Line Fence.

Sen. Farrin asked Mr. Linscott to share with the Committee his company's experience working on the MICSF project.

Mr. Linscott stated that H.B. Fleming Inc. has been in business since the 1950's, providing deep foundations and excavation support, including geotechnical design work that is underground. Mr. Linscott stated that because the work that H.B. Fleming Inc. does is so specialized, they are often engaged very early on projects, which was their role for the MICSF project. Mr. Linscott stated he provided 14 proposals over six years on this project. Mr. Linscott stated that, for this project, his company purchased $6 million worth of steel, and the contract had a value of $10 million. Mr. Linscott stated that as of today, FCL and Amber are still holding 10%

retainage on the $6 million worth of steel, and the retainage on the rest of the contract with the total amount still owed to H.B. Fleming Inc. totaling $1.5 million. Mr. Linscott stated that the weekly payroll for H.B. Fleming Inc. is $150,000, therefore the amount still owed is 10 weeks of payroll, adding this makes it very difficult for a company to continue to operate. Mr. Linscott stated that H.B. Fleming completed the contracted work in 2023, adding that payments of invoices his company submitted had been made until the work was completed.

Sen. Timberlake stated that perhaps there should be something written regarding the public-private partnerships, that if the contractors are not paid, the State pays the contractors who completed their contracted work, and then the State can seek repayment from those who should have paid through litigation and asked for feedback on this thought.

Mr. Linscott stated that if the State had already put $8.6 million into this project, perhaps some of that amount should have been held until the project was completed, which could give the State more leverage. Mr. Linscott also stated that the State should have the right to take over the whole property if the developer does not pay the bills.

Mr. Curtis stated he agrees with Mr. Linscott, adding that posting bonds for projects could also be a way for the State to have more leverage in public-private partnerships. Mr. Curtis stated there should be some mechanism that allows for a claims process, including who would preside over it and how it gets resolved, as well as the ability to declare a default in the contract between the parties.

Mr. Curtis stated the core of the issue with this project is a fight between FCL, the general contractor that Amber chose, and Amber. Mr. Curtis stated the State is involved by association, and he does not blame the State for the situation. Mr. Curtis stated that the money still owed is very small relative to the portfolios of both Amber and FCL.

Sen. Timberlake asked if the MICSF project was not bonded in any way.

Mr. Curtis stated that it was bonded, however in this project there was an agreement between Amber, as the owner of the project, and FCL, the contractor in this project. Mr. Curtis stated that FCL posted the bond, not Amber, adding that this should be taken into consideration for future public-private partnerships.

Mr. Shaw stated that allowing contractors to be able to lien what is on state property, in this case it would be the building, is another suggestion for future projects, adding that this would require a change in state law.

Sen. Duson stated, as a member of the Portland City Council during the process of city approval, that this project is so important for the entire state and there was excitement surrounding this project and the intent to use local Maine businesses for the work to build the facility. Sen. Duson stated that she believes people in the region of Portland would share the frustration of the companies who are not paid timely or are still owed money for work completed.

Rep. Mastraccio stated that she hopes all businesses who are still owed money by FCL continue to pursue litigation and recoup all that is owed plus a lot more. Rep. Mastraccio stated that she hopes the State uses this information to figure out how to prevent it from happening again in the future, adding there is an opportunity for legislation to be written.

Mr. Linscott stated that keeping Maine entities involved as much as possible is important, adding that his company does business all over northern New England and there is nothing like working in Maine when it comes to trust in business dealings. Mr. Linscott stated this level of trust in Maine allows his company to provide a better value to clients, adding that giving Maine contractors priority on a general contractor and developer level should be a priority and could have prevented some of the difficulties in this project.

Mr. LeConte agreed with Mr. Linscott, adding that Maine contractors work together often on projects and know that they will be working together again. Mr. LeConte stated that when an international corporation is the developer, as in this case, there is no loyalty or commitment to future relationships with contractors.

Sen. Duson summed up the suggestions for future public-private partnerships to protect the public side of the public-private investment, which include emphasizing local, regional and state contractors, claw back clauses, ability to stop work without penalty if payment for work completed is not made, being able to lien this type of project, and performance bonding.

Sen. Hickman stated the frustration here is that all the work is completed and payments stopped being made for that work. Sen. Hickman stated a question he has for a future conversation is, in the procurement process where Amber was chosen, how many Maine companies were able to bid on that role for the project and why Amber was chosen.

Sen. Farrin thanked Mr. LeConte, Mr. Curtis, Mr. Shaw and Mr. Linscott for taking time away from their work to share with the Committee today and help the Committee consider how to prevent this from happening in the future.

With no further questions or comments from the Committee, Sen. Hickman thanked Mr. LeConte, Mr. Curtis, Mr. Shaw and Mr. Linscott for taking time to meet with the Committee today and wished them success in their litigation.

OPEGA Director's Report

Sen. Hickman next invited Director Schleck to present his Director's Report.

Director Schleck shared with the Committee an email referenced by Attorney General Frey during the morning portion of the meeting, which was sent by Joshua Nagine, the President of the Lewiston City Council to the Chairs of this Committee, the Presiding Officers, the Attorney General, the Maine Community Foundation and others, which Sen. Hickman read in to the record. A copy of this email may be found here: Email from President of Lewiston City Council

Director Schleck stated the email from Mr. Nagine raises interesting questions about this morning's discussion and stated he would like to consult with the Attorney General's Office about this request in light of the legal analysis presented this morning.

Rep. Mastraccio stated that she would like to know if the Lewiston City Council has performed their own review of the City of Lewiston's involvement in fundraising and the decision-making process regarding the funds raised after the Lewiston shooting as they are the governing body of the city.

Director Schleck stated that he wonders whether MCF would voluntarily enter into any kind of dialogue and asked if the Committee would like to invite MCF to voluntarily engage in communication.

Sen. Hickman stated that since there was not currently a quorum, he asked those present if there was any objection to the Chairs of the Committee drafting a letter to MCF inviting them to come before the Committee to answer questions. Sen. Hickman noted that MCF is not required to appear, however today's discussion is in the public interest, and MCF's role is under scrutiny.

Rep. Eder stated he has no objection, also asking that the Committee hear from a representative of the victims to explain their perspective.

Sen. Hickman stated that Rep. Eder's request will be taken under advisement.

Sen. Duson stated she has no objection to the Chairs sending a letter to MCF, adding that she wonders if the Committee should also join the City Counsel of Lewiston in requesting an inquiry by the AG to take action under the Maine Charitable Solicitation Act.

Sen. Hickman stated that he would think that MCF would want to defend their actions and clear the record publicly in front of this Committee, as the perception of some of the public is that MCF misled the public as to how the funds would be distributed.

Sen. Hickman added that between now and the next Committee Meeting, the Chairs can consider whether to convene a special meeting to take a vote on Sen. Duson's suggestion.

Rep. Mastraccio agreed with Sen. Hickman, adding that between now and the next Committee Meeting a donor may come forward to file a complaint with the OAG, adding that since she was not a donor she does not believe she should file a complaint and the Committee has no jurisdiction over MCF.

Sen. Farrin stated he would like to invite MCF to appear to provide more information and answers.

Sen. Timberlake stated he agrees that the Committee should invite MCF to appear before the Committee, adding that he would like this to happen sooner than the next scheduled meeting to get to a solution sooner. Sen. Timberlake stated that he does not agree with the Attorney General's analysis earlier today and believes the analysis could have gone either way. Sen. Timberlake stated he is trying to figure out how the Committee can have jurisdiction over this matter.

Sen. Hickman stated that Aaron Frey is the Attorney General of the State of Maine and under the law this Committee asked the Attorney General to provide a legal opinion regarding this Committee's jurisdiction and the answer is that this Committee does not have jurisdiction. Sen. Hickman stated that even if the Committee disagrees with the answer, the Committee cannot direct OPEGA to look into the matter where the AG says the Committee does not have jurisdiction.

Sen. Hickman stated that the Committee can invite MCF to appear even if the Committee cannot hold them accountable in any official way.

Sen. Duson stated her suggestion was in addition to inviting MCF to appear. Sen. Duson stated that the Attorney General concluded that the Committee does not have jurisdiction, however he also stated that under the Maine Charitable Solicitation Act the OAG has jurisdiction if someone asked him to step in and she would like the Committee to join the City of Lewiston in requesting that action be taken.

Motion and Vote

Rep. Lemelin made the motion for the Chairs to send a letter to the Maine Community Foundation to invite them to appear before the Committee voluntarily at the next GOC meeting, which is tentatively scheduled for October 21, 2026.

The motion was seconded by Sen. Timberlake.

With no further discussion the vote was taken.

The motion was unanimously approved by all members who voted. (Seven members were present for the vote, four members voted later by absentee as allowed by Committee Rules.)

Director Schleck next informed the Committee that the matter regarding the Chelsea Kinship Placement Case File Review is currently in an appeal process of the Bindover hearing decision.

Director Schleck also informed the Committee that the final sentencing hearing in the matter of Braxtyn Smith, which was scheduled for September 22, 2026, was continued and at this time does not have a re-scheduled date. Director Schleck stated he hopes this takes place prior to the next Committee meeting.

Director Schleck stated that he also continues to monitor the litigation involving the Department of Corrections, adding that the plaintiffs in the litigation against the Department have filed a procedural document that asks the judge to put the Attorney General on notice that the plaintiffs are questioning the constitutionality of the gender affirming statute followed by the Department. Director Schleck stated he would continue to monitor this case.

Director Schleck stated that subject to meeting with and obtaining the decision of the Chairs, the next meeting date is tentatively scheduled for October 21, 2026.

Adjourn

With no further discussion, Sen. Hickman adjourned the Government Oversight Committee, without objection, at approximately 3:07 pm.