

AFFIDAVIT OF MARY LEE

I, Mary Lee, being duly sworn, depose and say:

1. My name is Mary Lee. I live in Argyle Township, Maine. I make this affidavit on my personal knowledge, information and belief, and to the extent that statements are based on information and belief, I believe them to be true.

2. I am currently working at OHI, a company providing services to persons with intellectual disabilities and mental illness in the Greater Bangor, Maine area under contract with the Maine Department of Health and Human Services ("Department"). I have worked for OHI in various clinical capacities for 22 years.

3. Since 1988, I have been a Correspondent for M.G., who is a Class Member in the Community Consent Decree case. M. was admitted to Pineland Center at age 7 ½ on March 24, 1950. She returned to her family and resided in various group/foster homes for brief periods of time but she always returned to Pineland due to "unmanageable" behaviors. One Pineland Psychologist referred to her as "a pesty and demanding individual". M. was finally discharged from Pineland and admitted to OHI in March 1983.

4. Regardless of my position within OHI, I have not supported M. in any kind of supervisory or direct service capacity since 1988 when I left employment at Opportunity Learning Center, (her day program which was under the auspices of OHI). M. does not view me as an OHI employee and I do not regard her as a client or consumer of services. During a recent hospitalization, M. consistently introduced me to her doctors and nurses as her friend. I participate in M.'s Person Centered Planning meetings (even when I'm out of the country via e-mail), we go out several times a year and we talk on the telephone every weekend, unless she is vacationing in Old Orchard Beach or camping.

5. M. just turned 67 and her health is deteriorating. She now relies on a wheelchair to get around in the community and uses a walker at home. Her need for support and advocacy is greater now than ever.

6. The Department serves as her Guardian, Case Manager and Representative Payee which I have found to be a direct conflict of interest. This became an issue in 2008 when I filed a grievance on behalf of M. for lack of necessary environmental modifications to her home to keep her safe. The grievance was initially denied and proceeded to Level III at which time the hearing officer sided in M.'s favor, stating that the Department was not correct when it denied her funding request for environmental modifications to her residence. The hearing officer stated in the summary of the final report that M. has rights to services under the Community Consent Decree. The Department appealed the decision to its Commissioner, who rejected the hearing officer's decision. Nevertheless, the Department eventually paid for the modifications to M.'s home.

7. Correspondents are one of the few people who can file a grievance. If M. had not had this representation she surely would have been asked to move to a more accessible home, when she clearly stated that she wanted to remain where she was.

8. M. and I met recently on October 30th to discuss the possible fate of the Community Consent Decree. At this time I asked her to share some of her experiences at Pineland (the comments below are direct quotes from M.):

- Pineland made me shit on the floor
- They squirted lime juice in my face
- Pineland was no good for me and Bonnie Brooks took me out
- They tied me down to a bed and I couldn't feel my feet
- My brother (Louie) did something when I was in the woods at Pineland (when asked to elaborate she pointed to her genital area)
- I was locked in rooms
- Staff threw water in my face
- I was hit and bitten (she clarified that this was done to her by other consumers)
- People stole my food
- They made me piss on the floor like a baby

9. Although I was not present for the closing ceremony at Pineland, I was informed afterwards that M. took the ceremonial master key she had been given that day and threw it in a lake or pond. The day after I had this conversation with M. she called on numerous occasions with nervous questions about Pineland. I assured her Pineland was not going to "reopen and it was closed for good". Unfortunately, our conversation appeared to elicit some negative memories.

10. I have been asked to comment on how M.'s time at Pineland impacted her life. I make the following comments based on my observations and interactions with M.

- a. M. is very cautious about others and she requires constant reassurance, as she has been disappointed and let down by many in the past.
- b. M. still struggles with relationships. There are several people from her day program that she knew in Pineland and her anger and resentment is still apparent. She has expressed animosity and resentment towards these individuals although she has very little to do with them now.
- c. When M. is experiencing negative behaviors she will make references to approaches used in the past (e.g., being restrained and lime juice being sprayed in her face). M. even used the word camisole (a restraint device similar to a straightjacket) when we met on Friday, which leads me to believe she had been very familiar with this restraint technique.

- d. There appears to be almost a need for closure for M. She talks often about visiting Pineland someday with Bonnie Brooks. She has a desire to visit but is clear she never wants to return.
- e. M is not very patient at times and is very demanding about having her immediate needs met. Over the years, she has become a very good self-advocate. She knows who to contact for help when she doesn't get what she needs or wants.

Dated this 6th day of November, 2009.

/s/ Mary Lee

Mary Lee

STATE OF MAINE

Penobscot, ss:

November 6, 2009

Personally appeared the above-named Mary Lee, and made oath that the foregoing statements are made on the basis of her personal knowledge, information and belief and to the extent statements are made on information and belief, she believes them to be true. Before me,

/s/ Bonnie A. Cole

Notary Public/Attorney-at-Law

My Commission Expires: October 28, 2010