

MAINE STATE LEGISLATURE

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STATE OF MAINE
HEALTH AND INSTITUTIONAL SERVICES COMMITTEE

REPORT ON STUDY OF
THE DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS

February, 1973
HEALTH AND INSTITUTIONAL SERVICES COMMITTEE .

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STATE OF MAINE

In Senate June 1, 1971

~~Ordered,~~

WHEREAS, there is a serious public concern as to the administration and operation of our institutions under the Department of Mental Health and Corrections and under the Department of Health and Welfare; and

WHEREAS, there is serious concern over a conflict between the Department of Mental Health and Corrections and its subordinates, and the Department of Health and Welfare and its subordinates; and

WHEREAS, there is substantial evidence of sagging morale among dedicated employees to the extent there is reason to believe that patient care may suffer; and

WHEREAS, the public responsibility towards patients in the care and custody of these institutions demands compassionate care, training and rehabilitation of the highest quality, and full protection of the constitutional and civil rights of those committed to our care; and

WHEREAS, it appears that a study of personnel practices and policies regarding recruitment and retention of staff is advisable; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the Legislature on Health and Institutional Services be authorized to study, review and analyze the operations, personnel practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare as they

9. pertain to our institutions to ascertain that the department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said standing committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

ORDERED, that this special committee report its findings and recommendations to the 106th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the said standing committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the said standing committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to said standing committee from the Legislative Account the sum of \$1,000 to carry out the purposes of this Order.

IN SENATE CHAMBER

SENT DOWN FOR CONCURRENCE

JUN 1 1971

(Hichens)

NAME:

SP 615

STATE OF MAINE

In Senate March 1, 1972

Ordered, the House concurring, that there is allocated from the Legislative Account the sum of \$3,000 to the Joint Standing Committee of the Legislature on Health and Institutional Services to continue its study of the State Departments of Health and Welfare and Mental Health and Corrections as authorized by Joint Order (S.P. 615) at the last regular session; and be it further

ORDERED, that members of the Committee shall be compensated at the rate of \$20 per day for every day spent in actual performance of their duties and within the limits of funds provided.

IN SENATE CHAMBER

MAR 1 1972

READ AND PASSED

SENT DOWN FOR CONCURRENCE

HARRY N. STARBRANCH, Secretary

HOUSE OF REPRESENTATIVES
READ
On Motion of Mr. *Mellet*
by *Disin*

MAR 2 1972

Tabled Pending

IN CONCURRENCE

Bertie W. Johnson
CLERK

SP 776

HOUSE OF REPRESENTATIVES

Speaker laid before the House

PASSED

IN CONCURRENCE

MAR 2 1972

Bertie W. Johnson
CLERK

(Hichens)

Name:

Walter W. Hichens
County: York

HEALTH AND INSTITUTIONAL SERVICES COMMITTEE

Chairman - Senator Walter W. Hichens

Vice Chairman - Representative Mary W. Payson

Members - Senator Edwin H. Greeley

Senator Carroll E. Minkowsky

Representative Edward B. Lewis

Representative Minnette H. Cummings

Representative Glenys W. Berry

Representative Dorothy McCormick

Representative Roswell E. Dyar

Representative Domenico A. Santoro

Representative John F. Clemente

Representative Dorothy Doyle (resigned Nov. 1, 1972)

Representative Bertrand A. Lessard

INSTITUTIONS AND HOSPITALS VISITED

1. Women's Reformatory at Skowhegan
Toured facility
Interviewed Superintendant
2. Augusta State Hospital
Visited facility several times during the special session. Visited the farm, maximum security division and wards.

Interviewed staff and administrators
3. Pineland Hospital and Training Center
Visited facility twice during the special session
Subcommittee met with the Maine State Employees Association and union
Subcommittee met with the Conference on Retardation
4. Boys' Training Center at South Portland
Interviewed house parents, superintendant
Attended conference on Boys' Homes in state
5. Men's Correctional Center at South Windham
Interviewed inmate representatives, guard representatives, and superintendant
6. Stevens School at Hollowell
Toured facility
Interviewed inmates, superintendant
7. Maine State Prison at Thomaston
Interviewed inmates, guards, warden

LOCATIONS OF PUBLIC HEARINGS

1. Augusta May 31, June 1, 1972
Hearing on Augusta State Hospital
2. Gray June 7, 1972
Hearing on Pineland Hospital and Training Center

INTRODUCTION

The Standing Committee on Health and Institutional Services of the 105th Legislature was directed by an Order dated June 1, 1971, to study, review and analyze the operations, personnel, practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare as they pertain to State institutions to ascertain that Department appropriations are being administered in an effective and productive manner for the welfare of the citizens of the State of Maine. The Order further provided that the Committee should report its findings and recommendations to the 106th Legislature. The work of the Committee on Health and Institutional Services was directed primarily towards investigation of complaints and allegations about the various institutions and the Department of Mental Health and Corrections.

The Committee would like to indicate at the outset that it has had difficulty in carrying out its study, because of the broadness of the area and lack of staff assistance and subpoena power by which a comprehensive investigation might be carried out. The Committee feels it is fair to point out that when a legislative committee undertakes a task of this magnitude, the Legislature should anticipate that the study will be costly and complicated and provide such a committee with the tools necessary

to carry out the task.

The Committee found also as its study progressed that unanticipated problems arose because of great public interest in the Committee's work. In the course of its investigation, the Committee was confronted with additional problems referred by the Legislative Research Committee concerning reported conditions at Augusta State Hospital. The Maine State Employees Association requested that a subcommittee involve itself with administrative problems at the Children's Psychiatric Hospital. Staff, employees, parents of patients, boarding and nursing home operators, and prison inmates requested attention to various specific problems. As a result of this additional workload, more time was required than had been anticipated and the Committee was required to ask the Legislative Research Committee for additional funds to conclude its work.

The Committee also experienced a lack of cooperation from the Department of Mental Health and Corrections in conducting its investigation. There was an attitude on the part of the administration of the Department that the Legislature, employees, relatives and citizens had no right to criticize programs, inefficiencies and problems within the hospital complex.

The Committee met with Commissioner Kearns during the course of its study to elicit from him the facts needed to complete its investigation. The Commissioner told the Committee that he wished that they would "keep their noses out of his business" and further indicated that "the Legislature had no right to interfere with the administrative and executive policies."

The Committee endeavored to acquire information necessary to its task by utilizing hearings, both public at the demand of the Commissioner of Mental Health and Corrections, and private, and by visiting a number of State institutions. Members of the Committee visited the following institutions.

Augusta State Hospital, at Augusta;

Women's Correctional Center, at Skowhegan;

Stevens School, at Hallowell;

Men's Correctional Center, at South Windham;

Pineland Hospital and Training Center, at Pownal;

Boy's Training Center, at South Portland;

Maine State Prison, at Thomaston.

The Committee experienced problems in conducting its hearings. The Commissioner insisted that public hearings take place and the Committee complied. Despite assurances from the

Commissioner that no reprisals for testimony would occur, employees were reluctant to testify because they feared for their jobs. At private meetings, to which the Committee was invited by employees, uninvited persons came and the employees refused to discuss problems in their presence. Employees were generally "up tight" in terms of their relationship to the Department administration.

The Committee has noted, and will suggest to the Legislature for its consideration, a number of problems which have existed, some of which are being resolved and many of which still exist, with respect to the operation of the institutions referred to above. While the Legislature or one of its committees cannot hope to cope on technical grounds with professional employees or officials of the Department of Mental Health and Corrections, this Committee does feel that as lay people their observations are nonetheless valid. One of its prime accomplishments is that people had "someone who listened" when appeals were made. It is the Committee's position that it is the duty of the Legislature to be responsive to the people of the State of Maine and to be informed on all matters involving State government, all in order to improve services provided by the State.

The opinions expressed in this report are those of the majority of the committee.

RECOMMENDATIONS, WITH SUPPORTING FACTS

MENTAL INSTITUTIONS:

The following recommendations are submitted with direct reference to Augusta State Hospital and Pineland Hospital and Training Center.

1. More effective training programs for hospital personnel, particularly aides, should be set up. It was apparent that the typical procedure is to hire aides and train them at a later date, if at all. In many cases, training is attempted while the aide is working at assigned tasks. Aides have complained that they did not feel adequately trained to cope with the tasks assigned to them.

2. New grievance procedures should be instituted for employees at the institutions. Although the State Employees Appeals Board provisions (M.R.S.A., Title 5, § 751 et. seq.) apply to these employees and although that procedure is intended to be informal, many employees do not understand it and cannot cope with the various procedural steps necessary to redress a grievance. These employees work hard and are dedicated but they are not always articulate or aggressive and they are particularly fearful of losing their jobs. The Committee suggests that perhaps an employee advocate should be employed to assist employees.

3. There should be a pool of personnel on call for emergency situations. There are many cases of an emergency nature in which sufficient personnel are not available. In such instances, aides are left without adequate assistance to cope with the emergency, since aides are not allowed to go from one ward to another under the unitized system.

4. The Department should undertake a study of the physical facilities of the institution in terms of the safety of employees and patients, and carry out all needed changes. The Committee observed at Augusta State Hospital that fire hoses and extinguishers had not been tested for some years. In addition, Committee members who visited Augusta State Hospital at night observed that patients at the halfway house were locked into the building at night and doors had to be unlocked to permit entry or exit. In case of fire, this could result in disaster.

5. New programs, such as normalization and unitization, should be tested on a pilot basis rather than on an institution-wide basis. New programs should be initiated only after a thorough examination of existing ones with the idea of elimination of those proven to be ineffective. The concept of normalization, for example, was introduced and interpreted in too casual a way. Staff were given insufficient training in the new concept before

an immediate push was made to implement this program on a broad-range basis. Also, patients were placed in boarding and nursing homes not thoroughly checked by departmental personnel. In some cases the patient's family received no notice of the patient's discharge from the hospital. Planning should have been much more thorough, and the program undertaken originally on a less broad basis.

6. Federal revenue sharing monies should be used to give added financial support to present programs where necessary rather than to initiate new programs.

7. The Statutes should be amended to provide that after policy is established by the administration of the Department of Mental Health and Corrections, it will be carried out by the various superintendents, who should have discretion to implement the policy in the manner which they think best. There has been considerable acrimony over the "dismissal" of the superintendents of Pineland Hospital and Training Center, and Augusta State Hospital. Legislation was passed during the regular session of the 105th legislature which in effect allowed the administration of the Department of Mental Health and Corrections to work its own will on the institutions and to dismiss the superintendents of these institutions. Because of shoddy tactics used to slip a bill through the Legislature, and poor administration in by-

passing personnel laws, the Department is deeply involved in an unnecessary lawsuit over the dismissal of Dr. Peter Bowman.

The Committee feels strongly that superintendents of the various state institutions must run their own "shop" without interference from administration at the central office of the Department of Mental Health and Corrections in Augusta. These superintendents, who were and are highly trained men, should not have to be second-guessed by administrators in Augusta, at least in areas of program and professional judgement. Even if policy is to be established by the central administration, implementation of that policy and the methods of implementation should be left up to superintendents and they should not be directed on day-to-day details by the Department of Mental Health and Corrections.

8. When job vacancies occur, preference should be given to Maine residents. The Committee noted instances where vacancies were filled by non-residents of the State of Maine. Currently, M.R.S.A., Title 5 § 673, requires that admissions to examinations for classified positions be open only to those who have been legal residents of Maine for one year, except in emergency cases when the Personnel board decides that an exception is necessary for the good of the service. Waivers of this residency requirement have been too frequent. Great weight has been given to formal training and this weight tips the scales in favor

of the out-of-state resident. This emphasis should be changed, so that Maine residents with similar qualifications will receive preference and more weight will be given to the work experience of Maine residents.

9. Where delivered prices are similar, Maine grown foods and Maine manufactured goods should be given preference over out-of-state products in the procurements for institutions and departments.

10. The Boards of Visitors for all institutions should be eliminated. The Committee feels that as a practical matter, the Boards of Visitors are ineffective. They do not meet often enough and have no real authority. The Advisory Board on Mental Health (M.R.S.A., Title 34, § 2003) and the Advisory Committee on Problems of the Mentally Retarded (M.R.S.A., Title 34, § 2063), appointed by the Governor, adequately fulfill any need for third party observation.

11. The Department should begin long-range planning in order to avoid the waste resulting from failure to anticipate long-range needs. Large sums of money were spent within the past two years to renovate the Sanborn Building, the maximum security area and farm buildings at Augusta State Hospital. Yet, within a short time after these renovations took place, the Sanborn

Building has been torn down, the maximum security building has been closed and the recently completed fence and gate taken down, and the farm program has been discontinued. The chapel has also been demolished. Had the Department had any idea of its own future needs, the original renovation expenses could have been avoided.

12. Legislation in the form of appropriations bills for the Department of Mental Health and Corrections and any of the institutions should be heard by the Committee on Health and Institutional Services and their report referred to the Committee on Appropriations.

12. A discharge board for patients should be created to be composed of lay and professional persons familiar with the specific problems of institutionalized persons. This Board should review and pass upon all proposed discharges.

14. Parents or legal guardians should be notified at least 30 days before discharge of a patient with right to appeal to the discharge board.

15. Occupational and recreational programs in nursing and boarding homes to which patients are assigned should be estab-

lished before patients are discharged from the hospital. There is simply no point, under a normalization program, of taking a patient from one institutionalized setting and placing him into another with poor programs. This is exactly what has happened since no programs are provided in the majority of nursing and boarding homes and certainly the patient is no closer to the community, aside from being geographically closer, than if he remained at Pineland Hospital and Training Center or Augusta State Hospital.

16. The present duplication of social workers' caseloads in the after-care of discharged patients should be eliminated. When a patient is discharged from Pineland Hospital and Training Center, for example, he is currently attended by a social worker from the Department of Health and Welfare as well as one from Pineland Hospital and Training Center. Confusion and conflicting advice have been the result, as well as pointless duplication of a costly service.

17. A long-time nursing care unit within the institutions for elderly institutionalized patients should be created instead of transferring these patients to nursing homes.

CORRECTIONS:

In the area of corrections, the Committee has the following

recommendations:

1. There should be a change in rental and food costs for some employees, especially those houseparents at the Boys' Training Center. The Committee has specific reference to a letter directed to them which explains the situation in detail. (A copy of the letter is attached hereto and made a part hereof.) In short, a great hardship has been worked on these employees and legislation should be introduced to solve the problem.

2. Money earned by prisoners should be placed in interest-bearing accounts and the interest paid to the prisoner along with the principle when he is released. The Committee noted during its conversations with prisoners at the Maine State Prison, that monies saved by prisoners are put into a non-interest-bearing checking account. Certainly prisoners should get interest on their savings -- one prisoner, for example, has over \$23,000 on deposit and he has received no interest on this money. Prisoners can earn up to \$2,000 a year and there is no reason why the monies cannot be deposited in a savings bank account at a maximum rate of interest in order that the prisoner might have the benefit of interest on his savings.

3. Because of the hazardous nature of employment at some of the State institutions, the Committee recommends that all employees at these institutions be given immunity from claims

for liability, except in cases where injury was wilfully or wantonly inflicted upon an inmate. Currently only the guards at the State Prison in Thomaston have any immunity from claims of liability for injury to an inmate.

4. Young people who are institutionalized should be allowed to remain at the institution to complete the school year in progress when the person reaches his eighteenth birthday.

5. Any existing limits on the amount which an inmate can earn while institutionalized at the Maine State Prison should be removed. This is strongly recommended in lieu of compensating inmates on an hourly basis as has been suggested by an official of the Department of Mental Health and Corrections

6. The Parole Board should be changed from its present three member composition to five members who would be knowledgeable and have an appropriate background in social services and be familiar with problems of institutionalized persons.

7. The Department should closely scrutinize the Parole Board and Parole Officers to make sure that the statutory provisions concerning revocation of parole are being carried out properly. Prisoners at Thomaston complained to Committee members

that they had been picked up as parole violators but had never been informed of how they had violated parole, nor been given the opportunity to testify at a hearing, to which they are entitled under M.R.S.A., Title 34, § 1675.

8. The Bureau of Corrections of the Department of Mental Health and Corrections should be placed under the Department of Public Safety. The bureau really has no function within the present Department of Mental Health and Corrections, but is more strongly oriented towards the functions of the Department of Public Safety. The Committee feels that it would be beneficial to place it under that department, and would not be detrimental to programs of rehabilitation of inmates.

9. There should not be a coed program in the juvenile corrections institutions. The committee is strongly opposed to such a program.

10. There should be no changes made in the sentencing of inmates. Presently the courts have authority to set a minimum and maximum sentence. It has been suggested that sentencing should be accomplished on an indeterminate basis with the ultimate sentence to be determined not by the courts, but by the Bureau of Corrections. This approach should not be encouraged and sentencing of convicted persons should be left in the hands

of the courts.

11. The Committee supports a proposed classification and career ladder system at the Maine State Prison and at the Men's Correctional Center. A copy of this proposal is attached to the report and made a part thereof.

12. The statutes should be amended to allow prisoners "good time" for blood donations. This provision exists in the statutes of other jurisdictions and has had a beneficial effect.

13. The Women's Correctional Center and the Stevens School should be consolidated at Skowhegan rather than Hallowell. The Committee is strongly opposed to movement of the Women's Correctional Center from Skowhegan to Hallowell. The facility at Skowhegan has the advantages of a rural location, land availability, lessened access to major highways, access to excellent public and vocational schools, better environmental conditions and excellent medical facilities. There is also opportunity for excellent on-job training. Present buildings can be utilized and remodeled to fit juvenile needs and coincide with the present halfway house programs.

The community of Hallowell is opposed to further expansion there. The City of Hallowell voted on the following question on Nov. 7, 1972: Shall the citizens of Hallowell approve re-

location of inmates from the Women's Reformatory at Skowhegan to the Stevens Training Center at Hallowell? The vote was 451-yes, 845-no. (See attached copy of letter from the City Council of Hallowell).

The Committee feels that the facilities at Hallowell can be utilized for State agencies in one related unit rather than having them spread about in shopping centers and other areas.

The Committee urges that these recommendations be seriously considered by the 106th Legislature and by the administration of the Department of Mental Health and Corrections.

MISCELLANEOUS FINDINGS OF FACT, UPON WHICH SOME RECOMMENDATIONS ARE BASED.

The Committee embarked on its study in an atmosphere of change in many State institutions from the traditional emphasis on institutionalization of patients and inmates to "normalization" and other rehabilitative programs. Many of the problems which the Committee was able to identify occurred through the abrupt changes of policies at the various institutions and through a lack of staff training to cope with these changes. The program changes which were made followed the present national trend of using state hospitals as treatment and rehabilitation centers with patients being returned as quickly as possible to the community rather than utilizing those centers as treatment and custodial care centers.

The normalization program is based on a European concept that essentially states, " A mentally handicapped person has the same rights as any other individual within the limits of his handicap." An enthusiastic group of young people undertook this program, which was called H. I. P. (Hospital Improvement Program), and, possibly due to inexperience, poor coordination and lack of guidance, in a short period of time set Pineland Hospital and Training Center in a turmoil. The principle behind HIP was to train and condition patients to leave the institution and enter community life, whether it be returning to their own homes, or a foster, boarding or nursing home. Experimentation between the sexes was considered necessary if the subject was to return to the community. It was this theory that fractionalized the staff at Pineland Hospital and Training Center. Older employees were conditioned to a sheltered, protective setting for their charges. It was difficult for employees to cope with the new concepts and apparently the administration made no real effort to articulate them clearly. The liberalized program of experimentation between sexes was not only offensive to employees of Pineland Hospital and Training Center, but was also of great concern to parents of patients, and was out of line with attitudes of Maine people who are funding the program.

The committee does not seriously disagree with the

philosophy of normalization, but it has concluded, on the basis of its study and hearings, that the Department of Mental Health and Corrections acted precipitously with uneven implementation of its general plan. For example, decentralization of services from State hospitals into a multitude of communities has resulted in mass transfers of patients into boarding and nursing homes which were not prepared to offer proper facilities and services. In many cases discharges were made without the knowledge and consent of the patient's family, even though the family had been paying a share of the daily cost. The Legislature appropriates funds for the maintenance of Pineland Hospital and Training Center patients. Once they are discharged, however, the maintenance cost becomes a liability of the Department of Health and Welfare, and federal funds become available to subsidize the maintenance of the patient in his new setting.

The Committee does disagree with the concept of unitization which is grouping of all patients from a geographic area of the State into one unit. This artificial grouping places in proximity patients with different forms and degrees of mental illness, and has resulted in violent patients being placed in the same wards as other patients. When Committee members visited these wards, patients expressed fear for their safety because of the arrangement.

The unitization policy, in combination with the normalization program, has produced empty buildings and overcrowded wards, with which the Committee also disagrees. There seems to be no real need to pack patients into small areas when much more space is available.



State of Maine
Senate Chamber
Augusta, Maine 04103

March 2, 1972

Commissioner William Kearns
Department of Mental Health and Corrections
State House
Augusta, Maine

Dear Sir:

After careful consideration and intensive study into the situations existing at Pineland Hospital and Training Center, and the dissatisfaction manifested by Boarding Home Operators where Pineland patients are living, because of policies and recommendations suggested by the Director of Mental Retardation, the majority of the Health and Institutional Services feel that in the best interests of patients, employees, staff and parents connected with Pineland Hospital and Training Center, Dr. Albert Anderson, Director of Mental Retardation be relieved of his duties either by dismissal or request for voluntary resignation.

This request will be kept confidential on my behalf until ~~Monday~~, March 7, 1972, at which time, unless action has been taken and I have been so notified, I shall publicly request such action heretofore mentioned.

Sincerely yours,

Walter W. Hichens
Chairman
Health and Institutional
Services

WWH/dr



STATE OF MAINE
DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS
STATE OFFICE BUILDING
AUGUSTA, MAINE 04330
TELEPHONE (207) 289-3161

WILLIAM F. KEARNS, JR.
COMMISSIONER

6 March 1972

Honorable Walter W. Hichens, Chairman
Health and Institutional Services Committee
State House
Augusta, Maine 04330

Dear Sir:

This will acknowledge your letter dated March 2, 1972, demanding the dismissal or resignation of Dr. Albert Anderson, Director, Bureau of Mental Retardation, under threat of publicizing the demand unless I assent to it.

Your action constitutes a clear and dangerous intrusion of the legislative branch of government into the management of the executive branch. What you demand, in effect, is legislative dismissal of a classified service employee of the state.

You and the majority of the Committee must surely be aware that a classified employee may be dismissed only for cause and has a right to hearing. It is incomprehensible that a committee of the legislature would so blandly ignore the very laws enacted by the legislature.

Such action can only serve to undermine the confidence of state employees generally in state merit system principles and the non-political nature of their jobs, professional and non-professional alike. Furthermore, it prostitutes the principles of separation of powers upon which democratic government is based.

There is not a single fact in your letter to support the assumptions the letter makes. There is no documentation of any shortcomings in Dr. Anderson's performance to support your demand.

If you or the Committee has any factual evidence that Dr. Anderson's performance is less than satisfactory, or that he is not faithfully executing the laws of the state, or that he otherwise is not working in the best interest of the state and its mentally retarded, I'll gladly consider such evidence.

I will not accede to your demand on the basis of what you have presented.



STATE OF MAINE
DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS
STATE OFFICE BUILDING
AUGUSTA, MAINE 04330
TELEPHONE (207) 289-3161

WILLIAM F. KEARNS, JR.
COMMISSIONER

26 May 1972

Honorable Glenys W. Berry
R.F.D.#1, Box 447
Madison, Maine 04950

Dear Mrs. Berry:

As per your telephone request of earlier today, this letter is to assure the Committee on Health and Institutional Services that employees who testify before the committee will not place their jobs nor employment status in jeopardy in any way.

The administrators of the various Bureaus and Institutions in the Department of Mental Health and Corrections are honest, sincere people trying to do a difficult job under difficult circumstances. They welcome constructive criticism and invite input into departmental policies and programs from employees at all levels.

I speak for them as well as myself in offering assurance that there will be no recrimination against employees testifying before the Committee. We recognize there may be honest differences of opinions in relation to policies, procedures and programs.

They should be expressed openly and honestly.

Sincerely yours,

A handwritten signature in cursive script that reads "William F. Kearns, Jr.".

William F. Kearns, Jr.
Commissioner

WFK/d

cc: ✓ Senator Hichens, Chairman
Health and Institutional Services Committee
Bureau Directors
Institutional Superintendents

Honorable Walter W. Hichens
Page 2
6 March 1972

In fact, the Bureau of Mental Retardation was activated only in April, 1970, with the appointment of Dr. Anderson after he qualified as the top candidate for the position through the competitive examination process. Since that time, substantial progress has been made in developing improved programs for the retarded and in clarifying and protecting the rights of retarded persons.

Your letter makes mention of an "intensive study of the situation existing at Pineland Hospital and Training Center."

Is there a record of this study that would support your demand? Is there a report of the findings of the study and any recommendations by the Committee? Is there a record available of the majority of the Committee in demanding the dismissal or resignation of Dr. Anderson?

With all due respect to you and the Committee, the validity and competency of any study of Pineland or the broader aspects of mental retardation without professional assistance is certainly open to question.

Further, I would suggest that the "intensive study" has not, in fact, concerned itself objectively with all sides of the "situation existing at Pineland Hospital and Training Center." There are many people at Pineland, and others with professional knowledge and concern about mental retardation, who strongly support the policies and programs developed for the mentally retarded in Maine.

Their views and testimony should be considered in any objective study, alongside those of various malcontents and others who oppose or cannot comprehend the significance of the programs and policies you question, as well as those with personal axes to grind.

In order to have a balanced presentation, might I suggest in all sincerity that the Committee hold an open session at Pineland so all employees may be heard, and that an opportunity be afforded the Committee to hear the views of other citizens concerned about retardation....professional and non-professional.

I am confident that such a hearing would lend much more perspective to the Committee's study than has been possible to date.

Earlier in the special session, you made highly sensationalized charges on the Senate floor regarding the hospital improvement program and the normalization principles at Pineland. The charges, which were grossly exaggerated and contained several errors of fact, were widely publicized. They constituted a distinct disservice not only to the programs but to the mentally retarded and their parents.

Honorable Walter W. Hichens
Page 3
6 March 1972

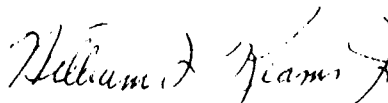
The charges were answered quite objectively by Dr. Anderson in a letter to you dated February 15, 1972, and in a report filed independently by Gerald F. Petruccelli, an attorney and a member of Pineland's Board of Visitors.

So that all members of the Committee may have as balanced a view of this matter as possible, I am taking the liberty of forwarding those documents to all members.

I am also sending copies of this correspondence to Governor Curtis, members of the Committee, the Committee on the Problems of the Mentally Retarded, the State Personnel Board, the State Employees Appeals Board, the Maine State Employees Association, and the Union.

Permit me to repeat: If you and the Committee have any factual basis to question Dr. Anderson's performance, I'll gladly consider it. Lacking that, I can only deplore actions that make the mentally retarded a pawn in a political exercise that contributes nothing constructively to their welfare.

Sincerely yours,



William F. Kearns, Jr.
Commissioner

WFK/d

cc: Governor Curtis
Members of the Committee on Health and Institutional
Services
Members of the Committee on the Problems of the
Mentally Retarded
State Personnel Board
State Employees Appeals Board
Maine State Employees Association
AFSCME AFL-CIO

Senator Walter Hichens' Opening Remarks

PUBLIC HEARING

Pineland Hospital and Training Center

June 7, 1972

This hearing is called with reluctance by the Health and Institutional Services Committee. This Committee has held several private hearings with employees, professional staff and Parents of Pineland, presented the problems which were felt necessary to correct at the present time to the Commissioner and Director of Mental Retardation and intends to present long range corrections to the 106th Legislature, as per Legislative order.

The Commissioner has stated that he wanted proof of all statements and allegations and said that the only means he would accept was to have a public hearing with these people appearing before the Committee and voicing their own personal thoughts.

Inasmuch as Commissioner Kearns has cast aspersions upon the integrity of this Legislative Committee and State employees, we feel obligated to hold this series of public meetings, with the feeling that if this is the only way to accomplish the intent of the Legislative Order, it must be so done.

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I, as Chairman of the Health and Institutional Services Committee now declare this meeting open to those who wish to be heard.

In the letter sent to employees, the assurance of job protection was stressed. I read the letter affirming this fact from Commissioner Kearns. The M.S.E.A. and Local Council stand behind all employee members. Sad to say, even with all these assurances many people will not speak, because as they claim, there are several ways of harrasment to eventually force them out.

Those who wish to express their problems and the problems of Pineland will be granted the first hour to do so with a moderate time limit per individual. After a 5 minute break at the end of the 1st hour, the Committee will hear the other side of the issues presented.

Following dinner break we will return at 1:15 P.M. and continue the hearings in the same order until all interested parties shall be heard. No hearsay statements shall be accepted.

The Committee will not make any decisions on testimony presented until it has been studied and discussed thoroughly.

Any one wishing to be heard at a particular time, morning, afternoon, or evening, please so inform Representative Berry, Secretary of the Committee.

sh/r

Feb. 20, 1973

CURRENT

PROPOSED RECLASSIFICATION
AND CAREER LADDER

State Prison
NEW DUTIES

App. E

A. Title: Prison Guard Pay Range: 7 (Step C/44 hrs.) Starting Pay: \$114.80 (44 hrs.)	A. Title: Prison Guard Pay Range: 7 (Step C/40 hrs.) Starting Pay: \$114.80 (40 hrs.) (req. 60 hrs. in-service)	A. Responsible for perimeter and internal security, and the enforcement of rules and regulations. Supervise resident movement. Reports to assigned shift supervisor through Correctional Officer A or B. Usually assigned specific area of responsibility.
B. No current equivalent	B. Title: Correctional Officer A Pay Range: 9 (Step C/40 hrs.) Starting Pay: \$126.40 (40 hrs.) (req. 1 yr./120 hrs. in-service)	B. Responsible for perimeter and internal security and the enforcement of rules and regulations. In charge of special areas and function of the institution to include work, living and recreation areas. Functions as member of counseling team, designs programs, and has assigned case-load of residents. May be involved in administering psychological and educational tests. Supervises residents in assigned areas as well as during movements. Also supervises guards as required. Reports to Correctional Officer B or Corr. Officer Supervisor.
C. Title: Guard Sergeant Pay Range: 9 (Step C/44 hrs.) Starting Pay: \$126.40	C. Title: Correctional Officer B. Pay Range: 11 (Step C/40 hrs.) Starting Pay: \$139.60 (req. 180 hrs. in service) (2 yrs. Corr. Officer A)	C. Responsible for all aspects of a program area of institution, i.e., screening, orientation, recreation, behavior control, dormitories, cellblocks, receiving, control, etc. Assigns duties, both for counseling and security within area to guards and Correctional Officers A. (continued)

CURRENTAND CAREER LADDERNEW DUTIES

C. Title: Guard Sergeant
(continued)

C. Title: Corr. Officer B
(continued)

C. Serves on counseling teams as senior member with the responsibility of record keeping, follow-up, and monthly reports to unit classification team. Usually reports to Correctional Officer Supervisor. Assists in design of specific treatment and vocational program for residents. Makes periodic evaluations of both staff and residents. May function as training instructor.

D. Title: Guard Lieutenant
Pay Range: 11 (Step C/44 hrs.)
Starting Pay: \$139.60

D. Title: Corr. Off. Supvr.
Pay Range: 13 (Step C/40 hrs.)
Starting Pay: \$153.60

(req.: 3 yrs. combined Corr.
Officer A & B
220 hrs. in service)

D. Functions as roving supervisor in all areas of institution. Responsible for daily assignments of officers assigned to his shift. Coordinates all units operating during his tour of duty. Member of unit classification team. May run specific phase of operation. Functions as administrative counselor. Assists in the design of treatment programs for specific units. Functions as alternate for shift supervisor. May carry counseling assignment. Reports to the Shift Supervisor or Chief of Security. May function as training instructor.

CURRENT

PROPOSED RECLASSIFICATION
AND CAREER LADDER

NEW DUTIES

App. E

1. Title: Guard Captain
Pay Range: 13 (Step C/44 hrs.)
Starting Pay: \$153.60)

E. Title: Shift Supervisor
Pay Range: 15 (Step C/40 hrs.)
Starting Pay: \$169.20

req. 10 yrs. comb. Correctional
Officers A,B. and Supervisor

220 hrs. in service

E. Responsible for daily operations, communication and activity of normal routine to include supervision of all units. Has authority to make administrative decisions. Responsible for preparation, training, assignment and evaluation of all supervisors, correctional officers, and guards assigned to his shift. Accountable for implementation of procedures and program recommendations. Coordinates staff training for his shift. Prepares reports of a sophisticated and technical level in areas of program management, security and staff development. Coordinates with other Shift Supervisors. Reports to Chief of Security.

It is a sorry time for 13 couples employed by the State of Maine, that in this day and age a cut in pay is again thrust upon them. It is the second time Legislature has given them a raise with one hand and taken it away with the other.

We (the couples) are all in favor of the State saving money, and charging rent may very well be one answer especially for those employees who work straight hours. But for the unique position of those 13 couples working a tri-split shift at Boys Training Center it is clearly a case of injustice. We were told when hired that it was mandatory that we live on the grounds even though many owned their homes right in the city or at close proximity. Now we are told we can live off the grounds; that it is our choice. It is really, not now, a choice at all, as it is almost an impossibility to commute to our homes under existing circumstances. Reasons: 1. Husband and wife hours are totally different which, 2. would necessitate having 2 cars and 3. for the women, the 1 hr. & 3/4 between morning and noon shift would hardly be sufficient time to travel to and from the Center. 4. Due to the 3 split shift, the couples are required to hang around for 15 1/2 hrs. in order to get in their 8 hrs. and 48 minutes. Living quarters serve as a place to wait, to return to duty 3 times a day and as sleeping quarters for "home late and up early hours". The fact the apartments are complete w/kitchen equipment is of little consequence as meals are not partaken in quarters, as our duty requires all three meal times be spent with the boys.

In case of any confusion in respective hours of husband and wife team, the following is noted for clarification: the husbands 1st shift is 6 a.m. to 8 a.m.; 2nd shift, 11:15 to 1 p.m. and 3rd shift is 4:20 to 9:30 p.m., which, incidentally is bedtime, having a 5 a.m. rising time. The wives start their day, 1st shift, 6:30 to 9:30 a.m.; 2nd shift 11:15 to 1 p.m. and 3rd shift 4:18 to 8:18 p.m.. This routine schedule clearly spells out the confining hours of these dedicated couples who have given up all social life or activities, realizing these important hours spent with the boys serve as an integral part of cottage life in contributing to the welfare of the committed boy, with the nearly as possible normal living conditions of parent figure-heads during the rising, mealtime and evening hours.

We all like our chosen roles, even with often heart breaking endeavors and discouragement that we can never really know at what age or time, if ever, our contributions and examples set, will have a positive effect on the boys becoming good community citizens. The fringe benefits received up to now, (being able to maintain homes or retreats for vacations & time off at no considerable expense) have helped to make a confining position worthwhile. With these benefits no longer a consideration we feel it is double jeopardy and unfair to have the burden of our own taxes, upkeep, heat, lights etc. on homes and also maintain and pay the cost plus amounts on quarters in order to keep our jobs. Especially with the infeasibility of living off grounds previously spelled out. No matter how it is figured, it is clearly a loss of pay of from \$6.50 a week for some to \$14.70 for others, depending on which cottage a couple is assigned to. It should be further noted that all apartments are part and parcel of a cottage unit and not a separate building and would be heated nonetheless if not occupied. Electricity is negligible as the only time it is used is on off duty hours which entails little or no use of any heavy equipment, i.e. stove etc. Refrigerators of course are in constant use, but electricity for lighting pur-

poses after dark does not start until 8:30 p.m. and then not for many hours due to working schedule. All apartments come unfurnished and are completely furnished at the cost of each occupant. All things considered this shows little cost to the State for a job with very inconvenient hours.

With budgets being geared to existing salaries, any pay cut is hard to take and considering these couples hold a unique job situation, we feel Legislature should allow for the varying pay adjustment to cover the losses causing hardship to these few. OR as a secondary measure to provide some consideration by way of an amendment to EXCLUDE from the new law, those persons (or couples) who work the 3 split shift arrangement that causes the 15½ hr. hang over and who are told they have a choice to live elsewhere but obviously do not.

Mr & Mrs. Everett W. Arnold -	Free Islands, Me.
Mr & Mrs Kenneth (Charles - 1904) Smithfield, Me.	
Mr & Mrs George E. Leck	Leban Falls Me
Mr & Mrs Warren C. Thompson	South Portland, Maine
Mrs. Mrs Vance Barker	Lake, Maine
Mr & Mrs Leslie D. Small	Leban Falls Me.
Mr & Mrs George C. McLib	So Portland, Me.
Mr & Mrs Walter R. Rasmussen	Carthage, Maine
Mr & Mrs Leroy A. Young	Harrington Maine
Mr & Mrs James K. McCullum	So Portland, Maine
Mrs. Mrs. Cora Hall	Harrington, Maine
Mr & Mrs. Calphel L. Shattuck	Island, Maine
Mr & Mrs Ramsey	Buxton, Me

City of Hallowell

Hallowell, Maine

COUNCIL MEETING July 10, 19 72

BE IT

ORDERED THAT the following letter be sent to the Governor of Maine
To the Honorable Kenneth M. Curtis Governor of Maine:

It has come to the attention of the Mayor and City Council of Hallowell, Maine that the State of Maine is considering a proposal to relocate The Womens Reformatory in Skowhegan, Maine to The City of Hallowell.

We the undersigned Mayor and City Councilmen now wish to go on record as to be in complete and total opposition to this proposal. Our unalterable stand against this scheme is for the following reasons:

1. It would result in the removal of more taxable property from the Tax Rolls. The State of Maine already owns more than 100 acres in a City of only 5.2 square miles. All of this land is located in an area that has a prime residential potential.

2. Hallowell has been burdened with providing municipal services for 100 years to Stevens Training Center, Maines reformatory for young girls, and for 25 years to The State Liquor Commissions Warehouse. We have thus done far more than our fair share without a cent of Tax Money in return.

3. An institution such as this would unquestionably require increased Police and Fire protection which our City of 2800 inhabitants cannot afford.

4. Despite the location of The Stevens Training Center and The States Liquor Warehouse, Hallowell has been able to retain its image as a desirable place to live, however the addition of The Womens Reformatory would seriously impair this image.

Read and Passed

Margaret T. Mosher Clerk

City of Hallowell

Hallowell. Maine

COUNCIL MEETING

COUNCIL MEETING July 10, 1972

ORDERED THAT

5. Finally we are seriously concerned about the mixing of older adult law breakers with the young females now residing at Stevens Training Center. Despite the inevitable protestations of some it is difficult for us to believe that it will be possible to prevent some contact between the inmates of the two institutions.

8 1 g n o d

THE INDEX

Mayor

Rosell T. Farnum
Councilman-at-Large

Council Man-at-Large

Américo M. M. M. M.
Councilman

0000011231

Frank C. Wilson
Councilman

COUNCILMAN

Richard E. Reynolds
DODD CRYLLAPAT-LAPPE

~~SECRET~~ / Lap-1-Lap-2

Frank W. Ham
Councilman

Cornel Fiman

Donald P. Appleton
Councilman

COUNCILMAN

Young Man

Read and Passed

Margaret T. Mosher Clerk