

STATE OF MAINE
CUMBERLAND, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

PORTLAND REGIONAL CHAMBER OF)
COMMERCE; ALLIANCE FOR)
ADDICTION AND MENTAL HEALTH)
SERVICES, MAINE; SLAB, LLC; NOSH,)
LLC; GRITTY MCDUFF’S; and PLAY IT)
AGAIN SPORTS)

Plaintiffs)

v.)

CITY OF PORTLAND; and)
JON JENNINGS, in his official capacity as)
City Manager for the City of Portland,)

Defendants)

**AFFIDAVIT OF ALLIANCE FOR
ADDICTION AND MENTAL
HEALTH SERVICES IN SUPPORT
OF JOINT MOTION FOR RELIEF
FROM COURT ORDERS RELATED
TO COVID-19, FOR AN EXPEDITED
SCHEDULE, AND FOR RELIEF
FROM MANDATORY ADR
PURSUANT TO M.R. CIV. P.
16B(b)(9)**

I, Malory Shaughnessy, being first duly sworn, state as follows:

1. I am the Executive Director of Alliance for Addiction and Mental Health Services, Maine (“Alliance”). Alliance is a non-profit corporation organized under the laws of the State of Maine with its principal place of business in Augusta, Maine.

2. I make this affidavit based on my own personal knowledge, including based on my review of Alliance’s business records.

3. As Executive Director of Alliance, I have custody of or access to such records. It is Alliance’s regular practice to make such records, and such records are kept in the regular course of Alliance’s business. The records are made at or near the time of the acts, events, or conditions referenced therein by persons with actual knowledge or from information transmitted by persons who have actual knowledge, kept in the course of Alliance’s regularly conducted business, and it is Alliance’s regular practice to keep such records.

4. Alliance has five member organizations that have places of business in Portland and that provide mental health and substance use disorder services to individuals in the City of Portland (“Portland Members”).

5. Members of Alliance, including but not limited to Portland Members, have seen an increased need for mental health and substance use disorder services during the COVID-19 pandemic.

6. Members of Alliance, including but not limited to Portland Members, receive funding for the services they provide primarily from MaineCare and from the State of Maine Department of Health and Human Services through contracts with the Office of Child and Family Services and the Office of Behavioral Health.

7. The funding described in the preceding paragraph is at set reimbursement rates established in binding agreements between Alliance Members and the above-described State agencies. The rates in turn are a part of the State’s budget and they cannot be increased without action by the State Legislature or grant by the Department of Health and Human Services.

8. As a direct result of the increase in hourly compensation required by the terms of the Emergency Provision in the amended Ordinance, the Portland Members will reduce both the hours of some Employees, and the number of Employees providing these services, which will result in a reduction in mental health and substance use disorder services available to individuals in the City of Portland at a time of significant need.

9. Portland Members are also considering moving their offices and services out of the City of Portland so that they will not have to reduce hours and mental health and substance use disorder services during the COVID-19 pandemic as well as during any future declared emergencies.

Dated: 11/30/2020

Malory Shaughnessy
Malory Shaughnessy
Executive Director
Alliance for Addiction and Mental Health Services,
Maine

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Personally appeared before me the above-named Malory Shaughnessy, Executive Director of Alliance for Addiction and Mental Health Services, Maine, and made oath that the above-stated facts are true based upon her personal knowledge as described above.

Dated: 11/30/2020

Denise M. Plourde
Notary Public
My Commission Expires:

DENISE M. PLOURDE
Notary Public, Maine
My Commission Expires April 1, 2021