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Testimony in Support of LD 1410 to the Committee on Judiciary

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Senator Carney, Representative Kuhn, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am formerly incarcerated and a person in long-term recovery.* I am testifying in strong support of LD 1410 on behalf of the Maine Prisoner Advocacy Coalition because this bill will increase public safety and the health of our community.

One of our most popular American responses to Social Problems or Social Issues is to Criminalize them. We have done that with substance use, over and over, despite the recurring lessons we should have learned from Prohibition.

Solutions to social issues are elusive—too elusive for a society fixated on instant solutions: “Pop, Pop, Fizz, Fizz, Oh What a Relief It Is!” has become our mantra, driving drug use itself as well as our response to it: “Lock them Up.”

In the case of homelessness, the basic human right to sleep has been increasingly criminalized. In 2024, the Supreme Court ruled that cities have the authority to arrest, cite and fine people who camp outside on public property and empowers law enforcement to effectively dismantle or prohibit homeless encampments (*City of Grants Pass v. Johnson*).

Given the increasing tendency to sweep and destroy homeless encampments, we are also **criminalizing the possession of private property** by the homeless. Depriving them of their property as well as their liberty.

I don’t mean for this to sound abstract. What happens to the tent and sleeping bag and toothbrush of the arrested person? What happens to the person whose home, their tent and sleeping bag, has been swept up by the police?

Not a trivial issue. By the time they have been arrested and out on bail they have become not only homeless but sleeping **bagless** and tooth **brushless**.

* In the interest of honesty and disclosure, a personal background statement is available on request.

I don't care whether who is to blame for their being homeless, I care that **this is cruel and unusual punishment**. The penalty for being unfortunate.

And note that it deepens and deepens the spiral—what few belongings and identity and resources have been pieced together disappear in an instant, down a hole that becomes deeper and deeper. **Destroying lives**. Lives already on the brink.

We **thank the sponsors** of this bill. It is especially important. It's important to set the ground rules about what happens to the property. What happens to the sleeping bag and the tent and the toothbrush.

This bill asserts that these unfortunates have the same property rights as the rest of us. They are still entitled to due process. Not necessarily more, but at least the process they are due. Bravo!

I'm sure you will hear complaints about the paperwork and the administrative burden of giving these rights. Please ask those complainers for **their** beds and **their** toothbrushes!

We urge you to unanimously support LD 1410.

Thank you for your attention.

I will be happy to try to answer questions.