



## MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Carney, Chair  
Representative Amy Kuhn, Chair  
Joint Committee on Judiciary  
5 State House Station, Room 438  
Augusta, ME 04333

### **RE: LD 1410: An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons**

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has nearly 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House.

MACDL presents this testimony **in support of** LD 1410. Thank you to Rep. Rana and the co-sponsors for presenting this important legislation.

I am hopeful that this Committee will hear from people who have had their property taken from them when they were at some of the lowest points in their lives. I think those are the voices that need to be listened to and respected when weighing this bill.

Speaking as someone who sees the effects of the confiscation and destruction of my unhoused clients' personal properties, I can only say that a procedure that would allow a modicum of due process to the people affected is necessary and much appreciated. My clients have had irreplaceable personal effects—including photographs, letters, cards—confiscated and destroyed. They have lost sleeping bags and warm clothing. They have had essential medications trashed. They have lost mobility devices and dentures. When their lives are already in upheaval, losing these essentials without having any way to fight for them is just cruel. Even for those who have some stability in their lives, moving all personal items by order by a certain time can just be impossible.

This proposal is modest—it would require an opportunity to be heard at a hearing and to have the property at issue stored securely for at least 90 days—except for property that is “abandoned, presents and immediate threat to public health or safety or is evidence of a crime or contraband.” It also would ensure that if a person's property is wrongfully confiscated or destroyed, they would be eligible to receive money damages—and to have their attorney compensated as well. This would encourage local attorneys to assist the unhoused in pursuing claims under this section.

We have seen in the past few years the traumatic effects of encampment sweeps that scoop up and throw out sometimes all a person owns on this earth. This proposal would ensure that a person has a right to contest the confiscation and destruction of their property. It is a necessary and important first step.

For all these reasons, we ask that this Committee vote **ought to pass** on LD 1410.

Thank you for your consideration, for your attention to this important matter, and for allowing me to present this testimony on this bill to you all today.

Sincerely,

A handwritten signature in blue ink, reading "Tina Heather Nadeau". The signature is fluid and cursive, with the first name "Tina" being the most prominent.

Tina Heather Nadeau, Esq.  
MACDL Executive Director