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Brewer
LD 1410

Testimony in Support of LD 1410

An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons

Submitted by Jason Goodrich
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Senator Carney, Representative Kuhn, and Members of the Judiciary Committee,

My name is Jason Goodrich, and I am honored to provide testimony in support of LD 1410. I stand before you not only as a professional with over a decade of experience in homelessness outreach, mental health, and housing services but also as someone who has lived through the challenges of homelessness myself. I am currently serving as a board member with the Consumer Council System of Maine, a member of the Protection and Advocacy for People with Mental Illness (PAMI) Committee, and a Scholar with the National Alliance to End Homelessness, where I have freely contributed to multiple trainings and publications.

As someone who was once a homeless youth and later a homeless young adult and elder, I can speak to the critical importance of respecting the rights of those experiencing homelessness, particularly when it comes to the confiscation or destruction of their personal property. This bill, LD 1410, is a vital step toward ensuring that individuals who have already been marginalized and are in some of the most vulnerable situations possible are afforded the due process they deserve.

I have had the privilege of working with many unhoused individuals over the years, and I have seen firsthand the devastating impact of personal property being confiscated without due process. For someone experiencing homelessness, personal belongings—no matter how modest—are often all they have. These belongings represent their memories, their identity, and their survival tools. Taking them away without a fair process can be an irreversible blow to their dignity and their ability to maintain some semblance of stability.

In my work with the Department of Health and Human Services, the Maine Continuum of Care, and various homeless outreach organizations, I have witnessed many instances where the lack of due process in confiscating personal property has worsened already fragile situations. When belongings are taken without notice or the opportunity to defend their retention, it can further isolate individuals and diminish any trust they might have in services or authorities meant to help them.

LD 1410 addresses this concern by ensuring that before any property is confiscated or destroyed, individuals are provided with sufficient notice and the opportunity for a hearing. This is not just a procedural safeguard; it is an acknowledgment of the fundamental dignity that all individuals, regardless of their housing status, deserve.

The bill also introduces an important element of accountability. Under LD 1410, if personal property is wrongfully taken, individuals will have a clear avenue for seeking redress through the courts. This is a critical step in upholding justice and protecting the rights of some of the most vulnerable members of our society.

As we know, homelessness is not just a housing issue—it is a complex and multifaceted challenge that intersects with mental health, addiction, trauma, and systemic inequality. The experiences of individuals who are homeless are varied, and the causes of their circumstances are often beyond their control. Yet, they should not

have to endure further harm by losing their belongings without fair process.

Furthermore, this bill is an important step in changing the narrative around homelessness. It shifts the focus from punitive measures to compassionate, respectful treatment that emphasizes due process and human dignity. It reflects the values we as Mainers hold dear: fairness, respect, and empathy for those in need.

Consistent Protection Across the Law

Importantly, Maine has already recognized individuals experiencing homelessness as a vulnerable population by including them under its hate crimes protections (Maine Revised Statutes, Title 5, §4684-A). In doing so, the State acknowledged the particular harms and risks faced by this group. Consistent with the legal principle that "equity follows the law" (*aequitas sequitur legem*) and that "where there is a right, there must be a remedy" (*ubi jus ibi remedium*), it is essential that similar protections be extended to their property rights.

If Maine sees unhoused individuals as vulnerable enough to warrant special protection against violence and harassment, then surely their right to due process regarding the seizure and destruction of their personal belongings must also be recognized and enforced through LD 1410.

Full link: Maine Revised Statutes, Title 5, §4684-A

Legal Precedents and References

Fourth Amendment to the U.S. Constitution

Protects citizens from unreasonable searches and seizures.

Source: <https://constitution.congress.gov/constitution/amendment-4/>

Maine State Constitution - Article I, Section 6

Protects against deprivation of property without due process of law.

Source: <https://legislature.maine.gov/ros/Constitution/>

Maine Administrative Procedure Act (APA)

Governs notice, hearings, and fair administrative actions.

Source: <https://legislature.maine.gov/statutes/5/title5ch375sec0.html>

Case Law - Jones v. City of Los Angeles, 444 F.3d 1118 (9th Cir. 2006)

Cities must afford due process before removing property from homeless individuals.

Source: <https://law.justia.com/cases/federal/appellate-courts/F3/444/1118/567963/>

National Homelessness Law Center (formerly NLCHP)

Research and legal resources on protecting homeless individuals' rights.

Source: <https://homelesslaw.org/publications/>

I would like to take this opportunity to sincerely thank the sponsors of this bill:

Representative Ambureen Rana, Senator Anne Beebe-Center, Senator Rachel Talbot Ross, Representative Cheryl A. Golek, Representative David A. Sinclair, and Representative Eleanor Y. Sato. Your leadership on this critical issue demonstrates a continued commitment to justice and human rights in Maine.

In conclusion, I strongly support LD 1410, and I encourage this committee to pass it into law. By doing so, we will ensure that the most vulnerable members of our society are treated with the respect and fairness they deserve.

Thank you for your time and consideration.

Respectfully,

Jason Goodrich

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