

Testimony of the Maine Municipal Association

In Opposition to

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

April 28, 2025

Sen. Carney, Rep. Kuhn, and distinguished members of the Judiciary Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1410 at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Municipal officials believe that due process for managing and storing property as part of a process of assisting individuals to move out of encampment areas is a delicate and sensitive task requiring deliberate attention. Where jurisdictional property ownership is between public entities, maintaining and tracking where the material is stored can be a challenge but generally has a process that is well coordinated with state partners where this occurs. However, it is challenging for a municipality to track and maintain the property that may be held by a state agency in a facility outside the municipality and it is also challenging for any municipality to house the significant material that may need to be held in existing municipal resources. For these reasons, an action plan to address this reality is usually part of the process of moving a large campsite.

However, as drafted, municipal employees would have to make a discretionary decision as to whether property left in a public space was abandoned and triggered the abandoned property statute to abandoned by an unhoused individual requiring the extensive process outlined by the bill as proposed and subject to penalties for not following the change or regular abandoned property which also have time limits before the property may be disclosed. While it's true items such as a tent and material inside will be easy to discern as potentially belonging to an unhoused individual, a significant amount of property simply left on a park bench or public parking lot may be property belonging to a forgetful individual or discarded as part of a criminal investigation. This bill will create a two-tract system for dealing with abandoned property that will create some confusion in many cases.

Officials ask you to carefully consider how to best manage the two processes. While it makes sense to have a process when a municipality acts to clear out an established encampment, as drafted, it will be difficult to determine in many cases when this applies and when the regular abandoned property statute applies under 30-A §3106.