

Mayor and Council Offices

Mark Dion

Mayor

May 9, 2025



Testimony of Mayor of the City of Portland, Mark Dion

Before

Committee on Judiciary

Neither For Nor Against

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

May 9, 2025

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Committee, I write on behalf of the City of Portland regarding LD 1410, An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons.

The City is not taking a formal position of support or opposition on this legislation at this time; However, we appreciate the intent behind the bill, wish to offer operational perspective, and request clarification on key provisions that could significantly affect municipal implementation.

Portland operates the largest shelter system in the state and has consistently stepped up to provide emergency shelter, outreach, and wraparound services for individuals experiencing homelessness. At the same time, the City must also manage the use of public space to ensure health, safety, and accessibility for all residents. In recent years, responding to the complex and growing needs of unsheltered individuals in public spaces has placed increasing strain on local government resources, including public health, emergency response, and sanitation services. We acknowledge and respect that the personal belongings of unhoused individuals may include essential and irreplaceable items, such as identification documents, medications, family photographs, and important records. Portland's encampment response protocols already include efforts to provide notice and secure certain categories of unattended property. However, LD 1410 raises significant practical questions regarding definitions, timelines, and obligations that require further clarification to ensure workable implementation.

The City of Portland Parks, Recreation, and Facilities Department humanely and respectfully removes encampments and discards multiple tons of refuse from our public spaces on an annual basis, and the City has policies in place to identify and store valuables such as identification documents, clean clothing, and bags. The vast majority of the items we remove from our public spaces would be classified as trash or hazardous, such as soiled clothes, tents full of drug paraphernalia, or rotten food and discarded wrappers. In 2024, city staff tracked the removal of

824 tents from public and private property within Portland. We are not aware of any significant number of complaints regarding missing or improperly disposed of property, nor requests for items to be returned. Currently, we have community partners who are willing to provide this service for us for a small number of valuables that are collected, but a larger quantity of personal items would quickly overwhelm this capacity.

Other than the valuables described above, Portland does not store personal items such as tents, bikes, shopping carts, weapons, and clothing. Doing so presents multiple challenges, including determining ownership of abandoned, sometimes stolen, or discarded items and sheer volume. For example, in 2023, the Fore River Parkway encampment in Portland yielded 48 tons of material - material that would have to be cleaned, inventoried, and stored if LD 1410 were passed.

We respectfully request that the Committee clarify the following aspects of the bill before moving forward:

- What constitutes “reasonable” notice and how that applies in time-sensitive situations, including public health or safety hazards;
- Expectations and resources to meet the significant new administrative burden of conducting a hearing, which appear to include notification by mail, public notifications, transcripts, and more.
- The standards for determining whether property has been abandoned, temporarily unattended, or deliberately left behind;
- The definition of “property” within the context of encampments, including how to distinguish between personal effects that warrant preservation and items that are clearly refuse or hazardous materials, such as empty propane tanks, soiled textiles, or combustible debris;
- The expectations regarding storage and retrieval, including the duration and logistics of storage under the bill and who will pay for inventory, cleaning, storage, and retrieval.

The City of Portland welcomes the opportunity to collaborate on solutions that protect the dignity and legal rights of unhoused residents while also enabling local governments to reasonably meet their responsibilities to maintain safe, accessible public spaces. We hope to continue this important conversation and offer our operational experience to inform policy that is both compassionate and feasible.

Thank you for your consideration of this feedback.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Dion', with a stylized flourish at the end.

Mark Dion
Mayor
City of Portland, Maine