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*Testimony of Representative Ambureen Rana introducing
LD 1410, An Act to Provide Due Process in Confiscation and Destruction of
Personal Items of Unhoused Persons
Before the Joint Standing Committee on Judiciary*

Good morning, Senator Carney, Representative Kuhn and distinguished members and colleagues of the Judiciary Committee. My name is Ambureen Rana, and I have the honor of representing House District 21, which includes part of the City of Bangor.

I am here this morning to introduce **LD 1410, An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons**.

This bill sets out due process requirements for state, county and local governments that routinely confiscate and destroy the personal property that belongs to our unhoused constituents. These basic due process requirements would include: (1) advance notice of at least 7 calendar days; (2) a hearing that conforms to the Maine Administrative Procedure Act's provisions on adjudicatory proceedings; and (3) secure storage for no less than 90 calendar days.

If the person whose items were confiscated cannot attend the hearing, this bill would allow for their items to be stored in a secure location for up to 90 days, giving them a more adequate amount of time to move their belongings to their new residency.

Ultimately, LD 1410 is about protecting due process for our unhoused community members and neighbors. Due process rights are critical for ensuring fairness in our legal system and due process rights must be secured for all people – regardless of their income or housing status. The due process protections required in this bill are particularly important for unhoused people for two reasons.

First, unhoused people routinely have their property confiscated or destroyed by governments – like during campsite removals and encampment sweeps, which we have seen all too frequently. Second, unhoused people have an elevated interest in the protection of their property. Unhoused people report losing critically important property that includes life-sustaining medications and medical equipment, survival equipment like tents and blankets and vital records including birth certificates and government-issued identification like passports and Social Security cards.¹

¹ <https://projects.propublica.org/homeless-encampment-sweeps-taken-belongings/>

For someone who is unhoused, these documents are incredibly difficult to replace, and many people lack the funds to replace lost items.

In my community of Bangor, our largest encampment, Camp Hope, was destroyed earlier this year. During this encampment sweep, unhoused residents lost a range of personal property including tents, tarps and even invaluable family momentos like photos. While the city took a more gradual approach to this sweep, including providing advanced notice and some access to storage, there were no hearings or other opportunities for impacted people to be heard. It is clear that the basic due process requirements in this bill are needed.

Right now, the Fourteenth Amendment of the U.S. Constitution, and Article 1, Section 6-A of the Maine Constitution already provide due process rights. Federal and state courts across the country have already interpreted constitutional due process to include the requirements enshrined in this bill. I am not asking this committee to create new protections, but instead, enshrine the protections that already exist into Maine statute. We need to ensure that our personal property laws apply to all of our community members – housed or unhoused.

To lose your stable housing, have to find shelter elsewhere, lose that shelter and all of your belongings is, I imagine, one of the most dehumanizing situations one can experience. The passage of this bill is critical to protect the civil rights of unhoused people, and it is an important step in addressing our state's homelessness crisis.

Thank you for your time and consideration. I am happy to answer any questions.