



Janet T. Mills  
Governor

Michael J. Sauschuck  
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STATE OF MAINE  
**Department of Public Safety**  
**MAINE STATE POLICE**

45 Commerce Drive - Suite 1  
Augusta, Maine 04333



COL. Bill G. Ross  
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Testimony of Major Scott A. Gosselin  
Maine State Police

**OPPOSED LD 1410**

An Act to Provide Due Process in Confiscation and Destruction of Personal Items of Unhoused Persons  
Sponsored by Representative Rana of Bangor  
Joint Standing Committee on Judiciary

Senator Carney, Representative Kuhn and other distinguished members of the joint standing committee on Judiciary, my name is Major Scott Gosselin and I am here representing the Maine State Police and the Maine Department of Public Safety to testify in OPPOSITION to LD 1410.

Our opposition, is largely centered on the confusion this bill would create when working with our unhoused population here in Maine and the disposition of belongings versus abandoned property.

Section 1 outlines three provisions for any state government authority or entity for confiscating or destroying the personal property of those unhoused persons:

1. The personal property is found on public property – specifically speaking as a law enforcement officer, public property is the only location where an officer can take property for any reason unless it is evidence of a crime. As it is related to Private Property, law enforcement largely refer any confiscation or disposal of items located on Private Property to the discretion of that Private Property owner.
2. The person without a home is notified no later than 7 calendar days in advance of the proposed confiscation or destruction. This presumes the unhoused person is not present otherwise there would be no need to confiscate or destroy the property. If the unhoused person is not present how does an officer know whose property it is and where to find them to give notice of the confiscation or destruction. If an item **is** confiscated, how does an officer determine proof of ownership? Additionally, if the property is being removed due to a public safety concern, how can public officials allow a public safety risk to exist for longer than 48 hours?
3. The person without a home is offered the opportunity to attend a hearing to be heard on the proposed confiscation or destruction, with the hearing to be conducted as if it were an adjudicatory proceeding. I think this section begs the question whether this bill is about hearing concerns related to property or relocation. The section also presumes the unhoused person is not present otherwise



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there would be no need to confiscate or destroy the property. In this case, if the unhoused person is not present, how does an officer know whose property it is and where to find them to give notice of the confiscation or destruction. The bill outlines that notice in this circumstance should be sent to the address of the person, but if they are unhoused, they are likely without an address, or it is unclear at the very least.

Section 3 of this proposed bill identifies the only circumstances when items may be confiscated or destroyed if there is an objectively reasonable belief that the property is abandoned, presents an immediate threat to public health or safety or is evidence of a crime or contraband.

Specifically concerning confiscation, such a seizure would only occur if the item was evidence of a crime, in which case the item would be retained according to departmental policy related to the collection, storage and retention of evidence.

Regarding destruction, such disposal would only occur if the item(s) were found to be seemingly abandoned and identified as trash.

As a final note, this bill requires an agency to hold property belonging to its unhoused population for 90 days when the property owner does not attend the hearing. This section would clearly require storage space for those communities who have larger populations of unhoused persons. More storage space, as contemplated in this bill will likely result in a fiscal note for some communities whose facilities are already over-taxed as they exist currently. Returning those belongings also becomes problematic since proof of ownership will likely be difficult if not impossible.

It is because of the confusion inserted and further implications on the practical application of this legislation in real situations dealing with the unhoused population that we at the Maine State Police and the Department of Public Safety urge you to OPPOSE LD 1410.