



Maine Municipal Association

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Testimony of the Maine Municipal Association
In Opposition of
LD 1478- *An Act To Decriminalize Homelessness*

May 14, 2021

Senator Deschambault, Representative Warren, and members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am testifying opposition of LD 1478 as directed by MMA's 70 member Legislative Policy Committee.

The Association and its members do not disagree with the spirit of this bill or the need for a system to direct individuals into services or alternatives for our police. They would welcome AG's direction to supports when they exist.

However, there is no coordinated resources to point the individual to services and even less availability of service across the state.

There is no level of government more intimately aware of the challenges for the homeless population than municipal government. Municipal government is the single point between an individual and care, while funding, managing, and struggling against the lack of resources allocated to address key socio-economic fall out of lack of attainable housing, substance use disorder and mental health support services that are a result of state-level policy.

Being homeless is not a crime. Arguably, it is a result of inaction towards funding appropriate public policy. The issues of enforcement listed in this bill makes sweeping assumptions about police operations in communities with a vast homeless population like Portland and Bangor.

LD 1300 passed out of the State and Local Government committee in a divided report was supported by MMA's LPC because it establishes a regional view of housing and other supports, establishes a coordinating entity, and creates a mechanism for all communities in an area to have skin in the game regardless of their available housing. This is the path towards addressing this issue. Because communities who have services draw homeless individuals from across the state from those who do not.

Try to get a homeless shelter situated in any community and you will find an overwhelming turn out of residents concerned about the perceived anti-social behavior that accompanies services. Municipal officials are caught between resident desires, a lack of services and the need for programming. Officials and police need more tools not removal of the few existing ones.

As drafted, this bill seeks to strip municipal police of often the only tool that connects homeless individuals with treatment when it exists and balances the delicate relationship between residents and those non-profits that provide homeless populations services. The fall out of such policy could cripple efforts to expand homeless shelters in communities and assumes police in those communities are not already acting with the wide discretion afforded to them when called to address illegal behavior.

Nothing could be farther from the truth.

Police do not arrest individuals randomly urinating in a dark alley, but they do need a mechanism to address a complaint of public urination from a sidewalk into a residential flowerbed occurs in front of families. Arrest is the last resort action and often they use the city urination ordinance violation instead. The committee may want to consider this violation eligible for removal from the list of sex offenses that place an individual on a list instead. Where this is an issue like Lewiston, communities are installing public bathrooms.

Active assault simply must be addressed for the protection of the public-at-large and the individuals involved, regardless of their residential status. Police cannot ascertain someone's housing status before arrest in an active assault, however, prosecutors and judges regularly use the extenuating circumstances in the discretion afforded to them in the prosecutorial and judgement actions.

No officer, prosecutor, or judge places someone in prison simply because they are homeless. However, jails offer warm, safe spaces with nourishment in January because we remain unwilling to address the core socio-economic and mental health issues plaguing the system.

This bill puts the arrest cart before the policy horse without any provisions in place for law enforcement to direct individuals into care and no recognition of the geographical difference between communities and their access to any services. Most communities, including the sponsor's own community, lack homeless shelters, and remain heavily reliant on those that do to provide services whose need far outstrips their availability. Particularly in the realm of juvenile housing. Before the pandemic towns like Brunswick had over 100 homeless juveniles, they sought housing for.

Officials ask that you focus on using your legislative authority to support and improve available services state-wide like those proposed in LD 1300, before attempting to dismantle the response of last resort that stands between a homeless struggling individual and freezing. Use your platform to dismantle the "not in my back yard" response from residents, not remove the tools of the police attempting to keep the peace and protect both. Remove the need for them to respond in the first place.

We support the provisions in the bill that create a protocol and list of resources for law enforcement to use when encountering individuals in need of services or regional support response teams.