



Maine Chiefs of Police Association

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Statement in opposition to

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

Joint Standing Committee on Judiciary

April 28, 2025

Senator Carney, Representative Kuhn, and honorable members of Judiciary Committee. My name is Jason Moen. I am Chief of the Auburn Police Department, and President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in opposition to LD 1410.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

This bill sets out due process requirements for state, county, and local government entities that confiscate or destroy personal property belonging to people experiencing homelessness. It provides that if a person without a home does not attend a hearing, the person's property must be stored at a secure location for at least 90 days. Notice must be provided to the person of where and how to retrieve the personal property.

The bill also provides exceptions to the due process and storage requirements for personal property when 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 is contraband. Most municipal law enforcement facilities simply do not have the physical space or infrastructure to store large items like tents, shopping carts, and crates—particularly for as long as 90 days.

Mandating secure storage of this nature imposes a significant and unmanageable burden on local departments that already operate with limited space and resources.

In many instances, identifying the owner of personal property found at encampments or in other spaces is not feasible. Determining whether property is abandoned or still in use is often subjective, especially in dynamic and temporary living situations. Requiring municipalities to retain such property for 90 days under these circumstances is impractical and may lead to further confusion and legal challenges.

Storing and tracking these items would necessitate a new administrative process, including tagging, documenting, and maintaining a chain of custody. Additionally, the bill's hearing and notification requirements further strain limited staff and resources. These are unfunded mandates, with no provision for reimbursement from the state, shifting the financial burden entirely to local governments.

Perhaps most concerning is the penalty provision: failure to comply could result in up to \$2,000 in damages per item and require payment of attorney's fees. Given existing budget constraints, especially in smaller municipalities, this could expose agencies to significant financial liability, even in cases where non-compliance is the result of an honest mistake or resource limitations.

For these reasons, the Maine Chiefs of Police Association asks that the committee oppose the passage of this legislation and vote ought not to pass on LD 1410.