

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1410

H.P. 932

House of Representatives, April 1, 2025

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

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RANA of Bangor.
Cosponsored by Senator BEEBE-CENTER of Knox and
Representatives: GOLEK of Harpswell, SATO of Gorham, SINCLAIR of Bath, Senator:
TALBOT ROSS of Cumberland.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 33 MRSA c. 47 is enacted to read:

3 **CHAPTER 47**

4 **PERSONAL PROPERTY OF PERSONS WITHOUT A HOME**

5 **§2301. Confiscation or destruction of personal property of person without home**

6 **1. Confiscation or destruction of personal property.** The State or a state agency,
7 county, municipal corporation, school district, law enforcement agency or other public
8 corporation or political subdivision of the State may not confiscate or destroy the personal
9 property of a person without a home unless:

10 A. The personal property is found on public property;

11 B. The person without a home is notified no later than 7 calendar days in advance of
12 the proposed confiscation or destruction; and

13 C. The person without a home is offered the opportunity to attend a hearing to be heard
14 on the proposed confiscation or destruction, with the hearing to be conducted as if it
15 were an adjudicatory proceeding pursuant to Title 5, sections 9051 to 9064.

16 **2. Storage of personal property.** If a person without a home does not attend a hearing
17 under subsection 1, the person's personal property must be stored at a secure location for
18 no less than 90 calendar days and notice must be provided to the person of the address of
19 the location and the procedure for retrieving the personal property.

20 **3. Exceptions.** Notwithstanding subsections 1 and 2, the personal property of a person
21 without a home may be confiscated or destroyed if there is an objectively reasonable belief
22 that the property is abandoned, presents an immediate threat to public health or safety or is
23 evidence of a crime or contraband.

24 **4. Enforcement.** The following provisions govern enforcement of this section.

25 A. A person without a home who has had that person's personal property confiscated
26 or destroyed in violation of this section may bring an action in Superior Court for
27 damages of up to \$2,000 for each piece of personal property confiscated or destroyed
28 and reasonable attorney's fees.

29 B. A person injured by a violation of this section may bring an action for injunctive
30 relief to enjoin confiscation or destruction of personal property. If a party seeking an
31 injunction prevails, the defendant is liable to pay the cost of suit, including reasonable
32 attorney's fees.

33 **SUMMARY**

34 This bill sets out due process requirements for state, county and local government
35 entities that confiscate or destroy personal property belonging to persons without a home.
36 The bill provides that such due process requirements include a hearing that conforms to the
37 Maine Administrative Procedure Act's provisions on adjudicatory proceedings.

1 The bill provides that if a person without a home does not attend a hearing, the person's
2 property must be stored at a secure location for no less than 90 days and notice must be
3 provided to the person of the address of the location and the procedure for retrieving the
4 personal property.

5 The bill also provides exceptions to the due process and storage requirements for
6 personal property with respect to which there is an objectively reasonable belief that the
7 property is abandoned, presents an immediate threat to public health or safety or is evidence
8 of a crime or is contraband.

9 The bill further provides for remedies when a public entity fails to comply, in the form
10 of damages and injunctive relief.