



Maine Municipal Association

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Testimony of the Maine Municipal Association

In Support of

LD 351 – An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places

March 17, 2017

Senator Rosen, Representative Warren and members of the Criminal Justice and Public Safety Committee. My name is Kate Dufour and I am providing testimony in support of LD 351 on behalf of the Maine Municipal Association and at the direction of our 70-member Legislative Policy Committee.

LD 351 would entrust local legislative bodies (i.e. councils and town meetings) with the responsibility for determining whether or not to impose a very limited restriction on the possession of firearms in places where people gather to conduct municipal business. Under existing law, the state has preempted municipal home rule authority to regulate firearms, with the only exception being the adoption of firearms discharge ordinances. Under all other circumstances, municipalities cannot regulate the possession of firearms.

As proposed and amended by the sponsor, the existing state preemption would be modified to allow municipalities to adopt an ordinance that prohibits the carrying of firearms in municipal buildings and at voting places. The bill extends to municipalities the option of implementing the same firearms-free environment that the Legislature has provided to itself, state agency employees and the general public who convene in the state's capitol area. Attached is a copy of the Department of Public Safety's rules establishing the prohibition on the carrying of firearms and other dangerous weapons in state buildings, as well as the state statute defining the expansive "capitol area".

While municipal officials certainly understand the concerns that may be raised regarding constitutional rights to bear arms, they believe the proposal found in LD 351 makes every effort to address that concern.

First, the bill identifies the only places where the possession of firearms could be limited by municipal ordinances.

Second, and more importantly, the bill requires the people in the municipality to decide whether or not the limited restriction meets the unique needs of the community. The restriction becomes effective if, and only if, the community adopts the ordinance. The decision to move forward with ordinance is entirely up to the residents of the community.

Finally, it is important to note that during our Policy Committee's debate on this issue, municipal officials were split on whether or not the restriction found in the bill would benefit their communities. Some municipal officials believe that the authority provided in LD 315 would address the intimidation that some residents feel when attending a public meeting where others are carrying firearms. Other municipal officials believe that the prohibition could provide a false sense of security. However, all agree that the local legislative body is in the best position possible to make that determination for their community.