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**Testimony in Support of L.D. 2130, *An Act to Prohibit
Unauthorized Paramilitary Training***

January 29, 2024

Senator Beebe-Center, Representative Salisbury, and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Aaron Frey, I live in Bangor, and I have the privilege to serve as Maine's Attorney General. I am here today to testify in support of L.D. 2130, *An Act to Prohibit Unauthorized Paramilitary Training*.

Maine's Constitution, like that of nearly every other state, prohibits private armies. Me. Const. art. I, § 17. States' authority to impose such a prohibition has been recognized by the United States Supreme Court. *Presser v. People of State of Ill.*, 116 U.S. 252, 267-68 (1886) (states may "control and regulate the organization, drilling, and parading of military bodies and associations, except when such bodies or associations[] are authorized by the militia laws of the United States. The exercise of this power by the states is necessary to the public peace, safety, and good order.").

Presently, Maine's constitutional prohibition against private armies is implemented through 37-B M.R.S. § 342(2), which declares: "No group of persons, other than federal or state military forces, may join together as a military organization or parade in public with firearms." Exceptions are made for historical reenactors and students at educational institutions where military science is taught. This statute has weaknesses. First, it is not clear what a court would consider to be a "military organization," and establishing that a specific group qualifies as such could be a lengthy and burdensome endeavor. Second, the statute does not provide sufficient deterrence. A violation of Section 342(2) is only a Class E crime – this means it is a misdemeanor with a maximum penalty of six months in jail and a \$1,000 fine.

L.D. 2130, which is very similar to a Vermont law passed last year, would provide us with the tools we need to address a rise in private military activity. By prohibiting paramilitary training, the bill strikes a careful balance between allowing legitimate First Amendment-protected activity (such as peaceful assembly) while prohibiting unprotected conduct that is a precursor to violence. Essentially, it prohibits a person from training another person in the use of firearms, explosives, incendiary devices, or techniques capable of causing injury or death if the person knows or reasonably should know that the training is intended to be used in furtherance of a civil disorder. It also prohibits persons from assembling for the purpose of receiving this training or practicing such training.

The knowledge requirement ensures that those who truly did not understand an organization's intent will be excused, while those with a culpable state of mind can be punished. It also has exemptions for various lawful activities, including firearms safety classes, hunting, target shooting, self-defense, firearms collecting, and military educational training. Again, this bill is carefully crafted to stop armed militias from engaging in paramilitary training in preparation of causing civil disorder.

Violations of L.D. 2130 would be a Class C crime, meaning an imprisonment of up to five years and a fine of up to \$5,000. Importantly, the bill authorizes my office to bring a civil action in Superior Court to enjoin people who are engaging in, or about to engage in, paramilitary training. This would allow us to immediately stop the unlawful activity while any parallel (and more lengthy) criminal prosecution proceeds.

In sum, L.D. 2130 fills a gap in current Maine law and will give us an important tool to prevent paramilitary activities within Maine. I urge the Committee to vote Ought to Pass.