



# MCEDV.

The Maine Coalition  
to End Domestic Violence

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**Testimony of Francine Garland Stark  
In Support of LD 2238: “An Act to Address Gun Violence in Maine  
by Requiring a Waiting Period for Certain Firearms Purchases”  
Before the Joint Standing Committee on Judiciary  
Thursday, March 7, 2024**

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in support of LD 2238, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearms Purchases.” What MCEDV and our network of services providers would like Maine policymakers to understand on this issue is that **the codification of a waiting period in connection to firearms in Maine will not cause domestic violence victims to be less safe.**

An abusive partner’s access to firearms makes it five times more likely that a victim of domestic abuse will be killed.<sup>2</sup> Domestic violence assaults involving a gun are twelve times more likely to result in death than those assaults involving other weapons or bodily force.<sup>3</sup> Abusers who possess guns tend to inflict the most severe abuse on their partner.<sup>4</sup> These things are true without regard to who the actual owner of the firearm is.

In Maine, firearms are the primary method abusers use to kill their current or former intimate partners; accounting for 62% of all of intimate partner violence homicides between 2000 and 2019.<sup>5</sup> In the cases reviewed for its 2020 report, Maine’s Domestic Abuse Homicide Review Panel noted that approximately half (5 of 12) of the perpetrators who killed their intimate partner went on to commit suicide.

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<sup>1</sup> MCEDV serves a membership that includes Maine’s eight regional domestic violence resource centers (DVRCs) across the state, as two culturally specific service providers. Last year, these programs together served more than 12,000 Maine survivors of domestic abuse and violence and their children.

<sup>2</sup> JC Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study, American Journal of Public Health 93, no. 7 (2003).

<sup>3</sup> Saltzman, L. E., Mercy, J. A., O’Carroll, P. W., Rosenberg, M. L., & Rhodes, P. H. (1992). Weapon involvement and injury outcomes in family and intimate assaults. *JAMA*, 267(22), 3043-3047

<sup>4</sup> JC Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study, American Journal of Public Health 93, no. 7 (2003).

<sup>5</sup> 2020 Domestic Abuse Homicide Review Panel Report.

Maine's Homicide Review Panel has recommended that bystanders who become aware that victims have acquired firearms understand that the presence of firearms may lead to increased danger for victims and that these bystanders take immediate steps to connect that person with Maine's domestic violence resource centers to explore high risk safety planning. The US Supreme Court has even noted the connection between access to guns and femicide. In *US v. Castleman* (2014), the Court observed, "This country witnesses more than a million acts of domestic violence, and hundreds of deaths from domestic violence, each year. Domestic violence often escalates in severity over time, and **the presence of a firearm increases the likelihood that it will escalate to homicide...** '[A]ll too often... the only difference between a battered woman and a dead woman is the presence of a gun.'"

Advocates from the domestic violence resource centers in Maine do not advise victims to obtain a firearm as part of their safety plan. This is because, as noted above, statistically, the victim is more likely to have it used against them than to find it helpful in defending themselves from the person abusing them. Of course, if a victim has a firearm or wants to have a firearm as part of their safety plan, our resource centers will support that, including making sure the survivor is aware of the heightened risk that comes with that choice. **A waiting period would not impede efforts of survivors who see acquisition of a firearm as integral to their safety, as there are services in place that can help survivors be safe during that waiting period.** For example, if a victim tells an advocate that they don't feel safe in their house without a firearm, and it turns out that they need to wait 3 days to get that firearm, our centers can either directly shelter, or arrange for temporary lodging in a hotel (in their community or in another community) until that person has what they have determined they need to be safe in their home.

Implementation of a 72-hour waiting period on the purchasing of a firearm would reduce the likelihood of impulsive acts of lethal violence. Domestic violence homicide has devastating impact on surviving family members and on whole communities. MCEDV urges you to take this important step towards decreasing impulsive acts of gun violence by enacting this reasonable waiting period on gun purchase. Thank you for the opportunity to share our knowledge and perspective on this important issue. Please do not hesitate to let me know if we can be of assistance as this conversation continues.

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**Testimony of Francine Garland Stark  
In Support of LD 2224  
“An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws  
and Mental Health System”  
Before the Joint Standing Committee on Judiciary  
Monday, March 4, 2024**

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in support of the goals of LD 2224, “An Act to Strengthen Public Safety by Improving Maine’s Firearm Laws and Mental Health System.” Given our more than 40-year history of engagement in violence intervention and prevention work in communities across Maine, MCEDV raises several issues and suggestions for your consideration as you begin work on this proposal.

**Universal Background Checks are Essential to the Effectiveness of Legal Prohibitions on  
Firearms Possession by Known Domestic Violence Offenders**

Over the last 20 years, the majority of perpetrators of domestic abuse homicides in Maine used firearms to kill their victims. Of the intimate partner homicides reviewed by Maine’s Domestic Abuse Homicide Review Panel in its 13<sup>th</sup> Biennial Report,<sup>2</sup> 70% were committed with a firearm. Recognizing the importance of keeping firearms out of the hands of those in our communities who have committed domestic violence, state and federal law (both in concert and individually) act to prohibit possession by these individuals. Our laws prohibit possession by those defendants who have been convicted by a criminal court of having committed domestic violence, sometimes permanently, and can temporarily prohibit certain defendants who are subject to a civil protection from abuse order for the length of time a court has determined to be appropriate. However, the current gaps that exist in Maine’s laws around background checks leave holes that act to make these prohibitions less effective.

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<sup>2</sup> The 13<sup>th</sup> Biennial Report of the Maine Domestic Abuse Homicide Review Panel (April 2021), available at: <https://www.maine.gov/ag/docs/DAHRRP-Report-for-Posting-ACCESSIBLE.pdf>.

In its most recent report, the Homicide Review Panel observed, yet again, that removing firearms from dangerous individuals and/or people known to be legally prohibited from possessing firearms can enhance safety and minimize the risk of both injuries and lethality. This bill would work to close some of the current gaps, subjecting important firearms sales, transfers and exchanges to background checks that would flag whether a person has recently become prohibited due to domestic violence. We encourage this Committee to go further and ensure that all transfers of firearms in Maine are subject to an appropriate background check.

Keeping guns out of the hands of domestic violence perpetrators does more than just protect that person's intimate partner. A recent study of more than 700 mass shootings over the past six years found that more than 60% were either domestic violence attacks or committed by men with histories of domestic violence.<sup>3</sup> Closing loopholes that allow domestic violence perpetrators to continue to access firearms when a background check would reveal them as a prohibited person not only increases safety for the person who they have been abusing but also increases the safety of those in proximity. Background checks for all firearm sales are essential to ensure our own statutes prohibiting firearms from domestic violence perpetrators are appropriately enforced.

### **Reconcile Any New Office on Violence Prevention with Existing Violence Prevention Efforts**

MCEDV has long worked closely with the current Violence Prevention Program, which exists within the Department of Health and Human Services, Office on Children and Family Services. That program is the state administrator of all the federal formula grant funds that come into the State of Maine that support services for victims of crime (including: the Victims of Crime Act, VOCA; the Family Violence Prevention and Services Act, FVPSA; and the Sexual Assault Services Program, SASP). The existing Violence Prevention Program makes subgrants from these federal grant streams to victim services programs across the state to support their abuse and violence intervention and prevention efforts. The Department of Public Safety also has a violence intervention responsibility, as the administrator of the federal Violence Against Women Services, Training, Officers and Prosecutors (STOP) formula grant. Creating a new Office on Violence Prevention within the Maine CDC could expand the administrative cost of trying to coordinate violence prevention and intervention efforts and create the potential for duplicative efforts. It will be important to consider and have intentionality from the outset as to how the work and responsibilities of these offices will be reconciled to minimize administrative costs, avoid duplication of efforts, and ensure coordination to achieve these important goals. MCEDV has raised these issues for consideration in another bill concerning the duties and responsibilities of this new office, LD 2237, "An Act to Strengthen Public Safety, Health and Well-being by Expanding Services and Coordinating Violence Prevention Resources," which is currently being considered by the

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<sup>3</sup> Gu, Jackie, "Deadliest Mass Shootings Are Often Preceded by Violence at Home," (June 30, 2020). See also, Gold, Liza H., "Domestic Violence, Firearms, and Mass Shootings," J Am Acad Psychiatry Law (Feb 5 2020).



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Joint Standing Committee on Health and Human Services. We have attached those remarks here as well, given the overlap in proposals.

We also note that Section 4 of LD 2224 adds to the programs and services of the Department of Health and Human Services a directive that the Department shall provide additional programs and services that include injury and violence prevention programs, including data collection, synthesis and evaluation. It does this through a proposed amendment to paragraph 2 of Title 22-A, Section 203. By placing this directive in paragraph 2, the statute would direct the Department to provide these services *only to children and families*. We encourage you to consider whether it may be better placed in paragraph 1 of Section 203, which directs the Department to provide programs to *adults, children and families*, in order to ensure this important work is more broadly applicable to all and to that data collection on violence in Maine is comprehensive.

### **Extreme Risk Protection Orders Should Focus on Problematic Behavior and Risk of Harm, Not Mental Health Diagnosis or Illness**

Intimate partner violence represents a significant public health issue that has considerable societal costs. More than 20 years of annual crime reports from the Department of Public Safety, biennial reports from Maine's Domestic Abuse Homicide Review Panel, and the available data from the implementation of Maine's yellow flag law, confirm that domestic abuse and violence continues to be a primary driver of our state's violence, importantly including gun violence. Domestic violence, up to and including domestic violence homicide, is rarely a result of mental illness. It is instead a result of someone holding the belief that they have a right to have what they want from their partner and that right supersedes the rights of that other person. A victim of domestic violence separating from the person choosing to engage in abusive and/or violent behavior does not cause mental illness. And yet, as we can see clearly in the cases where the current yellow flag law has been deployed, the act of a victim leaving their partner has precipitated threats of harm to self or others in a number of cases. A person's behavior or statements that indicate they are an imminent risk to self or others is what should drive decisions to seek and grant weapons restrictions orders, not diagnoses of mental illness.

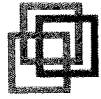
We encourage you to reject the suggestion that probable cause should be based on reasonable belief that a person is **mentally ill and** due to that condition presents a likelihood of serious harm and instead keep the focus on what is most important, that there is

probable cause, based on the persons behavior or statements, to believe that person poses some kind of imminent risk of bodily harm to themselves or others.

Thank you for the opportunity to share our support for the policy goals outlined in this proposal. We would welcome an opportunity to work with Governor Mills and her administration as well interested parties and this Committee as this conversation continues.

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**Testimony of Francine Garland Stark  
In Support of LD 2237  
“An Act to Strengthen Public Safety, Health and Well-being  
by Expanding Services and Coordinating Violence Prevention Resources”  
Before the Joint Standing Committee on Health and Human Services  
Monday, March 4, 2024**

Senator Baldacci, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in support of the goals of LD 2237, “An Act to Strengthen Public Safety, Health and Well-being by Expanding Services and coordinating Violence Prevention Resources.” Given our more than 40-year history of engagement in violence intervention and prevention work in communities across Maine, MCEDV raises several issues and suggestions for your consideration as you begin work on this proposal.

**Maine’s Domestic Violence Victim Services Providers Will Be Essential Partners  
in the Work of the New Office on Violence Prevention**

Intimate partner violence represents a significant public health issue that has considerable societal costs. As recognized by more than 20 years of annual crime reports from the Department of Public Safety and biennial reports from Maine’s Domestic Abuse Homicide Review Panel and supported by the available data from the implementation of Maine’s yellow flag law, domestic abuse and violence continues to be a primary driver of our state’s violence, including gun violence. The federal Center for Disease Control has recognized, “Supporting the development of healthy, respectful, and nonviolent relationships has the potential to reduce the occurrence of intimate partner violence and prevent its harmful and long-lasting effects on individuals, families, and the communities where they live.”<sup>2</sup> Any new state program focused on reducing violence and related trauma will benefit from engagement with the existing response to domestic abuse and violence in our state. MCEDV and our network of service providers stand ready to collaborate, and we

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<sup>1</sup> MCEDV serves a membership that includes Maine’s eight regional domestic violence resource centers (DVRs) across the state, as two culturally specific service providers. Last year, these programs together served more than 12,000 Maine survivors of domestic abuse and violence and their children.

<sup>2</sup> Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices, p. 46 - <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>.

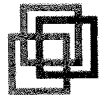
hope this Committee, in its work on this bill, will ***consider more firmly identifying, in the language establishing the responsibilities of this new Office on Violence Prevention, how central victim services providers in Maine should be to the ongoing discussion and decisions about how to respond to and work to prevent violence in our communities.***

### **Reconciling a New Office on Violence Prevention with DHHS' Existing Violence Prevention Program**

MCEDV has long worked closely with the current Violence Prevention Program, which exists within the Department of Health and Human Services, Office on Children and Family Services. That program is the state administrator of all the federal formula grant funds that come into the State of Maine that support services for victims of crime (including: the Victims of Crime Act, VOCA; the Family Violence Prevention and Services Act, FVPSA; and the Sexual Assault Services Program, SASP). The existing Violence Prevention Program makes subgrants from these federal grant streams to victim services programs across the state to support their abuse and violence intervention and prevention efforts. The Department of Public Safety also has a violence intervention grantmaking responsibility, as the administrator of the federal Violence Against Women Services, Training, Officers and Prosecutors (STOP) formula grant. Under this proposal, the new Office on Violence Prevention would also have grant making authority, and with that would be a third state agency office, and second within the Department of Health and Human Services charged with administering grants and supporting efforts around the goal of interrupting and preventing violence and trauma in our state. This new office, as proposed, could expand the administrative cost of trying to coordinate violence prevention and intervention efforts and create the potential for duplicative efforts. It will be important to consider and have intentionality from the outset as to how the work and responsibilities of these offices will be reconciled to minimize administrative costs, avoid duplication of efforts, and ensure coordination to achieve these important goals.

Violence prevention work cannot be successful in a silo. We appreciate that the bill sets out a number of other appropriate state agencies and programs that this new Office of Violence Prevention should be thinking about collaboration with, and ***we would suggest that the Committee consider amending Section 1427(3) to include the current DHHS Violence Prevention Program in this list***, to the extent that the intention is for that office to still exist after the creation of this new office. We ***also recommend that crime victim services providers be explicitly named as collaborators*** with the new Office in this section. All of the agencies, programs, and community partners referenced in this paragraph would, indeed, be necessary collaborators for this office, both to ensure success and that none of these important partners in violence intervention efforts are working at cross purposes. This Committee could ***consider strengthening the collaboration language in this paragraph by amending the "may" to a "shall."***





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## The Need to Support Violence Intervention Programs

The need for programmatic financial support for community-based violence intervention programs in Maine is substantial, and we fully support the idea that the State should take an active role in funding these programs. As recognized in our statutes, the most appropriate and effective community-based interventions with perpetrators of domestic abuse and violence are Maine's Certified Domestic Violence Intervention Programs. Though these programs have extensive standards and oversight, they have no programmatic financial support. Without that, we have seen several of these programs close their doors in the last year, which causes longer waiting periods for this important intervention. We have attached to the end of this testimony more information about these programs and the current challenges with maintaining their operation.

We would also suggest incorporating increased awareness of these existing intervention programs into the duties of this new Office by **amending Section 1427(4)(A)(3) to read, "The process for accessing available resources and services for domestic violence prevention and intervention."**

## Data on How Prohibited Persons Access Firearms Will Help Drive Solutions

There have been multiple examples recently of someone who is legally prohibited from having a firearm due to their criminal history of domestic violence being in possession of a firearm at the time they commit a serious, subsequent crime or otherwise engage in behavior leading to deadly force interactions with Maine law enforcement.<sup>3</sup> The development of a state agency who would have, as part of their charge, the responsibility of serving as a data hub on gun violence in Maine, would ideally explicitly **include the responsibility of collecting information on how those who are legally prohibited are gaining access to a firearm** when that access leads to subsequent involvement with our criminal legal system. Is it because there were insufficient efforts at the time of conviction or release from a correctional facility to ensure there were no longer any weapons in the person's

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<sup>3</sup> Two such examples: (1) in December 2023, a man who had previously been convicted and incarcerated for domestic violence aggravated assault was killed by police during a traffic stop in Portland when he exited his car pointing a gun at the officers; and (2) also in December 2023, a man previously convicted and incarcerated for domestic violence aggravated assault and criminal threatening with a weapon created a standoff with police in Thomaston after assaulting his sister, with shots heard fired in the house.

possession? Did the person purchase or otherwise access the firearm from a third party after becoming legally prohibited? How? And from whom? As these likely call for different policy solutions, data-informed answers to these questions will help systems and communities across Maine develop appropriate and effective solutions to decrease gun violence that is driven by those who are prohibited from having the very weapon they are using to commit the subsequent crime. We hope that, with the creation of this data hub, there will also be ***clarity on the ability to and process for Maine agencies and organizations who are already invested in this work, like MCEDV, to obtain access to this collected data further inform the work that is currently underway.***<sup>4</sup>

Thank you for the opportunity to share our support for the policy goals outlined in this proposal and our initial recommendations for substantive amendments. We would welcome an opportunity to work with Speaker Talbot Ross, this Committee and the Administration as this conversation continues.

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<sup>4</sup> Since 2019, MCEDV has led a multi-disciplinary working group that has included critical state agency partners within the Department of Public Safety and the Maine Judicial Branch to work on how to better support relinquishment of firearms when ordered by the court as part of a civil protection order. More information on the practice changes that have resulted from that work can be found here: <https://www.mcedv.org/mcedv-dives-deep-to-move-needle-on-firearms-and-domestic-abuse/>.



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## **Certified Domestic Violence Intervention Programs (CDVIPs) More Information About Maine's Programs**

**Maine's Certified Domestic Violence Intervention Programs (CDVIPs) are recognized in Maine statute as "the most appropriate and effective community intervention in cases involving domestic violence,"<sup>5</sup> and they receive no direct state funding beyond partial fee reimbursement to ensure access for low-income participants.**

**Programs are closing and reducing programming due to lack of funding.** In 2023, both the men's and women's York County CDVIPs closed their doors, due to lack of sustainable funding. The York County CDVIP for men was one of the largest in the state, serving one of the state's most populous areas. No organization has stepped forward to take on that work because of the lack of funding. Another one of Maine's larger CDVIPs, currently serving 5 Maine counties, will close their women's CDVIP and scale back their men's CDVIP. Other programs are in very precarious financial positions with some noting that one significant upset, like staff turnover or staff medical leave, could result in the reduction of class offerings or closure of their programs and others reported being unable to pay key staff and relying on volunteers.

**Maine's CDVIPs are evidence-informed.** All of Maine's CDVIP educators have been trained in nationally recognized, evidence-informed curricula – Creating a Process of Change for Men Who Batter and DV Turning Points: A Nonviolence Curriculum for Women. Both of these curricula are part of "the Duluth Model" which is "the most widely adopted approach in the world for intervening with men who batter and keeping women safer."<sup>6</sup> The Duluth Model is rated Effective for reducing recidivism with respect to violent offenses and Promising in reducing victimization.<sup>7</sup> The core concept of a Coordinated Community Response is central to the design of Maine's CDVIPs and their certification. This approach reflects the recommendations of Maine's Domestic Abuse Homicide Review Panel<sup>4</sup> and this proposed legislation.

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<sup>5</sup> M.R.S. Title 17-A: MAINE CRIMINAL CODE, Part 6: Punishments, Chapter 61: General Sentencing Provisions § 1501. Purposes. <https://www.mainelegislature.org/legis/statutes/17-a/title17-Asec1501.html>.

<sup>6</sup> Frequently Asked Questions, Domestic Abuse Intervention Programs: Home of the Duluth Model: <https://www.theduluthmodel.org/what-is-the-duluth-model/frequently-asked-questions/>.

<sup>7</sup> Maine Domestic Abuse Homicide Review Panel, 13<sup>th</sup> Biennial Report: 20 Year Lookback.

**Investment in violence intervention now is strategic, responsible, and smart.** This proposed legislation comes at a time when investment in Maine's violence prevention and intervention efforts is most needed and will have a tremendous impact. Maine cannot afford to be without this trusted, evidence-informed intervention programming that provides an opportunity for lasting behavior change while protecting domestic abuse survivors, their children, and our communities. Maine needs to invest in programs already recognized as the most appropriate and effective for intervening in domestic abuse and preventing further harm. There is no need to recreate the wheel, but there is a need to invest in one of the trusted "wheels" that exists in Maine's CDVIPs.