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LD 1340

I am writing in opposition to LD 1340.

Lawmakers have an affirmative and absolute obligation to only enact laws that have some connection to a general public benefit for the People of Maine and this bill has none. The basic facts are:

1. Guns using these banned devices are statistically never used in crimes. Not in Maine and not in the whole US. From the FBI data on homicides you simply cannot find any possible basis for banning them. None. There IS SIMPLY NO BASIS TO ASSERT THIS BILL WILL POSITIVELY AFFECT PUBLIC SAFETY in Maine. And at that point you have to simply say NO.

2. When you are going to ban some 'device' that has been in common use, legally purchased and possessed by many, you have to deal with what to do with existing ones. Just making them illegal in exchange for no perceivable public safety benefit is unacceptable and prohibited by our system of laws. That's a taking prohibited under both the US Constitution and the Maine Constitution. Are you planning a grandfather provision? A buy back provision? As is this proposed law simply will not survive even a minimal court challenge.

3. The whole issue of weapons regulation in this specific area should be the providence of the Federal government. Maine law in general defers to Federal law on automatic weapons except in the area of hunting regulations, which is appropriate. The issue of so called "automatic" weapons is the subject of extensive Federal Law. What possible benefit exists for the People of Maine for an additional separate system? The answer is none. The fiscal note says no impact, but if you are going to prosecute people for these devices you are going to have to have experts and testing by the Maine State Police to establish that the devices operate as prohibited. There are tens of thousands of these in the State, why on earth would you expect to have no cost to prosecute people who purchased them? Many of these devices are individually worth tens and tens of thousands of dollars and collectively in the millions of dollars. No one is just going to roll over and destroy them, they will be in Court. And they will likely prevail based on the latest Supreme Court rulings. So at a minimum you need to budget millions to defend the complete and willful ignorance of firearms technology, the underlying Constitutional Law and long existing Federal NFA law that is part of this bill.

4. The so called "Burst Trigger System (C)" definition is describing an automatic firearm. An item extensively regulated under Federal Law since 1934. A certain number of those guns produced prior to 1986 may be legally possessed under Federal Law following an extensive background check system (the "NFA") and if approved Federally, possessed in Maine as well. No civilian, legally owned, automatic firearm has ever been used in a crime. Many of these guns are of historical significance and are in collections to preserve them. You don't deal with the conflict with existing Maine law in the drafting. Does anyone who worked on drafting this bill know anything about firearms? Existing law? Even if the owner of a registered NFA item was inclined to sell it out of State rather than sue following the passage of this nonsense Federal Law would prohibit that transfer without the approval by the Federal Government *(current leadtime for getting such approval 1 year).

5. Several prominent Maine business deal with selling Firearms that would be impacted by this law. The effect of this is to essentially destroy a substantial part of their business and further to cut the associated tax revenues associated with those sales. Last I checked on their annual sales volumes they are in the tens of millions. So that is millions of dollars lost revenue on the tax side. I suspect if passed as drafted they would simply leave the State.