

Erik Perkins
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LD 1696

Dear Judiciary Committee,

I oppose LD 1696. There appear to be two different versions of the bill, so in the following I will distinguish between them, and some statements may no longer apply, given the apparent amended version.

In both versions, the term "firearm industry member" is unreasonably broad. "Engaged in the sale of" is very different from "engaged in the business of", and appears to encompass anyone who has ever, or from Section 2B of the amended version, will ever, sell anything that goes on or in a firearm. For example, I sold a used scope mount on eBay a couple of years ago - under this bill I apparently would have been a "firearm industry member". I certainly don't consider myself one - I'm not on Windham Weaponry's payroll.

The bill seems unconstitutionally vague. It does not specify what "harm" is, which could range from physical injury, to property damage, to hurt feelings. If I sell the mount to someone, who then attaches it to a shotgun and shoots a posted sign on a third party's property, am I then civilly liable? What if the mount reminds a veteran of a firefight in Kandahar, triggering their PTSD? Does that constitute harm? Am I, or anyone else who has ever or will ever sell anything firearm related liable as well?

The bill also does not specify what "reasonable procedures" are. Is the threshold of reasonableness for loss prevention met by keeping .22LR ammunition behind the counter in a store, locking it in a glass case, or storing it out of sight in a safe in the back? Is it reasonable for me, now that selling a used scope mount has apparently made me a "firearm industry member", to require a criminal background check of any potential buyers of the mount? Are the thresholds of reasonableness the same for a wooden buttstock? Neither version of LD 1696 provides any standards.

The same broadness of the amended version of the bill also gives the state Attorney General apparent carte blanche to investigate and sue anyone at any time for any reason, for things that haven't even been done yet.

Astonishingly, the first version of the bill actually states that the perceived unconstitutionality of the bill is not allowed as a defense against it. In other words, if passed, judicial review of the law could not be done because the law itself says that judicial review cannot be done. That is absurd.

In the first version of the bill, the "assaultive purposes" statement seems arbitrary and capricious; it is not even clear that "assaultive purposes" has any concrete legal meaning.

Finally, both versions of the bill are borderline incomprehensible. One great thing about Maine state law (compared to something like the California Penal Code) is that a reasonable person of ordinary intelligence can read and understand what the law says without having to be a legal scholar. Seriously, I have a PhD in elementary particle physics, and I can barely follow the text of either version of LD 1696.

Respectfully,
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