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LD 2130

Please oppose “LD 2130 An Act to Prohibit Unauthorized Paramilitary Training”

This bill is fatally flawed and unconstitutional.

First, the provision is incredibly overbroad. The problem starts with the definition of “civil disorder” – all that is necessary is 2 people, an act of violence and a risk of injury.

What if the event at issue is a demonstration and someone else at the demonstration attacks an officer? What if some other person at the demonstration is assaulted by a counter-demonstrator? What if a counter-demonstrator blocks a road, bangs on the hood of a car and is run over by the driver? What if the person peaceably performs a sit-in, and a police officer trips over her and sprains his ankle? Demonstrators have been charged with assault or even battery for less.

Let me give a more specific example of the level of injustice inherent in this proposed legislation. Under this provision, a person trains a 75 year old paraplegic woman in how to safely defend herself with a firearm, knowing that she is going to attend a rally in favor or against a particular political issue. The woman attends the rally, secure in the knowledge that she has the knowledge and training to defend herself if she is attacked. The rally spills out into the street. Another attendee at the rally is attacked by a counter-demonstrator. That woman’s self defense trainer is now a felon, loses their gun rights, their career, and likely their life-savings.

This provision is utterly unconstitutional, as it creates a uniquely disadvantaged class of anybody who has anything to do with teaching people how to safely use and handle firearms. It’s not designed to prevent violence. It’s designed to chill lawful commerce, protected by the second amendment and the Equal Protection Clause, in the provision of training in firearms, even if it be in safety or self defense.

Second, the felony level punishment is not only draconian in the abstract, but the injustice of it is especially glaring in light of the shockingly low bar that triggers criminal prosecution under this provision.

Third, the bill gives the AG the ability to stop any training in the state that he or she wants, based on no reasonable standard, and absent any illegal behavior whatsoever. All it requires is a stated belief that somebody intends to do something that triggers that incredibly low threshold mentioned above. That is a remarkably dangerous and distasteful infringement of both the Maine and US constitutions.

Please vote “ought not to pass” on this proposed legislation.