

Richard Shapiro  
Brunswick  
LD 2086

My name is Richard Shapiro, and I live in Brunswick. I am testifying in opposition to LD2086.

Please oppose this bill. The bill serves only to create injustice and does nothing useful to increase the safety of Mainers.

When a crime is committed with a firearm, the bill removes the ability to have the firearm returned IF the firearm was innocently lent to the perpetrator. Please note existing law already prohibits return of the firearm if the lender "knew or should have known that the person was a prohibited person" or lent the firearm "knowingly or recklessly".

This statute, literally, explicitly, punishes only the innocent. Existing state law already punishes the guilty. There is no legitimate legislative purpose in punishing the innocent.

Second, the bill requires destruction of any forfeited firearm. Again, this is utterly pointless. Apparently, it's based on the irrational fear that the mere existence of a firearm is, in itself, harmful.

As has been proven repeatedly over the past few decades, firearms are used far, far, more often in defense of life than in the taking of it. A great many firearms also have considerable value, and may even be of historic or collector value. This blanket requirement for destruction is simply a way to "eliminate" a firearm willy-nilly. In a state where firearms likely outnumber people, this is an utterly futile and meaningless gesture made at the expense of the law abiding gun owners who would receive the firearm or its parts after sale by the state.

The cultural dysfunction that removes from a criminal the responsibility for his or her actions and places it on the firearm, while ignoring multitude of ways that the government has failed in enforcing its existing laws, resulting in the vast majority of mass killings is, in itself, damaging to our society.

This bill only seeks to stamp that dysfunction into our laws.

Also, there is additional language in some drafts of this bill that redefines and broadens the definition of a "machine gun" to an unprecedented degree. I would note that existing Maine law makes it illegal to own a machine gun without "permission".

That provision, if it still exists, is legislatively deficient, because such "permission" is only available at a Federal level, and only based on Federal law and rules as promulgated by the ATF.

To the extent that a state definition is more narrow, it is moot. And, to the extent that a state definition is broader, it unjustly removes legal firearms from the hands of law abiding Maine citizens without recourse, as there is no such "permission" available or planned to be available at a state level.

I would also note that the provision also bans any "semi-automatic" firearm that "has been modified in any way that (1) Materially increases the rate of fire of the semi-automatic firearm; or (2) Approximates the action or rate of fire of a machine gun."

This definition is also fatally flawed, as it is impermissibly broad, vague and includes numerous every-day firearm accessories, a partial list of which includes larger magazines, anything that allows a more rapid changing of magazines, or anything that makes it easier to hold a firearm more securely, allowing for faster trigger pull.

Whether or not the redefinition of "machine gun" is included, this entire bill is fatally flawed, ineffective, and unjust.