



Testimony AGAINST LD 2224
An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

Joint Standing Committee on the Judiciary
Date: March 4, 2024

Representative Moonen, Senator Carney and distinguished members of the Judiciary Committee, my name is Henry Skinner, MD and I am President of the Maine Association of Psychiatric Physicians (MAPP). I also serve as Secretary of the Maine Council of Child and Adolescent Psychiatrists (MCCAP). Clinically, my roles include Medical Director at Tri-County Mental Health Services and at the Aroostook Mental Health Center and at Family Psychiatry of Maine in Yarmouth. Through these organizations, I serve Mainers of all ages from every county except York.

MAPP supports waiting periods, restrictions on rapid-firing weapons, expanded background checks and a true “Red Flags” law. Maine’s psychiatrist are OPPOSED to this legislation because the extreme risk protection order (“Yellow Flags”) section is ineffective and misleading. Maine needs a “Red Flags” law instead.

The yellow flags law is based on the FALSE premise that a mental health professional has the capability to determine who presents a risk of foreseeable harm and who does not. The truth is that dangerous behavior is very hard to predict. There are too many individual and situational variables. In the absence of reliable criteria for determining foreseeable risk of harm, mental health professionals always opt to have the person’s weapons removed. If there were to be a bad outcome, they would have to live with it for the rest of their lives. So every time, the mental health professional will say “remove the firearms for two weeks.” This makes the evaluation meaningless, because it always comes to the same conclusion. The requirement for a mental health evaluation is an unnecessary impediment to the safety process.

The yellow flags law presumes that persons presenting a risk of “foreseeable harm” with a firearm are at such risk because of a mental illness. This premise is FALSE. Many persons without mental illness find themselves in states of mind where they want to kill themselves or others. Sometimes such a state of mind can be affected by substance intoxication or just by the heightened emotion of a common situation, such as a romantic adversity or family conflict.

It turns out that there have been 164 yellow flags evaluations and all but one of them ended in a recommendation to remove the weapons. The one exception was a person deemed at risk of foreseeable harm, but lacking a mental illness, according to data shared by Spurwink.

I had an example of this just 3 weeks ago in my practice. About a year previously, my patient had extricated herself from an emotionally and physically abusive relationship. The other party continued to stalk her through social media. She repeatedly blocked all the new accounts he attempted to reach her through. Finally, the stalker found a way to impersonate her work phone number, and she answered. He sounded intoxicated, and asked her to come see him. After she said no, she texted his mother to check on him. He called back an hour later. When she reiterated that she would not see him, he fatally shot himself while over the phone with her. My patient and the man’s family and community are devastated. This was just as preventable as the nineteen deaths on October 25th, 2023.

For these reasons, we need a straightforward “Red Flags” law.

Every week at least two Mainers die from self-inflicted gunshots. Maine’s psychiatrists thank you for your thoughtful consideration of effective prevention.