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Good morning,

Unfortunately, I am indisposed as I'm sure many of my fellow Mainers are between the hours of 9am-5pm on a weekday. Luckily, my job allows me to use a computer. I know that reading these must be very time consuming so I will try and make my point short.

Lewiston was a tragedy, we are all aware of this. Loss of our brothers, sisters, sons, and daughters is a terrible thing. However, rushed litigation following a tragedy is not the correct response.

Your proposal outlines a few good things, mainly the response training. However there are a few compromises that could be made that could make this a great bi-partisan bill. Unfortunately, there are also several parts that show just how little about firearms the writer knows.

1. Gun show loopholes do not exist in the way they are often portrayed.

Even when purchasing a firearm from a booth at a gun show, the purchaser needs to fill out a form 4473 and have it run through the FBI database. During the Biden administration, Federal Firearms License holders, (or FFLs for short), have come under incredibly increased scrutiny. In fact, if there is a single, SINGLE mistake on their paperwork, they lose their FFL which can result in the loss of their business. I have seen 2 local shops close for this reason.

If you wish to look up the law requiring the form 4473: (18 U.S.C. §922(t))

2. Person to person sale bans are not going to be effective.

The Brady act, specifically subsection 103(i), prohibits the establishment of a registration system of firearms, firearms owners, or firearms transactions or dispositions with any records generated by NICS (form 4473), except for records on persons found ineligible to receive or possess firearms.

Furthermore, 18 USC 926(a)(3) "No such rule or regulation prescribed after the date of the enactment of the Firearm Owners' Protection Act may require that records required to be maintained under this chapter or any portion of the contents of such records, be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or any political subdivision thereof, nor that any system of registration of firearms, firearms owners, or firearms transactions or dispositions be established." However, the National Firearms Act of 1934 requires registration of several categories of firearms, such as fully-automatics.

There is no effective way to LEGALLY find out who owned what firearms without a registry, which is illegal. Otherwise, people could always claim that the sale was enacted BEFORE any of this legislation was passed and there would be no way to confirm this.

3. Suggestions

IF a need ever arises that we as Mainers must verify a personal sale was safe. What we should do is create a non-invasive background check that is available to our citizens to run against their purchaser.

The system would be available online, it would require the name of the seller and some other identifying information, and then provide a reply that is simply, "Allowed purchase of civilian legal firearms" or "Prohibited person" along with a code that shows that the check was run and if they passed. Providing only these two returns will keep private information about the buyer safe.

This way, if the legality of the sale was ever called into question, you could provide your sale "code" and it would tie the transaction to the background check result which would ideally be dated.

This system would allow citizens to safely sell firearms person to person without creating a registry.

4. Conclusion

I am against your bill as written.