

Re: LD 2238, LD 2224

To the Judiciary Committee:

I have already testified online and below will represent the points I wished to make in supporting these bills, though with minor amendments suggested. I hope you will vote "ought to pass."

My name is David G. Fitz MD

I have been a resident of Cumberland, Maine since 1980.

I am a retired plastic surgeon and hand surgeon.

1. Background checks. I am strongly in favor of this. It is not acceptable to be able to sell guns online without accountability or oversight, relying solely on the honesty and integrity of the seller. For example, today there are 33 guns (assault-style rifles, shotguns, traditional styled rifles, and handguns) offered on Uncle Henry's for private sale or trade. To me the inconvenience for the seller to use an intermediary for a background check is not the issue. Maine's "Iron Pipeline" needs to be shut down.

2. Yellow Flag Law. This needs modification. I have received data from Kristen Farnham, VP of Legal Affairs Spurwink Services:

" As of yesterday, 2/13/2024, Spurwink has conducted 148 telehealth weapons restriction assessments. 102 of these have occurred since October 25th. We recommended weapons removal in 147 out of 148 assessments. In one assessment we were unable to recommend weapons removal. The individual had underlying criminal conduct that suggested a likelihood of foreseeable harm, but did not meet the statutory definition of "a mentally ill person," limiting our ability to recommend weapons removal."

Final disposition here is unknown by Spurwink evaluators, but this one case clearly represented an extreme risk situation.

Since 2/13 there have been 25 more evaluations with 100% agreement of evaluators and family.

The point is that family and friends are correct in their assessment. Look at the data which comes in weekly: essentially all emergency health evaluations from inception of the Yellow Flag Law have agreed with referring family or friends. An emergency psych evaluation has therefore proven itself unnecessary as an initial requirement, and could be delayed. This will streamline the process and save hours, as described during law enforcement testimony. Evolving data demonstrates a simple way to modify the Yellow Flag Law, but also create an extreme risk law not necessarily based on mental health, but on dangerous behavior. Eliminate the initial psych evaluation.

3. 72 Hour Wait. Throughout my career as a plastic surgeon, I have treated (though not very often) devastating facial injuries of suicidal patients who were unsuccessful in killing themselves. These are unimaginable traumas that require multiple surgeries, and nowadays might be candidates for complete face transplants. As we know, a large percentage of suicides occur on impulse. A mandatory 72 hour "cooling off period" can make a huge difference for those in crisis.

Today you heard opposition testimony describing how inconvenient it would be for out of state hunters to wait 72 hours at LLBean or Kittery on their way to an expensive hunting lodge. Or it would be difficult for private sellers to deal with a 72 H wait. Or someone might show up at a hunt with a defective firearm, and need an "emergency gun purchase."

If this law is passed, we'll all get used to it. We'll actually plan ahead. Most importantly, waiting periods have proven to make a difference for the suicide rates of those states where enacted, and save lives - as many as 15-20 people per year by extrapolation of Maine data. It is disheartening to hear anecdotal stories of needing a handgun on an emergency basis for a domestic violence situation, but these are extremely rare, and in most situations the emergency purchase of a handgun does no good.

The 72 hour inconvenience vs. saved lives is what this is all about. Change.

Thank you for reading my testimony.
Please vote "ought to pass" for both of these bills.

David G. Fitz MD