

James Waite
OLD ORCHARD BEACH
LD 2283

I'm contacting you in opposition to LD 2283 - An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public. Also know as a Red Flag Law.

This proposal violates the Declaration of Rights of the Maine State Constitution, which states that "No person shall be deprived of life, liberty or property without due process of law," (Article I, Section 6-A) and "Every citizen has a right to keep and bear arms and this right shall never be questioned" (Article I, Section 16).

Included in this bill is the possibility of issuing an ex parte order, which would violate the due process rights of the respondent. Also, within this bill the "prohibition" or "surrender of firearms" is a violation of the aforementioned Article I Section 6-A, Article I Section 16 and the 2nd Amendment of the US Constitution.

The issuance of a search warrant when no crime has been committed is a violation of the 4th Amendment of the US Constitution. Also, within this bill there is no definition of the of the legal statutes or burden of proof that must be met in order for the court to issue an emergency crisis intervention order.

This bill is very weak when it comes to protecting our rights as a law abiding gun owners. All it takes is a mere accusation from an anti-gun relative or a disgruntled ex-spouse, and I can be ordered to turn in my guns. This bill which allows these orders to be issued on an ex parte basis means I won't even know there is an issue until the police show up at my door demanding my firearms. This will lead to unnecessary confrontations between police and law abiding gun owners. In fact, a Gun Confiscation Order in the state of Maryland resulted in the death of an innocent gun owner, 61-year-old Gary Willis. That's just one of many examples. Let's say the police come and confiscate my firearms. My firearms collection includes family heirlooms and investment-quality firearms. While in police custody, my firearms are damaged as a result of improper storage or handling, or supposedly lost. What legal recourse do I have? None, because this bill grants a law enforcement agency immunity from civil or criminal liability for any damage or deterioration of a firearm stored or transported pursuant to this bill.

This type of legislation is a clear violation of our right to bear arms, our right to due process, our right against unreasonable searches and seizures, and if our firearms are damaged or lost we have no legal recourse to collect damages. Maine's Yellow Flag law has been successfully used over 200 times, just because law enforcement failed to use it in the case of the Lewiston shooting doesn't give you free reign to punish the rest of us for the crime of one person and the failure of multiple government agencies. I urge you to vote "Ought Not To Pass" on LD 2283.