

Testimony of Lani Graham, MD, MPH

IN SUPPORT OF LD 2283

An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

Presented by Speaker Rachel Talbot-Ross

Before the Judiciary Committee, April 4, 2024

Senator Carney, Representative Moonen, and Members of the Committee. My name is Lani Graham. I live in Freeport. I am a retired family practice physician and former Chief Public Health officer for Maine. I serve on the Public Health Committee for the Maine Medical Association (MMA). I am writing you in support of LD 2237. I am sorry I cannot be there in person. This is an extremely important bill as we try to make Maine a little safer from the threat of firearms in the hands of people dangerous to themselves or others.

As you likely know this is an issue that the Maine legislature has been struggling with for a few years. I remember when the first extreme risk protection order was passed by the legislature. At that time, despite the weight of evidence of many other states, **Maine elected to enact an order that became known as the “yellow flag law” clearly marking its action as not as strong as the laws enacted by other states. Furthermore, Maine elected to put a medical professional at the center of this law. At the time I did not know a single medical professional who supported the new law.** It was a barrier to fast action, it offered no benefits for the person being assessed, it put the medical professional in a very difficult position, and it threatened the relationship that a person might have with needed health care. **Due to the outcry from medical professionals, an effort was made in the next legislative session to “fix” the law. But despite best efforts Maine’s current law remains a pale version of the laws in other states and was rarely used until after the horrific events in Lewiston.**

This legislative session we were all very optimistic that some reasonable gun safety laws would be passed. Most Maine people supported such laws and many of us thought that the very first law to be passed after the tragedy in Lewiston, would be a new and effective extreme risk protection order. But that did not happen, and it is unclear why there is any opposition to such a law.

Strong risk protection laws have been used successfully in other states for more than 20 years. And research is emerging that these laws make a difference. Recent research found that for every 10 to 20 ERPOs filed, at least one life is saved from suicide.¹

Fears about the use of this law are put to rest by its structure. This bill makes clear that if this bill were passed into law, it is only a temporary restriction against the holding of a gun

or its purchase. The proposed law would not remove “due process” safeguards. Any individual who was the target of such a risk protection order would be notified and able to be present in court to oppose the order. It is also clear that this law would be civil and not criminal. The bill makes clear that any order presented in court would not be based on a mental health diagnosis. Instead, a petitioner is required to present evidence of risk to themselves or others, along with the potential for violence.

This bill proposes to do what has so long been needed, remove the medical professional from the center of the effort. Families who know those close to them best, must have the ability to move quickly when help is needed. Law enforcement must also be able to act quickly, which Maine’s current law prevents. There are 21 other states that have good laws to address Extreme Risk Protection Orders (ERPO). **The State of Connecticut has a strong ERPO law and more than 20 years of experience with that law showing that it works well.** But every other New England state except New Hampshire has a strong ERPO law that doesn’t depend on a medical professional. Even Indiana and Colorado, both considered strong hunting states, have good ERPO laws. And Florida considered a relatively conservative state passed an ERPO law in 2018.

I urge a unanimous ought to pass. Thank you for your attention.