

David Souers
Friendship
LD 2283

Judiciary Chairs Senator Anne Carney and Representative Matt Moonen, and
Judiciary Committee Members:

Written Testimony in favor of LD 2283. I am not available to speak.

My wife and I sat through your entire hearing on Friday April 5, 2024. We listened to and considered all testimony for and against this bill. At the hearing, I read the testimony of James LaPlante, South Portland, an account of his brother's suicide by gun. I am not a psychiatric or healthcare professional, and not a police officer, lawyer or judge. I am a retired architect who has designed healthcare, court, correctional holding and police facilities. These include psyche facilities, emergency departments, secure facilities for holding and separating people in custody, and gun storage, all requiring special security for the public, staff, patients, those in custody and prisoners. All of this requires extensive knowledge of the operations, processes and personnel (administrators, staff, persons acted upon, visitors, patients or prisoners, and their doctors, lawyers, or personal caregivers) for each area and function of these facilities. The ability to design the appropriate facility for each client group depended on learning everything possible about the building and operation type, as well as listening and learning from the specific client group. Not all clients groups are equally qualified to know their full needs. This made learning from the best groups and then sharing experience with each group, arriving at the best solution for each group or client. Your committee is one part of the public safety effort. In a sense, you are part architect in your process, taking all of the professional expertise from those who will implement your legislation, as well as public experience from those who are likely to see the benefits and demands of your legislation. The patients, clients and public are important, but they are not fully aware of all the issues that you and those who operate your legislation must address in an effective manner. The public mostly knows only the result or how it appears to work. With this in mind, I would like to offer a few observations:

1. The gentleman who spoke about his work on the Yellow Flag law is correct in my opinion that new laws like the Yellow or Red Flag laws require training, including public education on how the law is to be used. And where it cannot be used.
2. Mention was made that police, hospitals and other parties expected to implement and serve the Yellow Flag law were failing at their duty. There may be reaction against implementing elements of the law. Other existing responsibilities and duties, can make the law time consuming and resource demanding. This diminishes existing services as well as the Yellow Flag law services. You need to address these issues with their experts which may mean amending the Yellow Flag law, providing for additional services, adding the Red Flag law or all of these. In practice, all of the clients were staff and resource limited. The greatest responsibility was to find and develop efficiencies that ultimately added to patient and staff satisfaction and effectiveness.
3. Stephen LaPlante mentioned going to police who told him that they could not address his concern until his brother committed a crime. My family has also been in this situation and where police said they cannot do anything without witnesses and proof that the person of concern is responsible for a crime. The police in Stephen's case may have failed to apply and implement the Yellow Flag law correctly. But we do have a general understanding among the police and public that a crime must be committed with reasonable evidence for police to take the action that we might wish. Many of the opposition to LD 2283 demanded that a crime be committed, not just dangerous behavior, to justify removing firearms. All of this equates to reactive intervention after shots are fired with someone likely dead, not proactive for public safety as LD2283 is trying to accomplish. Of course, everywhere in government and public life there are proactive laws that set standards and processes for protecting the

public. In architecture, building codes and zoning are common. Opponents to these regulations will say their property rights are taken. Or, that they must go through time consuming and costly permits, minimum construction requirements and inspections with possible rejections. They may argue that neighbors, inspectors, etc are making false claims and demanding un-required or unlawful work. These types of arguments were made at Friday's hearing against LD 2283.

4. Stephen LaPlante wrote that the amount and type of weaponry could have been used in a mass shooting, or against his family. Given his brother's condition and the weaponry he had, every known possibility of a deadly outcome was possible: suicide, domestic deadly abuse or mass shooting or all of these. The object of any proactive public safety measure should be to prevent public harm from all reasonably possible causes. Firearms are among the most deadly and dangerous. Most gun owners understand the term "hair trigger" where a gun goes off quickly, almost unexpectedly with a hair motion or movement. To provide adequate public protection against gun deaths, public safety bills must deal with the potential "hair trigger" reaction of a person in crisis, with dangerous behavior, who is likely to misuse their firearms. In my profession, codes or laws are established to prevent an unsafe building from being constructed though these regulations impact property rights, costs and time. A family member should be in a position to respond quickly, to prevent harm, to obtain help quickly, to disarm and reduce the danger that they observe. In my profession, we also use factors of safety. No building is designed to be just good enough for normal use. We design to accommodate conditions much more demanding than normal. Public safety should always have a factor of safety that will function well in worse case scenarios. You have the Robert Card case to test your Red Flag bill against with input from all of the experts who participated, evaluated and studied it, including the Card family. Ultimately, the family and/or police should be enabled to act quickly and effectively. I presume that friends, neighbors or anyone in the community who observes abnormal and potentially dangerous behavior, could and should make a report that would be looked into promptly and seriously. Police do look into reports of suspicious and potentially active harm. The police and community members should not be inhibited from checking into concerns regarding dangerous behavior, and should be encouraged to take appropriate preventive action. Gun rights should not supercede public safety, which seems to be our current situation.

5. I never designed the perfect building. You cannot design the perfect public safety bill. We must do the best we can in the time we have to suit the purposes intended without failing to deliver the best that we can. In my firm, we had windows of opportunity when the needs, funds, support, expertise and resources all aligned. We could get the project accomplished if we acted. Hesitation, delay and demands for perfection are the enemy of progress. This leads to missed opportunity, higher costs, short and long term losses, and often resorting to poorer outcomes. We build what we can, make it flexible, see how it works and improve on it as we use it.

With these ideas in mind, I encourage you to complete LD2283 in the best form that you can at this time. Please do that and vote it "ought to pass" with recommendations as you see fit to support the services and public use of the bill, correctly to its fullest extent intended.

Thank you for your attention.

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