Honorable members of the Committee on Judiciary, my name is Lous Beaulieu, and I live in Auburn.

The 2nd and 14th Amendments are clear: The text of the 2nd Amendment is clear and concise: "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

The 14th Amendment clearly states: *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws*.

Please vote NO on passing LD1109 - TITLE: An Act to Reduce Gun Violence Casualties in Maine by Prohibiting the Possession of Large-capacity Ammunition Feeding Devices:

It is a common misconception that "guns kill people." this misguided belief that high-capacity magazines kill people is equally erroneous. Only the person handling the firearm is responsible for the function of an inanimate object whether it be a knife, club or baseball bat.

Punishing responsible, law abiding gunowners by making the possession of a common use item such as a large capacity ammunition feeding device from a rifle, carbine, handgun a Class D crime is simply unconstitutional on its face. Criminals by very their very definition do not obey the law. Anyone intent on taking lives has no regard for the Class D crime you wish to burden LEGAL gunowners with. No gunowner that I'm aware of was cheering for Robert Card, but I am pretty sure criminals were!

Pertinent examples:

The following is from the article: "NRA Argues Against Washington Mag Ban In State Supreme Court Filing" published in a "The Truth About Guns" written by Mark Chestnut on December2, 2024:

At the tail end of 2024, the Washington State Supreme Court began considering the state's ban on firearms magazines that can hold more than ten rounds. In the case of State of Washington v. Gator's Custom Guns Inc.*, the National Rifle Association recently filed an amicus brief explaining why the law is unconstitutional under the Second Amendment*.

The defendants in the case are a retail firearms dealer, and its owner. The case has progressed through the system, with a trial court ruling the law unconstitutional, but in April, the state Supreme Court granted a stay.

The NRA began its argument by simply asserting that past Supreme Court cases have set the precedent necessary for the court to find the law unconstitutional.

"Because Americans own over 100 million magazines that hold over 10 rounds, the prohibited arms are common," the brief stated. "And the Supreme Court has held that bans on common arms violate the Second Amendment."

The brief then explained that the law doesn't meet legal muster under the "plain text" of the Second Amendment standard.

*"***Heller***, invalidating the District of Columbia's handgun ban, applied the test later expounded in* **New York State Rifle & Pistol Ass'n, Inc. v. Bruen***, which controls here: 'In keeping with* Heller*, we hold that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct,'" the brief stated. "Conducting the plain text analysis of the Second Amendment,* Heller *determined that '[t]he Second Amendment extends, prima facie, to all instruments that constitute bearable arms.'"*

The Bruen standard also requires a historical analysis, which the NRA argued in their brief is a standard that also cannot be met in the Washington magazine case.

The State failed to provide a historical tradition of prohibiting common arms. Nor could it; as Heller held, there is no such tradition," the brief stated. "Although magazines and repeating arms with greater than 10-round capacities existed during the relevant historical periods, the State instead relies on restrictions—not prohibitions—on weapons such as trap guns, clubs, Bowie knives, and handguns."

The brief also went into a lengthy explanation of how the state's argument that magazines holding more than ten rounds have only been developed recently is incorrect.

"The State attempts to excuse its failure to carry its burden by asserting that the banned arms represent 'recently developed technology,'" the brief stated. "In fact, repeating arms predate the Second Amendment by roughly three centuries; repeating arms utilizing magazines predate the Second Amendment by over one century; the Founders embraced repeating arms—including Joseph Belton's 16-shot firearm during the Revolutionary War and Joseph Chambers's 12-shot muskets and 226-shot swivel guns purchased by the U.S. military and Pennsylvania militia in the early 19th century."

The brief also mentioned*, "… myriad repeating arms with greater than 10-round capacities were invented in 19th-century America—including the commercially successful 16-shot Henry Rifle in 1861 and the overwhelmingly popular Winchester Rifles starting in 1866; and semiautomatic firearms were invented in 1885, while detachable box magazines were invented in 1862. Despite continuous technological advancements over hundreds of years and their widespread popularity in the 19th century, neither the sale nor possession of repeating arms of any capacity were ever banned in America."*

In the end, the brief argued that the court should find the magazine ban unconstitutional and bar enforcement of it.

"Washington's ban on commonly possessed magazines is unconstitutional," the brief concluded. *"It is not only the plain text of the Second Amendment that is made applicable to the states by the Fourteenth Amendment, but also the Supreme Court's interpretation of that text. The trial court's decision is faithful to both the plain text of the Second Amendment and the Supreme Court's interpretation of that Amendment. It should be affirmed."*

So why would a citizen need more than ten rounds of ammunition? There are several reasons included in the design of the firearm. It is not possible to use a ten round magazine in a handgun designed for more than 10 rounds of ammunition, thus negating any investment a gun owner or a collector has put forth. That is incredibly unfair and most certainly is against the 2nd amendment.

Additional reasons include self-defense, competitive shooting events, or simply for recreational activity at one of the dozens of Maine's fine shooting ranges and gun clubs, or most importantly protecting one's family against multiple attackers such as in a home invasion situation where reloading multiple times can result in the homeowner being at the mercy of the intruder with a 30 round magazine that the homeowner would be denied by **LD1109** should it be passed by your body of legislators.

My wife, my two brothers, friends, and I frequently exercise our 2nd Amendment right to bear arms at the range we belong to. It is a place where we have made enduring friendships with the like-minded, quality people we have been fortunate enough to meet there. We hold fundraisers, public suppers, and other family and community based activities there as well. Not only would we protect their families, but we would selflessly and zealously protect your family as well; in a heartbeat.

In closing, intent of the 2nd and 14th Amendments are quite clear, and as legislators, you swore an oath to uphold the Constitution and are therefore ethically bound by that oath. The text of the 2nd Amendment is clear and concise:

> *"A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."*

The 14th Amendment clearly states:

> *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

I strongly urge you to kindly consider voting against LD1109 on March 26, 2025.

Sincerely, Louis Beaulieu
Law abiding Maine Citizen