

Hello, Chair and Members of the Judiciary Committee.

I am a Liberal, a registered Democrat from Biddeford Maine. My House Representative is Marc Malon and my State Senator is Henry Ingerswen, and I am proud to have worked to get both of them elected and re-elected. I say this so you know which side of the isle I sit as I submit this written testimony in opposition to LD 1109, "An Act to Reduce Gun Violence Casualties in Maine by Prohibiting the Possession of Large-capacity Ammunition Feeding Devices". I am a firearms owner; I purchased my first pistol in 2017 shortly after Donald Trump was elected because I am a member of two of his hate target groups at that time: Democrat and Jewish, and I have friends, family and colleagues who are in other targeted groups including LGBTQ+/other gender non-binary, non-white-male-christian, and female. And this time around, the hate rhetoric, Executive Orders and other actions from the White House are worse and more effective than last time.

Partly because of this, and just in general, I find this and other gun control laws to be troublesome for several reasons.

- This feels like a continued reaction to the horrible incident in Lewiston in October 2023. Laws like this would not have prevented that horror, nor would the waiting period that has been, at least temporarily, blocked by the Courts, because the shooter already had the gun(s). What would have prevented that is if the Androscoggin County Sheriff's Department had themselves followed the laws already on the books at that time and done a proper follow-through on the multiple reports and warnings from the shooters friends, family and colleagues, including the Maine State National Guard, that Mr. Card was an imminent threat to himself or others. Further, the more recent active shooter incident at the Maine Mall was not a mass shooting incident, it was a personal issue between two specific people.
- The lack of grandfathering in existing owned items has the very real possibility of instantly criminalizing a large portion of current firearms owners. The standard capacity of a modern pistol is 12 to 18 rounds. More if it's a standard size pistol using a small caliber like a .22 (example a Taurus TX22) or 5.7mm (example a Ruger 5.7).
- See the last three pages for a list of myths debunked about gun control (due to the length of the write-up, I'm placing it last in this document).
- We are in unprecedented times in this country, dangerous times. We have a Federal government headed by a convicted felon who is apparently intentionally alienating

our allies, threatening our neighboring countries and deporting legal residents simply because he does not like them, including legal residents here in Maine. He is actively dismantling all social and legal safety nets that protect minorities, dissidents, and anyone that disagrees with him and emboldering his followers with violent rhetoric towards committing violence against others, including White Supremacists that are setting up home bases here in Maine.

Citizens across the country are arming themselves so to be able to be responsible for their own safety in the face of the increasing threats to personal liberties and safeties. Even in communities where the people do trust local law enforcement, there is always a delay in response time that can range from minutes to hours, depending on where you are. But even if it takes mere minutes, that is more than enough time for someone with no means of self-defense to become a violent victim. Reference news articles such as [this one on vox.com](#) from August 2024, this [one from the New York Times](#) from July 2020, and [this one from The Guardian](#) this past November 2024, to point out just three.

Diminishing the ability for law abiding citizens and residents from being able to affectively protect themselves at home and out and about is the wrong actions to take. All that does is further embolden those that wish to do harm by making the rest of us easy targets.

And lastly, the text of the 2<sup>nd</sup> Amendment to the US Constitution reads:

*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.*

Any law that prohibits or limits the ability of an otherwise law abiding citizen from owning a normal firearm as it is designed is an infringement on this Constitutional Right. The fact that other States have laws to limit the capacity of firearms does not make it constitutional, it just means that it hasn't been brought to the United States Supreme Court yet. The capacity ban law in Oregon was overturned by its State Supreme Court. We can also apply both the US Supreme Court rulings in the Heller (2008) and Bruen (2022) cases which ruled that, paraphrasing, arbitrary bans on firearms are unconstitutional, and I assert that the "ammunition feeding device" that is supplied by the manufacturer of the firearm (or factory compatible 3<sup>rd</sup> party) either included with or purchased separately (it is a part that wears out) is an integral part of the firearm and thus is a 2<sup>nd</sup> Amendment protected item.

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The following is taken from the web site “[Top 10 Anti-Gun Myths Debunked](#)”:

The debate over gun control often involves myths and misconceptions that can mislead the public and shape policy in ways that may not effectively address the issues at hand. Understanding and debunking these myths is crucial for a more informed discussion about firearms. Here are ten widely circulated anti-gun myths debunked, along with evidence so gun-grabbers can’t accuse me of anything.

### **1. Myth: “Gun Control Laws Reduce Crime Rates”**

The myth that stricter gun control laws automatically lead to lower crime rates oversimplifies the relationship between legislation and crime reduction. Research indicates that while some studies suggest correlations, the impact of gun control laws on overall crime rates is mixed. For example, despite strict gun laws, cities like Chicago still experience high gun violence, suggesting other factors are at play.

**Source:** Kates, Don B. “Gun Control Does Not Prevent Violence.” In *Violence: Opposing Viewpoints*, edited by David Bender, Bruno Leone, and Bonnie Szumski, 267–273. San Diego, CA: Greenhaven Press, 1996. [Available online](#).

### **2. Myth: “More Guns Mean More Violence”**

The notion that increased gun ownership directly leads to more violence is not supported by all evidence. Research from countries with high gun ownership, such as Switzerland, shows low violent crime rates. Additionally, studies indicate that defensive gun use may help reduce crime.

**Source:** Kleck, Gary, and Marc Gertz. “Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun.” *Journal of Criminal Law and Criminology*, vol. 86, no. 1, 1995, pp. 150–187. [Read more](#).

### **3. Myth: “Gun Owners Are More Likely to Commit Crimes”**

The myth that gun owners are more likely to engage in criminal behavior is not supported by evidence. Responsible gun owners are statistically less likely to commit crimes compared to non-owners.

**Source:** Moody, Carlisle E., and Thomas B. Marvell. “The Debate on Shall-Issue Laws: The Impact of Gun Ownership on Crime Rates.” *Journal of Law and Economics*, vol. 56, no. 3, 2013, pp. 715–740. [Read more](#).

### **4. Myth: “Assault Weapons Are the Main Cause of Gun Violence”**

Assault weapons are often emphasized in gun violence discussions, but they are responsible for a small percentage of gun-related crimes. Data from the FBI shows that handguns are used in the majority of gun-related crimes.

**Source:** “Commonly Used Weapons for Homicides.” *The Law Offices of Gary Martin Hays & Associates, P.C.*, accessed August 23, 2024. [Link](#).

### **5. Myth: “Background Checks Would Prevent Most Gun Violence”**

While background checks are important, they are not a complete solution to gun violence. Many criminals acquire guns through illegal means, such as theft or the black market.

**Source:** Cook, Philip J., Jens Ludwig, and Adam M. Samaha. “Gun Control After Heller: Threats and Sideshows from a Social Welfare Perspective.” *UCLA Law Review*, vol. 56, no. 5, 2009, pp. 1041–1093. [Link](#).

### **6. Myth: “Gun Control Laws Will End Mass Shootings”**

The belief that gun control laws alone will end mass shootings overlooks the complex causes behind these events. Factors such as mental health issues and social isolation also play significant roles.

**Source:** Lankford, Adam. “Public Mass Shooters and Firearms: A Critical Review of the Literature.” *Social Science & Medicine*, vol. 73, no. 7, 2011, pp. 1095–1104.

### **7. Myth: “The Second Amendment Only Applies to Militias”**

The misconception that the Second Amendment only protects militia-related firearm ownership has been clarified by the U.S. Supreme Court, which confirmed an individual’s right to own firearms for self-defense.

**Source:** *District of Columbia v. Heller*, 554 U.S. 570 (2008). [Read more](#).

### **8. Myth: “Gun Violence Is Uniquely American”**

Gun violence is not unique to the U.S.; other countries experience high levels of gun violence influenced by various factors. The U.S. does face specific challenges, but global comparisons show a broader context.

**Source:** Hemenway, David. *Private Guns, Public Health*. University of Michigan Press, 2004. [Read more](#).

### **9. Myth: “Gun Owners Don’t Support Background Checks”**

Contrary to the myth, many gun owners support reasonable background checks. Surveys show broad support among gun owners for background checks on all gun sales.

**Source:** Gallup, Inc. “Gallup Poll Social Series: Crime.” [Read more.](#)

#### **10. “Banning Guns Will Reduce Domestic Violence”**

The idea that banning guns will significantly reduce domestic violence oversimplifies the issue. Effective domestic violence prevention involves a range of measures, including psychological support and legal protections.

**Source:** Campbell, Jacquelyn C., et al. “Risk Factors for Femicide in Abusive Relationships: Results from a Multi-Site Case-Control Study.” *American Journal of Public Health*, vol. 94, no. 7, 2004, pp. 1089–1097. [Read more.](#)

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I am submitting the attached file as written testimony on LD1109 as I am unable to attend in person/via Zoom due to my work schedule.