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Testimony Neither For nor Against:
L.D. 1109 - An Act to Reduce Gun Violence Casualties in Maine by Prohibiting the Possession of Large-capacity Ammunition Feeding Devices

Good morning, Senator Carney, Rep. Kuhn and members of the Judiciary Committee.

My name is Margaret Groban. I live in South Portland. I recently retired after a 30+ year career as a federal prosecutor in Maine focusing on firearms and domestic violence and the intersection between the two. I served for years on Maine's Domestic Violence Homicide Review Panel. I am adjunct faculty at University of Maine School of Law where I co-teach a class on the Second Amendment and the Regulation of Firearms.

It is my extensive experience with firearm laws that leads me to submit comments on L.D. 1109. This proposed legislation would: prohibit the possession, purchase and transfer of large-capacity ammunition feeding devices (LCMs) by limiting these devices to 10 rounds or less to prevent shooters from firing multiple rounds without reloading.

By way of background, in 1994 a federal law was passed to prohibit the possession of "large capacity ammunition feeding devices" that contained more than 10 rounds if possessed after the date of the law's enactment. This law sunset in 2004 along with the federal assault weapon ban. There is no current law banning LCMs on the federal level. Fourteen states and the District of Columbia currently outlaw LCMs to reduce the number of casualties in any shooting. An LCM allows for continuous gunfire without reloading making firearms more lethal in mass shooting event. A compilation of mass shooting in the US involving large capacity ammunition magazines reinforces the danger.

https://vpc.org/fact_sht/VPCshootinglist.pdf

We need look no further than the mass shooting in Lewiston to demonstrate the lethality of these devices. As documented in the Final Commission Report: "Eighteen .308 caliber cartridge casings, four live .308 caliber cartridges, multiple bullets, and bullet fragments and **one 25 bullet capacity magazine** containing 22 live .308 caliber cartridges, were recovered inside Just-In-Time. Thirty-six fired .308 cartridge casings, **one empty 25 round capacity magazine**, and multiple bullets and bullet fragments were recovered inside and outside Schemengees." At 27. The shooter was able to fire 54 rounds, killing 18 people and wounding 13 others in two minutes. This would not have been possible without LCMs.

To allow for implementation, LD 1109 gives Mainers 180 days to comply with the law by either: modifying the device to hold 10 rounds or less; surrendering the LCM to law enforcement; or, selling/transferring the LCM to an FFL outside of Maine who is licensed to possess. Mainers who are hunters are already familiar with limitations on magazine rounds since it is generally unlawful to hunt with a semi-automatic weapon that has a

magazine capacity of more than 5 cartridges + one in the chamber.

<https://www.maine.gov/ifw/hunting-trapping/hunting/laws-rules/hunting-equipment.html#firearms>

Bans on LCMs have withstood constitutional scrutiny. In March 2024, the First Circuit Court of Appeals in **Ocean State Tactical, LLC v. Rhode Island**, 95 F.4th 38 (1st Cir. 2024) upheld the Rhode Island LCM ban that limited rounds to 10, like the proposed LD 1109, and also offered a 180 day grace period for implementation. In so doing, the Court found that the law imposed only a “negligible burden” on armed self-defense. The record in this case showed that in Rhode Island, there was not a single example of a “self-defense episode in which ten shots or more were fired.” *Id.* at 45. The lethality of LCMS was also established: “Statistical evidence supports these anecdotal findings, confirming that magazine capacity directly corresponds to lethality. The State submitted expert testimony that, without extended magazines -- defined as magazines holding more than 10 rounds -- ‘semiautomatic rifles cause an average of 40 percent more deaths and injuries in mass shootings than regular firearms.’ But ‘with extended magazines, semiautomatic rifles cause an average of 299 percent more deaths and injuries than regular firearms.’” *Id.* At 47. In sum, the Court upheld the Rhode Island LCM ban: “Applying Bruen’s metrics, our analogical reasoning very likely places LCMs well within the realm of devices that have historically been prohibited once their danger became manifest.” *Id.* At 50. A petition for Supreme Court review is pending.