

Georges Nelson
Newburgh
LD 953

The Constitution of the State of Maine addresses gun rights explicitly in Article I, Section 16, titled "To keep and bear arms." The main points regarding gun rights in this section are as follows:

1. ****Individual Right****: It states, "Every citizen has a right to keep and bear arms and this right shall never be questioned." This establishes a clear constitutional protection for the individual right to possess and carry firearms.
2. ****Unquestioned Guarantee****: The language emphasizes that this right is absolute in its framing, with the phrase "shall never be questioned," suggesting a strong intent to safeguard this right against infringement or challenge.

Historically, this provision was amended in 1987 to clarify that the right to keep and bear arms is an individual right, not solely a collective one tied to militia service. Prior to the amendment, the text included "for the common defense," which was interpreted by some, including a 1986 Maine Supreme Court ruling (*State v. Friel*), as limiting the right to collective purposes like the National Guard. The revision, supported by the Maine Legislature and ratified by voters, removed that phrase to affirm the personal nature of the right.

While the constitutional text itself does not specify limitations, Maine courts have ruled that this right is not absolute and can be subject to reasonable regulation under the state's police powers. For example, laws prohibiting felons from possessing firearms or requiring permits for concealed carry have been upheld as constitutional, provided they serve public safety and welfare.

In summary, Maine's Constitution strongly protects an individual's right to keep and bear arms, framing it as an unquestionable entitlement, though judicial interpretations allow for reasonable regulatory measures.

This bill seeks to criminalize law abiding citizens and will not only violate the State Constitution as above, but will have absolutely no effect on crime whatsoever.