

Honorable Members of the Judiciary Committee,

My name is Erik Perkins, and I live in Mattawamkeag. I oppose LD 1109.

The 1994 federal crime bill limited magazines to 10 rounds. This did not limit Columbine, or the North Hollywood bank robbery, or the D.C. snipers. California's limits did not reduce the violence at San Bernardino, or Isla Vista, or Thousand Oaks, or Gilroy. New York's limits did not save anyone in Buffalo. The restrictions in Massachusetts did not limit the severity of the shootout following the Boston Marathon bombing. Remarkably, the murderer in Parkland, Florida, *deliberately* used 10-round magazines because of their easy concealability.

The idea that a pause for reloading creates an opportunity to tackle an armed assailant is misguided. This has worked exactly once, by accident, in Tucson. Reloading takes about two seconds. The sheriff of Boone County, Indiana, has produced an informative video [1] demonstrating the negligible effective difference between limited capacity and standard capacity magazines, and the futility of attempting to disarm an attacker who is reloading.

The claim that anyone who cannot stop an assailant with ten shots should do more target practice is simultaneously insulting and naive. There is no guarantee that one, or even 10, hits will incapacitate a person posing an immediate deadly threat. It is trivial to find many cases where 10 rounds were not enough. [2] [3] [4]

The ten-round limit is arbitrary. Why not fewer? New York's statutory limit under the SAFE Act is seven rounds. There is a commercially available *one*-round AR-15 magazine, the "Bob Sled". Why not make that the limit?

According to Judge Benitez's 2023 decision in *Duncan v. Bonta* [5], estimates of the total number of greater-than-10-round magazines in circulation in the United States range between 115 million and one billion. This translates to between 470,000 and 4.1 million such magazines in the state of Maine. Standard capacity magazines are in patently common use for transparently lawful purposes. Declaring that they are bad will not suddenly get rid of them.

Detachable magazines are very old technology, first developed in the 1870s. Notably, there were no epidemics of spree shootings in the 1870s, or 1880s, or 1890s, or 1900s, or 10s, or 20s, or 30s, or 40s, or 50s, or 60s, or 70s, or 80s. Magazines, including some rather large ones, have been readily available the whole time.

Standard capacity magazines are meant to reduce cognitive load during extreme stress. Under duress, nobody ever rises to the occasion; they sink to the level of their preparation. Aggressors have time to plan, prepare, and choose when to attack. Defenders do not get to make this choice. Capacity limits only cripple good people in the most critical few seconds of their lives. We are fortunate enough to live in a world with many more good people than bad.

Thank you.

References

- [1] John Hames (2013, March 1). *Gun Control Boone County In. Sheriff Ken Campbell on Absurdity of banning high capacity magazines*. [Video] YouTube. <https://www.youtube.com/watch?v=MjnsBH9jGxc>
- [2] WTXL News. (2019, May 14). *Police: Tallahassee homeowner shot 2 out of 4 home invasion suspects, all 4 charged*. WTXL. <https://www.wtxl.com/news/local-news/tpd-investigating-home-invasion-robbery>
- [3] Dykes, B. (2010, August 9). *Harlem man survives being shot 21 times by NYPD*. Yahoo News. <https://www.yahoo.com/news/blogs/upshot/harlem-man-survives-being-shot-21-times-nypd-155125248.html>
- [4] Eligon, J. (2008, April 3). *One Bullet Can Kill, but Sometimes 20 Don't, Survivors Show*. New York Times. <https://www.nytimes.com/2008/04/03/nyregion/03shot.html>
- [5] *Duncan v. Bonta*, No. 3:17-cv-1017-BEN (JLB) (S.D. Cal. Sep. 22, 2023) https://storage.courtlistener.com/recap/gov.uscourts.casd.533515/gov.uscourts.casd.533515.149.0_1.pdf