



TESTIMONY OF MICHAEL KEBEDE, ESQ.

LDs 1109 and 1126 – Ought Not to Pass

**An Act to Reduce Gun Violence Casualties in Maine by Prohibiting
the Possession of Large-capacity Ammunition Feeding Devices**

**An Act Requiring Serial Numbers on Firearms and Prohibiting
Undetectable Firearms**

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Joint Standing Committee on Judiciary
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Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am the policy director for the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to oppose LDs 1109 and 1126 insofar as these bills create new crimes.

LD 1109 proposes to create the new Class D crime of possession of large-capacity ammunition feeding devices. LD 1126 has two sections: one seeking to prohibit undetectable firearms, and another seeking to regulate firearms without serial numbers; both of these sections propose numerous new crimes.

The first section of LD 1126 would create at least five new crimes: the new Class C crime of manufacture, import, sale, or transfer of an undetectable firearm; the new Class D crime of knowing possession of an undetectable firearm; the new Class C crime of knowing possession or intended possession of an undetectable firearm in certain designated locations; and the new Class C crime of using an undetectable firearm in the commission of a Class A or Class B crime or while committing certain kinds of reckless conduct.

LD 1126's second section, which seeks to regulate firearms without serial numbers, proposes at least six new crimes: the Class D offense of knowing possession of a firearm without a serial number for the second time; the Class C offense of knowing possession of a firearm without a serial number for the third time; Class D offense of unlawful importation, transfer, offer to transfer, or purchase of a firearm without a serial number; and the Class C offense of unlawful importation, transfer, offer to transfer, or purchase of a firearm without a serial number for a second time; the Class C crime of using a firearm without a serial number while committing a Class A or Class B crime or while committing certain kinds of reckless conduct; and Class C offense of violating its regulations of federal firearms licensees for the second time.



The right to own and use guns is not absolute and the state does have a legitimate interest in protecting public safety. Firearms are inherently dangerous instruments. Unlike other activities protected by the Bill of Rights, firearm use can inflict serious bodily injury or death on others, depriving them of their rights. Therefore, firearms are subject to reasonable regulation in the interests of public safety, maintaining the peace, environmental protection, and public health. We also recognize that gun violence is increasing, reaching unprecedented levels.¹

However, using new crimes to regulate guns could have a disproportionate racial impact and criminal penalties do not deter unwanted behavior. According to the Prison Policy Initiative, Black people in Maine are incarcerated at a rate 9.2 times higher than white people.² That disparity, at the time, was the sixth highest in the nation.³ These data, coupled with racial disparities in rates of arrest, suggest that enforcement of LDs 1109 and 1126 will have consequences not intended by the sponsors of either bill.⁴ We ask that as you deliberate over these bills and other bills like them, you consider whether creating new crimes is the best way to change behavior.

Thank you for your time and consideration.

¹ John Gramlich, *What the data says about gun deaths in the U.S.*, Pew Research Center, March 5, 2025, available at <https://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/>.

² Maine profile, Prison Policy Initiative, available at <https://www.prisonpolicy.org/profiles/ME.html#:~:text=Black%20people%20in%20Maine%20are,times%20higher%20than%20white%20people.&text=The%20cost%20of%20in carcerating%20older,over%20the%20age%20of%2055.>

³ Evan Popp, Maine has 6th highest racial disparity within its incarcerated population, report finds In 2021, Black Mainers were locked up at a rate 9.2 times higher than white Mainers, *Maine Morning Star*, September 29, 2023, available at <https://mainemorningstar.com/2023/09/29/report-maine-has-6th-highest-racial-disparity-within-its-incarcerated-population-report-finds/>.

⁴ Matt Byrne, *Black people more likely than white people to face arrest, use of force by Portland police*, *Press Herald*, June 12, 2020, available at <https://www.pressherald.com/2020/06/12/black-portland-residents-face-more-arrests-use-of-force-than-white-peers/>.