



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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April 14, 2025

Senator Anne Beebe-Center, Chair  
Representative Tavis Hasenfus, Chair  
Committee on Criminal Justice and Public Safety  
5 State House Station, Room 436  
Augusta, ME 04333

### **RE: LD 1147 “An Act Regarding the Required State of Mind Relating to the Threatening Display or Carrying of a Concealed Weapon.”**

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Committee on Criminal Justice and Public Safety:

MACDL supports LD 1147.

LD 1147 adds an “intentionally or knowingly” state of mind requirement to Maine’s Threatening Display of or Carrying Concealed Weapon statute based on the US Supreme Court’s recent decision in *Counterman v. Colorado*, 600 U.S. 66, 143 S. Ct. 2106, 2109, 216 L. Ed. 2d 775 (2023). *Counterman* concerns the nexus between criminal conduct and free speech when crimes punish threatening behavior. *Counterman* requires that criminal laws which may punish threatening speech are limited to “true threats” where the accused had some subjective understanding that his or her statements were threatening. The Legislature passed LD 2085 “An Act to Update Maine’s Domestic Violence and Stalking Laws” on an emergency basis last session to address this issue in Terrorizing and Stalking laws, the primary focus of *Counterman*.

LD 1147 extends this reasoning to Threatening Display of or Carrying Concealed Weapon, which is also a crime based on threatening conduct by inserting “intentionally or knowingly” in the preliminary paragraph of the statute to the act of displaying or carrying. This amendment adds clarity and assures compliance with US Supreme Court case law.

For all these reasons MACDL supports LD 1147.

Sincerely,

/s/ Matthew D. Morgan  
Matthew D. Morgan, Esq.  
MACDL President Elect