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LD 1299

I am writing to OPPOSE LD1299

“An Act to Prohibit the Unsecured Storage of Handguns in Motor Vehicles”

I urge you to vote ought not to pass or withdraw the bill.

As has been true for all the bills proposed this session with new gun restrictions the drafters of this bill have not proposed a bill that is unambiguous, understandable by the normal person, practical, accomplishes its objectives and is enforceable. Here are some of the issues with the drafting on this particular bill.

1.The bill as drafted uses the defined term “motor vehicle” from Title 29A. Some might think that generally means automobiles or trucks driven on public roads, but it does not. Motor vehicle, as defined in that Maine statute includes everything that can move under its own power that is not on railroad tracks or a snowmobile or electric wheelchair. How is someone to lock (including the trunk?) their motorcycle, golf cart, tractor, or innumerable other things that are motor vehicles where locking has no meaning?

2.Unoccupied means I am not in it. So it would be illegal for me to leave a handgun in my truck glove box while I cut some trees and load them into my truck on my own land. This is total nonsense, I am in control of the vehicle, its contents, and on private property. Heck it would also technically be illegal for me while driving down a public road to hop out of my truck with a handgun in the center console to move a branch out of the public way.

3.It is certainly unclear if a “locked hard sided container” would encompass a glovebox that was locked. Or a locking center console. Or a locking rear seat storage unit. Or the storage box that is actually part of the vehicle like on a tractor. Or under the seat on a motorcycle a common storage area on motorcycles. And those should certainly be a completely acceptable options. And again the core problems of #1 and #2 above make the container issue problematic.

4.I am lost on what possible basis public good the State thinks makes it important to suddenly regulate handgun storage on private vehicles on private property. According to ATF data a total of 559 firearms are stolen in Maine annually (there are millions of guns in Maine) and only a small fraction of those are from motor vehicles and an exceptionally small number of those are from unlocked vehicles and an even tiny, tiny, tiny fraction of those are from vehicles located on private property. There is simply no basis for this bill to encompass the private property and vehicles of Maine residents in non public places.

5.The drafting completely ignores other measures of securing a vehicle. So if my tractor is stored in my locked barn, with security cameras, a monitored alarm system for intrusion, and guard dogs but the handgun is stored in the tractor side console which cannot be locked that would be a crime. Or if my car is in my locked garage that is part of my house that be illegal. Are you kidding me?

6.Lastly I think it’s a complete distortion and inversion of our criminal justice system to blame the victim of a crime for the criminal act. The proposed bill is presumably to reduce stolen firearms from vehicles (it doesn't actually give a public purpose), but as noted above that is not a big issue in Maine. If your gun is stolen someone broke any number of laws to steal it. Why should it also be a crime on the part of the person who is the victim? I personally would not leave a visible firearm in an unlocked motor vehicle in a public space but I actually doubt that there are any meaningful number of cases of that by people who are not already criminals. There is no evidence to support that. But the crime is on the person who stole it, not the victim. As noted above there are many common situations that would be violations of this bill, but that have an almost zero chance of theft.

Regards,
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