

David Souers  
Friendship  
LD 1104

LD 1104 - An Act to Limit the Liability of Persons Who Provide Firearm Hold  
Agreements

Senator Carney, Representative Kuhn, Members of the committee, I am David Souers. I live in Friendship, Maine. I am a retired healthcare facility architect from a family that owned, collected and used firearms as a hobby, and for recreation, target practice, hunting and protecting our agriculture from certain wildlife, in compliance with a variety of laws protecting ourselves and others for the types of firearms, locations and use.

I am testifying with some concerns for LD 1104.

1. I believe that holding firearms in safe storage for their owners is a beneficial service to safely hold and store firearms for a variety of reasons. However, the arrangements to do this should be managed in a way that is open, transparent and consistent with all firearms laws and protections, with hold agreements that are standard, spelling out full and complete legal responsibilities for each party.

2. "Hold Agreements" should not lend opportunity for any illegal activity such as concealment of weapons, records, misuse, proper owners, etc from proper authorities. Nor should firearms be returned to owners or claimed to be owners, or estates, etc without proper identification, current background checks, etc, or maintain the existing laws governing safe conditions of ownership, both at the time of storing the firearm and at the time of pickup. Conditions of the original owner dropping off the firearm may have changed.

3. The Holder is not a mere storage unit. If the firearm owner wanted a storage unit they could rent a locker somewhere unrelated to the sales and services of FFLs and this bill would not be needed.

4. The Holder, an FFL, should not be putting guns in the hands of prohibited people. The return of the firearm should effectively be a transfer meeting the requirements of a transfer. The bill does not clarify effectively that this return is a transfer with the appropriate responsibilities of each party described.

5. Limitation of liability is concern as follows:

a. If a background check is required or is determined to have been required after an incident, having failed to perform one is not protected under a limitation of liability. Liability protection does not extend to "otherwise unlawful conduct."

b. The most effective method of securing public safety is accountability.

Generally everyone is responsible for their activities which may involve neglect or reckless behavior. Liability helps to remind us to use good judgement and care to maintain safety in our actions and on our property.

c. In my opinion, in the area of all firearms activities including design manufacturing, distribution, sales, acquisition, ownership, storage, carrying and use, liability related to the role that each party plays in this process should be maintained. Where it has been eliminated, it should be restored. Far more Americans are harmed or killed, damages created, economic and social losses unaccounted for with unchecked, unsafe, reckless and criminal activities than in perhaps any other activity. And yet the "gun lobby" has sought to eliminate liability and accountability for gun violence, injuries, death and so many other social and economic costs and damages.

d. This bill has good intentions but does not seem to address the more important aspects for providing safe holding and return of firearms under clearly stated practices and standards, seeming to leave the process up to informal agreements between the "Holder" and "Owner".

I advocate that LD 1104 be considered in view of my concerns and amended as appropriate.