

Testimony in Opposition to LD 1379: An Act to Require Public Health Warnings to Be Posted and Provided by Firearm Dealers and Gunsmiths

To the Honorable Members of the Maine Legislature,

I respectfully submit this testimony in opposition to LD 1379, "An Act to Require Public Health Warnings to Be Posted and Provided by Firearm Dealers and Gunsmiths," as introduced in the 132nd Maine Legislature. While the intent of this legislation may be to promote public safety, its approach is flawed, overly burdensome, and risks unfairly stigmatizing lawful firearm ownership and the businesses that serve responsible gun owners. Below, I outline key concerns regarding the bill's provisions, which mandate public health warning signs and brochures at firearm dealers and gunsmiths.

1. **Infringement on Free Speech and Business Autonomy**

LD 1379 compels firearm dealers and gunsmiths to display and distribute government-mandated messages that portray firearms in an overwhelmingly negative light, stating, "Firearms pose a significant risk to public health and safety." This requirement forces businesses to convey a message that may conflict with their views or those of their customers, effectively turning private businesses into mouthpieces for state-directed public health campaigns. Such compelled speech raises serious First Amendment concerns, as it mandates ideological conformity rather than allowing businesses to operate neutrally. Additionally, the bill's requirement to display large, bold signs (at least 11x17 inches) in prominent locations and in multiple languages places an undue burden on small businesses, many of which operate on tight margins.

2. **Bias and Stigmatization of Lawful Firearm Ownership**

The mandated warning language focuses exclusively on the risks associated with firearms—such as suicide, domestic violence, and unintentional deaths—without acknowledging their legitimate uses, such as self-defense, hunting, or sport shooting. This one-sided portrayal unfairly stigmatizes firearms and those who legally own them, potentially discouraging responsible ownership while doing little to address the root causes of the issues cited. The warning's broad claim that "access to a firearm in the home increases the risk" ignores context, such as the effectiveness of proper training, secure storage, and mental health support, which are critical to reducing risks. By framing firearms as inherently dangerous, the bill risks alienating law-abiding citizens and fostering a culture of fear rather than promoting balanced education.

3. **Administrative and Financial Burdens on Small Businesses**

LD 1379 imposes significant administrative and financial burdens on firearm dealers and gunsmiths, particularly small, independent businesses. The requirement to display signs, provide brochures, and comply with inspections by the Department of Health and Human Services adds operational costs and complexity. The bill's penalties for non-compliance—up to \$500 for second or subsequent offenses—could disproportionately harm small businesses that may struggle to meet the law's requirements within the tight timeline (180 days for implementation of signage and brochure mandates). Furthermore, the involvement of the Department of Health and Human Services in monitoring compliance introduces unnecessary bureaucracy, diverting resources from more effective public safety initiatives.

4. **Lack of Evidence for Effectiveness**

The bill assumes that mandating warning signs and brochures will reduce firearm-related incidents, but it provides no evidence to support this claim. Similar warning mandates in other contexts, such as tobacco or alcohol labeling, have shown mixed results in changing behavior, particularly when the target audience is already aware of the risks. Responsible firearm owners are often well-versed in safety practices, and those at risk of misuse may not be swayed by a sign or brochure. The bill's reliance on a one-size-fits-all approach fails to address the complex, individualized factors contributing to suicide, domestic violence, or accidental shootings, such as mental health crises or lack of education.

5. **Potential for Overreach and Misapplication**

By delegating authority to the Department of Health and Human Services to develop materials and enforce compliance, LD 1379 risks overreach. The bill's vague language, such as requiring signs in "any other predominant language in the community," leaves room for inconsistent application and could place businesses in jeopardy of penalties for subjective non-compliance. Additionally, the collaboration with advocacy groups, such as those involved in a "gun shop project," may result in materials that reflect ideological biases rather than objective, evidence-based information, further eroding trust in the process.

In conclusion, LD 1379 imposes burdensome requirements on firearm dealers and gunsmiths, infringes on free speech, and unfairly stigmatizes lawful firearm ownership without clear evidence of its effectiveness. Rather than pursuing this flawed approach, I urge the Legislature to focus on targeted, evidence-based solutions—such as expanding access to mental health services, promoting voluntary firearm safety education, or supporting community-based violence prevention programs—that address the root causes of firearm-related harm without penalizing responsible businesses and citizens.

Thank you for considering this testimony. I respectfully request that the Committee on Judiciary recommend against the passage of LD 1379.

Sincerely,
Dana Hunnewell
Concerned Citizen of Maine