

Testimony in Opposition to LD 1821: An Act to Ensure Responsible Business Practices by Licensed Firearms Dealers

To the Honorable Members of the Maine Legislature,

As a holder of a Federal Firearms License (FFL) and an operator of a firearm dealer in Maine, I am writing to express my strong opposition to LD 1821, "An Act to Ensure Responsible Business Practices by Licensed Firearms Dealers," introduced in the 132nd Maine Legislature. While the bill aims to enhance public safety through additional regulations on firearm dealers, it imposes redundant, costly, and overly burdensome requirements that duplicate existing federal oversight, threaten the viability of small businesses like mine, and fail to demonstrate a clear need. Below, I outline the key reasons for opposing this legislation from the perspective of an FFL holder.

1. **Redundancy with Federal ATF Regulations**

As an FFL holder, I am already subject to rigorous oversight by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). LD 1821's requirements—such as maintaining detailed records of purchases, sales, and inventories (15 MRSA §505), reporting multiple pistol or revolver transactions (15 MRSA §506), and reporting thefts or losses within 48 hours (15 MRSA §506)—mirror existing federal mandates under 27 CFR §§478.125, 478.124, 478.126a, and 478.39a. For example, I already maintain ATF Form 4473 records for 20 years and conduct monthly inventory checks, as required by federal law. These duplicative state rules add no meaningful safety benefits but increase compliance complexity, diverting time and resources from serving my customers and running my business.

2. **Crippling Financial and Operational Burdens**

The bill's mandated security measures, including certified alarm systems, site hardening, and video surveillance with two-year record retention (15 MRSA §503), impose significant costs that are particularly burdensome for small FFL holders like me. My business operates on limited margins, and installing expensive systems or maintaining daily electronic backups is financially daunting. The employee training requirements (15 MRSA §504), which mandate annual sessions on topics like straw purchase detection and suicide prevention, further strain my resources, as I must allocate time and funds to comply. Penalties for non-compliance—fines up to \$1,000 for repeat violations and a Class C crime for false certification (15 MRSA §§507-508)—pose an existential threat to my business, especially given the bill's vague standards and lack of financial assistance for small dealers.

3. **Overly Intrusive State Oversight**

LD 1821 authorizes the Department of Public Safety to conduct inspections during business hours (15 MRSA §507) and requires annual compliance certifications, adding a layer of state oversight that is unnecessary given ATF's existing authority. As an FFL holder, I already undergo regular ATF inspections to ensure compliance with federal regulations. Additional state inspections disrupt my operations and create undue stress, particularly when minor errors could lead to fines or public shaming through the mandated annual compliance report (15 MRSA §507). This report risks damaging my reputation over trivial infractions, undermining customer trust in my business.

4. **Signage Requirements Stigmatize Lawful Firearm Ownership**

The bill mandates signage at points of sale and gun show entrances, warning about child endangerment, suicide risks, and background check requirements (15 MRSA §509). While I support promoting safe storage, the required language—such as "ENDANGERING THE WELFARE OF A CHILD IS A CRIME" and references to firearm suicide—presents a one-sided narrative that may intimidate my customers and portray firearm ownership as inherently dangerous. As an FFL holder, I already educate buyers on safety practices and comply with state laws requiring demonstrations of locking devices (25 MRSA §2012). Mandated signage risks alienating responsible customers and deterring lawful sales without evidence that it will reduce harm.

5. **No Evidence of Need for Additional Regulations**

LD 1821 assumes that Maine's FFL holders are contributing to firearm-related issues, but it provides no data to support this claim. My business adheres to strict federal and state laws, including conducting background checks via the National Instant Criminal Background Check System and reporting suspicious activities to the ATF. I am unaware of widespread issues among Maine dealers that justify these sweeping regulations. Without evidence that current practices are inadequate, LD 1821 unfairly burdens compliant businesses like mine, potentially driving small dealers out of business and reducing access to firearms for law-abiding citizens.

6. **Risk of Arbitrary and Inconsistent Rulemaking**

The bill grants the Department of Public Safety broad authority to define security standards, training content, and gun show requirements through rulemaking (15 MRSA §§503, 504, 510). As an FFL holder, I am concerned that these rules could be overly stringent or inconsistently applied, creating compliance challenges that vary by region or inspector. For example, the bill's application to gun shows (15 MRSA §503) could impose impractical security measures on temporary events, further straining dealers who rely on these venues for sales. This uncertainty threatens my ability to plan and operate effectively.

In conclusion, LD 1821 places redundant, costly, and intrusive burdens on Maine's FFL holders, duplicating federal ATF regulations and threatening the survival of small businesses like mine. The mandated signage risks stigmatizing lawful firearm ownership, and the lack of evidence justifying the bill's measures underscores its overreach. Instead of targeting compliant dealers, the Legislature should pursue targeted solutions, such as mental health initiatives or voluntary safety programs, that address firearm-related harm without punishing responsible businesses. I respectfully urge the Committee on Judiciary to recommend against the passage of LD 1821.

Thank you for considering this testimony.

Sincerely,
Dana Hunnewell
Federal Firearms Licensee and Concerned Citizen of Maine