

Donna Stevens
Lewiston
LD 1378

Testimony in Opposition to LD 1378: An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act (Maine's Red Flag Law Proposal)

Dear Members of the Judiciary Committee and Fellow Mainers,

My name is Donna Stevens, Lewiston Mainer. I'm here to respectfully voice my opposition to Maine's red flag law proposal and urge both the Legislature and Maine voters to reject LD 1378, the proposed red flag law, whether through legislative action or in the November 2025 referendum. I share opposition with you through the lens of a survivor of many forms of intimate partner violence.

As someone who endured years of escalating violence, including a near-fatal assault, I know the stakes of balancing safety and rights.

And while I share the goal of keeping our communities safe, this proposal introduces serious risks that outweigh its potential benefits, especially when Maine already has a strong, underutilized tool in the yellow flag law.

This proposal, while well-intentioned, is unnecessary, risks abuse, and undermines due process. Maine's yellow flag law, when used effectively, already provides a safer, fairer solution.

The final attack I suffered of IPV left me unconscious, having been choked against a wall, and dragged by my hair, with my abuser threatening to kill me as I lost consciousness.

When I awoke, unable to speak other than a hoarse whisper, I was alone but forever changed. To protect myself, I bought a firearm, and learned to use it safely and effectively. My ex found out about this, but from that moment, the violence stopped. I never took another beating, or any act of physical assault again. I had no desire, interest or intent to harm him, I merely sought to be able to protect myself from another attack which I had reason to fear would end my life.

I relocated closer to my support system and moved on to healthier relationships. Under a red flag law like LD 1378, my abuser could have filed a false harassment claim, alleging I threatened him, to have my firearm taken away, leaving me defenseless and him free to finish what he started that last time. I would not be speaking or writing this letter here today.

This unacceptable personal risk for all survivors who empower themselves is a large part of what drives my opposition.

Maine's yellow flag law, if properly enforced, is sufficient to address valid threats and concerns.

It allows law enforcement to temporarily remove firearms from individuals deemed a danger, but only after a mental health evaluation and judicial oversight.

This process respects due process by ensuring professional assessment and a clear standard before action is taken.

The Lewiston tragedy highlighted a failure to use the Yellow Flag law, not its inadequacy. The solution isn't a new law—it's better training, awareness, utilization and enforcement of the system we have.

Since Lewiston, police have used the yellow flag law over 800 times, proving it works when applied.

In contrast, the red flag law erodes due process. It allows family members or household members to petition a judge directly to confiscate someone's firearms without a mental health evaluation or immediate hearing.

This lowers the threshold for action to subjective claims, risking abuse. For example, estranged relatives or personal disputes could lead to false petitions, stripping law-abiding citizens of their constitutional rights without evidence.

While the proposal makes fraudulent claims a Class C crime, this penalty is rarely enforced in other states with red flag laws, offering little protection against misuse.

Moreover, red flag laws create dangerous situations. When police arrive to seize

firearms, often without warning, it can escalate tensions, putting both officers and individuals at risk.

Maine's yellow flag law, by requiring protective custody and a mental health evaluation, de-escalates crises through professional intervention, avoiding such confrontations.

Sheriff William King of York County has noted the yellow flag law's effectiveness in connecting people to mental health support, a feature absent in the red flag proposal.

Finally, the red flag law undermines trust in our legal system. Maine's strong tradition of gun ownership, even among Democrats, reflects a balance between rights and responsibility. This proposal, in the past opposed by Governor Janet Mills and many law enforcement leaders, tips that balance by prioritizing speed over fairness.

Instead of adopting a law that has been and still is constitutionally questioned in other states, we should strengthen the yellow flag law's implementation, fund mental health services, and ensure police have the resources to act swiftly and safely.

I urge the Legislature to reject LD 1378 and send it to voters unchanged.

To my fellow Mainers, please vote "No" in November 2025.

Let's strengthen our yellow flag law and demand a focus on improving access to mental health resources instead of adopting a risky, unconstitutional measure that potentially endangers the lives of all it touches.

Sincerely,
Donna Stevens