



Janet T. Mills
GOVERNOR

STATE OF MAINE
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AUGUSTA, MAINE
04333-0001
June 11, 2025

Hon. Anne Carney
Hon. Amy Kuhn
Joint Standing Committee on Judiciary
Room 438, State House
Augusta, Maine 04330

Dear Sen. Carney and Rep. Kuhn:

I am writing to express the opposition of the Governor's Office to LD 1378, *An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act*.

Throughout Governor Mills' time in office, she has tried to bring people together — lawmakers, law enforcement, public health, and others — to achieve enduring reforms that strengthen public safety, that protect constitutional rights, and that honor Maine's longstanding outdoor traditions. Lawmakers — on a bipartisan basis — have largely agreed. Together, we have enacted several laws that enhance public safety, including an extreme risk protection law to remove weapons from someone who's a danger to themselves or others, with appropriate due process protection. In fact, we believe Maine's Extreme Risk Protection Order law — more commonly referred to as the "Yellow Flag Law" — is an example of how people and organizations with diverging interests can engage in productive discussion and debate to enact a law that, when used, protects both public safety and an individual's Constitutional rights.

Of course, the law has come under intense scrutiny since the tragedy in Lewiston, which is appropriate. As the Governor has said before, it is right to question whether our laws are adequately serving their intended purpose and whether more, if anything, can be done to improve or strengthen them.

That is why in 2023 we amended Maine's Extreme Risk Protection Order Law in several ways, including: making technical revisions that streamline and simplify the process; recognizing risk protection orders issued in other states as legally effective in Maine; and clarifying that law enforcement can seek a warrant signed by a judge, in unusual circumstances, to take a person into protective custody, all of which provide law enforcement with improved tools to remove weapons from someone deemed dangerous.

This bill's proponents argue: (1) that people should not have to rely on law enforcement to obtain a risk protection order, and (2) that a mental health assessment is not necessary and that it stigmatizes people with mental health issues.

While we agree that not all people who have mental health issues are violent, our law does not require a mental health diagnosis or a lengthy exam of any type. It simply asks a medical provider to understand a person's frame of mind and determine whether the person poses a threat to themselves or others. In fact, the words "suicide" or "suicidal" were used hundreds of times by law enforcement to describe the state of



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mind of the individuals whose weapons were removed by court order, demonstrating that many of these individuals were in the throes of a mental health crisis and who, thanks to the mental health assessment, are also now being connected – perhaps for the first time – to Maine’s mental health system. This is not an unreasonable inquiry, and it serves as an important constitutional safeguard.

We also have concerns about the effect of allowing private citizens to petition directly for the removal of weapons. Creating a process that bypasses law enforcement would also *release* law enforcement from its current obligation to administer this process. It is the responsibility of law enforcement, not that of a private citizen, to protect the public. Further, we do not believe a private citizen should be expected to navigate what can be a complex and confusing court procedure by themselves, especially in the middle of already difficult circumstances. Law enforcement officers know how to work with District Attorneys and the court system to secure these orders.

The bottom line is that our law is working. In fact, it is working far more effectively than so-called Red Flag laws in some other states where such laws are very rarely used. More and more law enforcement officers across the State are taking this law seriously, have taken state-provided training on its use, and are now using it on a daily basis to remove firearms from those who should not have them. As York County Sheriff William King put it, “People are getting used to it. Spurwink put out a step-by-step process that’s awesome for us, and very clear about what to do and when to do it. It’s becoming easier for us to implement the law.”

There is no better testament to that than the fact it has been used 881 times since the law’s enactment. Maine’s Extreme Risk Protection Order law works. It is constitutionally strong, and it has survived legal scrutiny. *See In Re Weapons Restriction of J*, 2022 ME 34 (rejecting constitutional challenge to Extreme Risk Protection order). Whether this legislation would survive a similar challenge is far less certain.

We stand by our current law. It was passed with the near unanimous support of the Legislature. It is saving lives every day.

We urge the Committee to reject LD 1378 and urge the people of Maine to do the same.

Respectfully,



Gerald D. Reid
Chief Counsel
Governor Janet T. Mills



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