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Harpswell
LD 1378

My name is Matt Gilley and I am a resident of Harpswell. I am writing today in strong opposition to LD 1378, which proposes to enact the Extreme Risk Protection Order (ERPO) Act.

While I appreciate the bill's stated intent to prevent harm and protect public safety, I am deeply concerned about the significant due process issues, potential for abuse, and the impact this legislation may have on fundamental constitutional rights.

1. Due Process Concerns

LD 1378 allows for emergency extreme risk protection orders to be issued ex parte—that is, without the knowledge or presence of the respondent. This means that an individual can lose their right to possess firearms based solely on allegations, without the opportunity to contest the claims before a judge. Stripping a person of a constitutional right without prior notice and hearing is a drastic measure and contradicts the core principles of due process.

2. Vague and Broad Standards

The criteria for issuing an ERPO—such as posing a “significant danger” or having “attempted or threatened” self-harm—are subjective and vague. These standards can be broadly interpreted, increasing the risk of orders being granted on weak or insufficient evidence, especially in emotionally charged family disputes.

3. Risk of False or Malicious Petitions

Though the bill penalizes knowingly false petitions, it still enables a wide range of individuals—family, household members, and law enforcement—to file a petition. This opens the door to misuse, whether motivated by personal grievance, misunderstanding, or a desire to retaliate.

4. Ineffective for Mental Health Intervention

LD 1378 focuses narrowly on firearm removal but does not require meaningful mental health evaluation or treatment. If the concern is genuine risk of self-harm or violence, merely removing access to firearms without addressing the underlying mental health issues is a superficial and ineffective solution.

5. Second Amendment Implications

This bill represents a serious infringement on Second Amendment rights. Law-abiding citizens could be deprived of their right to possess firearms without the full protections of criminal or civil procedures. Constitutional rights should not be suspended based on a prediction of future behavior without full evidentiary hearings and legal safeguards.

6. Potential to Deter Help-Seeking

By creating the possibility of losing gun rights due to a mental health crisis, LD 1378 could deter individuals from seeking help. People struggling with mental health challenges may fear that opening up about their issues could result in government intervention and firearm confiscation, further stigmatizing mental health care.

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In summary, while the goal of preventing violence is laudable, LD 1378 undermines due process, risks misuse, and fails to provide comprehensive solutions. I urge the committee to oppose this bill and instead focus on reforms that address root causes of violence through support, treatment, and education—not preemptive disarmament without proper legal protections.

Thank you for the opportunity to testify.