



STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
HOUSE REPUBLICAN OFFICE  
AUGUSTA, MAINE 04333-0002

STATE REPRESENTATIVE  
BILLY BOB FAULKINGHAM  
HOUSE REPUBLICAN LEADER

Office: (207) 287-1440  
Cell: (207) 460-6967  
Fax: (207) 287-1449  
E-Mail: William.Faulkingham@legislature.maine.gov

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**Testimony in Opposition to LD 168**  
***"An Act Regarding Criminal Background Checks For The Sale, Transfer, or Exchange of Firearms"***

Senator Beebe-Center, Representative Salisbury, and members of the Joint Standing Committee on Criminal Justice and Public Safety:

I am Representative Billy Bob Faulkingham and I'm here in opposition to LD 168, "An Act Regarding Criminal Background Checks For The Sale, Transfer, or Exchange of Firearms".

Maine is the safest state in the country. Some of our gun laws such as Constitutional Carry, contribute to that. We have a tradition of responsible gun ownership and exchange in our state, and nothing has changed to give us a reason to change our laws now. One of the leading voices and experts on this subject in Maine was the late, great Todd Tolhurst. Since Todd can't be here to testify on this bill, and I know he would've been first in line if he was, I want to read his words on this subject into the record:

"While this initiative may sound good on the surface, it will not accomplish the goal of keeping firearms out of the hands of criminals, but it will make unwitting criminals out of ordinary Mainers.

Criminals routinely avoid background checks by having others purchase firearms on their behalf. That's why, according to Federal statistics, background-checked dealer sales are the #1 source of traced crime guns, not private sales.

This bill will create criminals. Ordinary Mainers will become criminals by relying on the exceptions in the law. But those exceptions are traps. The so-called hunting exception, for example, does not allow you to lend a rifle to your neighbor at home to hunt in the morning. That would be a crime. And when he returns it the next day that will be a second crime, this time a felony. For both of you.

The bill uses a fantastically broad definition of transfer, which is borrowed from the law which makes it a crime to transfer a firearm to a child. That definition reads:  
"Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

The phrase “otherwise provide” is meant to cover circumstances like leaving a firearm accessible to a child. This bill will literally treat adults like children. That means if you leave your rifle in the car with a buddy, or you have someone in to clean your house or fix the furnace while you’re away, you could be charged with a crime.

This bill also would make it impossible for young adults, 18 to 20 years old, to buy a handgun. Even for active duty military, law enforcement cadets, or active law enforcement. That’s unconstitutional, plain and simple.

Even if you favor background checks, this bill is fatally flawed. Maine can do better.”

I urge the committee to unanimously vote down this, and all other gun infringement bills.

Thank you. I’ll answer any questions you have.

Respectfully,

Representative Billy Bob Faulkingham