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STATE OF MAINE
Department of Public Safety
MAINE STATE POLICE

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Testimony of Lieutenant Tyler Stevenson
Maine State Police

In Opposition (in part) of (1103)

An Act to Allow Persons Who Lawfully Use or Possess Cannabis to Own or Possess Firearms or Ammunition

Sponsored by Representative Boyer
Committee on Criminal Justice and Public Safety

Senator Beebe-Center, Representative Salisbury, and other distinguished members of the joint standing committee on Criminal Justice and Public Safety. My name is Lieutenant Tyler Stevenson, and I am here to represent the Maine State Police and the Maine Department of Public Safety to testify in opposition, in part, of LD 1103, "An Act to Allow Persons Who Lawfully Use or Possess Cannabis to Own or Possess Firearms or Ammunition".

This bill would amend the unlawful drug user or addict firearm prohibition in Title 15 chapter 15 § 393 to exclude the lawful use of cannabis. Currently, Title 15 mirrors the federal prohibition which would include the use of cannabis as a firearm prohibitor. The Department of Public Safety and Maine State Police have no opinion on this portion of the proposed bill. A subject being investigated, arrested, or convicted under Maine law for being a user of cannabis or addict in possession of a firearm rarely occurs, if ever.

The Department of Public Safety and the Maine State Police do however, oppose the portions of the proposed bill that prohibit any State Employee or Municipal Officer from assisting a federal official or agency in apprehending, arresting or charging a person alleged to have violated 18 United States Code, Section 922(g)(3), because the person possesses or uses cannabis. This would prevent State and Local entities from assisting our Federal Partners in anyway, even if one of multiple alleged offenses meet this statute. This would include instances where local or State Law Enforcement have an opportunity to apprehend a person who has committed violent crimes but cannot, because one of the underlying charges meets this definition.

This Statute would put the burden on the State and Local Employee to know every detail of the investigation before assisting a federal agency. It is a common occurrence where a police officer runs a routine check on a person they have come in contact with, and discover they have a federal warrant for their arrest. The officer maybe provided enough information know that the warrant is for a prohibited

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person in possession of a firearm, but there is not sufficient information in the NCIC return that would alert the officer that the underling prohibition is because the subject is a user of cannabis. It may be impossible, depending on the day or time to obtain that specific information roadside or while investigating a disturbance in the middle of the night. It is very possible that a State or Municipal employee could be in violation of this proposed bill and not even know it.

Prohibiting officers from assisting their federal partners could significantly impact officers assigned to Federal Task Forces and their ability to perform their mission. If this bill is enacted into law, Task Forces that are investigating potentially violent offenders, including those that are being investigated for serious crimes, face the possibility of being unable to assist their federal partners, simply based on the fact that the subject is also considered a prohibited person for their use of cannabis. Preventing Task Force officers in this way could cause a significant negative impact on locating or apprehending dangerous subjects. In Maine, Federal Task Forces rely heavily on State and Local law enforcement officers.

In an effort to address the increase in firearm violence occurring in America, in 2022 the United States Congress passed the bipartisan safer community's initiative, requiring the National Instant Criminal Background Check System (NICS) to notify local law enforcement when a subject who is prohibited from possessing firearms attempts to purchase a firearm from a firearm's dealer. These notifications include information regarding subjects who are prohibited because they are an unlawful drug user or addict. The type of unlawful drug is not specified by NICS, creating a situation where a State employees or Local police could be unknowingly in violation of this bill.

At a time that law enforcement is struggling to fill its ranks, it is more important than ever for all agencies to work together to ensure the people of Maine remain safe and secure. Prohibiting State employees and Municipal officers from working with our Federal Partners in anyway is a step in the wrong direction.

On behalf of the State Police and the Department of Public Safety, we appreciate your careful consideration of these issues. Thank you for your time, and I would be happy to answer any questions you might have.

Respectfully,

Lieutenant Tyler Stevenson