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May 8, 2023

Testimony Against:

L.D. 1103 – An Act to Allow Persons who Lawfully Use Cannabis to Own/Possess Firearms

Good morning, Senator Beebe-Center, Rep. Salisbury, and members of the Criminal Justice and Public Safety Committee.

My name is Margaret Groban. I live in South Portland. I recently retired after a 30+ year career as a federal prosecutor focusing on firearms and domestic violence and the intersection between the two. I also served on Maine's Domestic Violence Homicide Review Panel.

It is my extensive experience with firearm statutes that leads me to oppose L.D. 1103. It is settled law that state legislatures are without authority to invalidate federal statutes under the Supremacy Clause of the US Constitution. Yet this statute does just that.

L.D. 1103 suffers from the same fatal flaws as L.D.1451. First, it **would prevent state and municipal employees from assisting federal officials** in “locating, apprehending, arresting or charging” a person alleged to have a firearm while a user or marijuana (a Schedule I controlled substance.) This bill would **prevent state law enforcement from serving on federal task forces, from assisting in execution of search/arrest warrants and other critical law enforcement roles that relate to firearm enforcement. In a state with limited federal law enforcement officers, this withdrawal of state support would greatly diminish the ability of law enforcement to keep our communities safe from gun violence.**

In addition, this bill is unconstitutional because it seeks to nullify federal law. While Maine cannot be compelled to assist in the enforcement of federal firearm laws, it cannot interfere or impede with these operations. A federal court recently ruled in Missouri that a similar state law that tried to prevent state government agencies from cooperating in any enforcement of federal firearm laws was unconstitutional and awarded costs against the state.

L.D. 1103 also seeks to eliminate the Maine firearm prohibitor for cannabis drug users. Even if this statute is revised, marijuana use will remain a basis for the federal firearm prohibition.