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Testimony of Rep. Rebecca Millett presenting

LD 1696, An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms *Before the Joint Standing Committee on Judiciary*

Good morning, Senator Carney, Representative Moonen and esteemed members of the Committee on Judiciary. I am Rebecca Millett, and I represent House District 123, which makes up most of Cape Elizabeth. I am presenting for your consideration **LD 1696, An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms.**

Almost every industry in our country is held accountable through civil liability. If your child is injured by a toy, the toy manufacturer is often found liable. If your child ingests toxic fumes in a building, the building owner is responsible. But not so, if your child is shot with an assault rifle.

Since 2005, federal legislation called the Protection of Lawful Commerce in Arms Act has granted the gun industry incredibly broad exemption from accountability. Gunmakers are protected from nearly every potential lawsuit brought by victims of gun violence.

But there is an exception in that federal law – an exception that does allow lawsuits against manufacturers who are knowingly endangering the public through irresponsible methods. This bill would create an avenue for people harmed by what Maine deems abnormally dangerous firearm sales to sue gun manufacturers for damages.

Manufacturers who recklessly skirt regulations to make and sell especially dangerous guns would become civilly liable for the harm inflicted by their weapons.

To be clear, this legislation is quite narrow, especially relative to other states. The new statute would only apply to a specific category of gun sales – to abnormally dangerous weapons. The firearms in question are not being made for hunting, or for self-defense, or for skeet shooting. They are made for violent, large-scale assault.

Our goal here is not to villainize the entire firearms industry, or to suggest that anyone who sells a gun can be sued. This is an intentionally particular bill that specifically targets manufacturers who are knowingly endangering the public by selling exceptionally dangerous guns.

Often, they're selling these exceptionally dangerous guns to exceptionally dangerous people. ATF data show that many manufacturers lack proper vetting processes, meaning they're allowing these guns to flow straight to shady customers.¹ They're selling to criminal dealers who are putting assault weapons into the wrong hands.

By creating the possibility of civil action, this bill would compel gunmakers to stop selling to those dealers who fuel the criminal market, to enforce safety practices and training, and to implement basic security measures, like recording every sale on video. It would also encourage more investment in theft prevention, as manufacturers would be liable for the impacts of stolen assault weapons.

Across the country, the persistence of victims has led to progress, with several states implementing measures like this one to hold the firearm industry accountable. In April, both Colorado and Hawaii enacted bills that allow folks to take civil action against manufacturers.

The toy industry isn't the leading cause of death for children in the United States. The building management industry isn't, either. It's the gun industry – and they're all but exempt from responsibility.²

It's up to states to hold them accountable – and this legislation will do just that.

A vote for this bill is a vote for the victims, and it's a vote for basic accountability. Please join me in support of LD 1696. Thank you.

¹ <https://www.atf.gov/firearms/docs/report/2021-firearms-commerce-report/download>

² <https://www.cnn.com/2023/03/29/health/us-children-gun-deaths-dg/index.html>