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Testimony in Opposition, 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

Presented by David Trahan, Executive Director of the SAM-Institute for  
Legislative Action

Wednesday, May 17, 2023

Senator Carney, Representative Rep. Moonen, members of the Judiciary Committee, my name is David Trahan, representing the Sportsman's Alliance of Maine, Institute for Legislative Action and I am testifying in opposition to LD 1696, An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms.

This legislation is the Holy Grail for gun control advocates, it uses lower standards of proof in civil courts to sue firearm and related part manufacturers out of existence. This is a lawyer's dream come true, it establishes the premise that firearms by the very definition are dangerous, not the individuals using them.

Apply the same premise to fast cars and dangerous power tools. Reckless individuals using tools that may harm another are not at fault, no matter how irresponsible, it is the tool manufacturer that must be sued. The gun made them do it.

I once saw a carpenter in New Harbor using a framing gun to assemble a wall. He was hurrying and accidentally fired the nail-gun and it deflected off the side of a two by four and traveled across the work site burying two inches into the arm of a coworker. Was the accident the fault of the nail gun operator or should the manufacturer of the nail-gun be sued?

I know of another family friend that was sitting on the front hood of a John Deere skidder while his coworker drove the machine into the woods, the rider had his feet behind the blade of the machine and when the operator noticed a slowdown in the road, he dropped the blade crushing the man's feet. Who screwed up, John Deere or the machine operator?

Call this legislation what it is, an attempt to pass a law that allows lawyers to sue firearm manufacturers out of existence. The sponsors of LD 1696 appear have an inherent bias against some types of guns and it is reflected in this bill. Finally, supporters of LD 1696 show their lack of firearm safety protocols when they label some guns more dangerous than others. Used inappropriately, just like any power tool, all guns can be dangerous. I am reminded of a statement made by my late father-law when he said, you can lean a firearm in the corner of the house and if left alone for an eternity, it will never harm a soul. Please oppose LD 1696.