

TESTIMONY IN SUPPORT OF L.D. 2086 AS AMENDED

Good morning, Chairs Carney and Mooney, and members of the Judiciary Committee. My name is Peter Fromuth, I live in Yarmouth, and I speak in support of L.D. 2086, a proposal to ban bump stocks and similar devices. I will make three points.

First, last week the Supreme Court heard argument in *Cargill*, a case challenging the ATF's determination that rapid fire modification devices (bump stocks, Glock Switches and Auto Sears) transform a semiautomatic rifle into a weapon which is the functional equivalent of a machine gun. All are now banned by ATF regulation. The Court must decide if semi-automatic weapons with rapid-fire devices are machine guns under the National Firearms Act of 1934. The point we need to bear in mind is that no matter how that definitional question is decided has no legal bearing on L.D. 2086. Under the US and the Maine Constitutions this Legislature has the authority to ban, and should now ban, these devices due to their extreme lethality.

-- as 15 states now do --

Second, although ~~the ATF's~~ <sup>these state-enacted</sup> bump stock ban <sup>have</sup> been widely challenged, <sup>state and</sup> federal courts from Delaware to ~~Hawaii~~ <sup>Washington</sup> have upheld it. Although several challengers argued that banning bump stocks encroached upon their Second Amendment right, courts found that bump stocks and equivalent devices were outside that Amendment's protection. Self-defense arguments for rapid fire devices also fell short. One court observed that none of the 6 expert witnesses testifying before it could identify a single self-defense episode in which 10 or more shots had been fired.

Lastly, I am grateful to Senator Carney for introducing this amendment but I am sorry that we have not seen a bill to ban the sale and transfer of large capacity magazines and assault weapons in Maine. We can have no more tragic and grisly a demonstration of their damage to human bodies than the lives lost in Lewiston. I hope that we will see action on this in this Session.