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SPEAKER OF THE HOUSE

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Testimony of Speaker Rachel Talbot Ross in Support of
**LD 2086, An Act to Amend the Law Governing the Disposition of Forfeited
Firearms**

and

**LD 2119, An Act to Support Suicide Prevention by Allowing the Voluntary
Waiver of Firearm Rights**

Before the Joint Standing Committee on Judiciary

Good afternoon Senator Carney, Representative Moonen, and esteemed members of the Joint Standing Committee on Judiciary. My name is Rachel Talbot Ross, I represent District 118 in Portland and I serve as Speaker of the House. I am here to present testimony in support of **LD 2086, An Act to Amend the Law Governing the Disposition of Forfeited Firearms**, and **LD 2119, An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights**.

In the wake of the shooting in Lewiston on October 25, 2023, shock and confusion solidified into anger and grief. For the families of victims, this is particularly acute, and I cannot imagine all that they're suffering now. As for us as lawmakers, we must take the opportunity to think deeply about how the world that we live in, one that we have helped to build, allowed such a tragedy to take place. I remain steadfast in the belief that we cannot understand the shooting in Lewiston as an aberration; instead, gun violence is a public health crisis in its own right, and it should be treated with an array of system-wide changes that include significant investment. The systems that create and perpetuate violence are deeply embedded within our institutions and society, so much-needed change will be difficult. It is up to us to remain clear and unified in our vision: a safer and healthier Maine for all of us.

The two bills before you take bold, meaningful steps in that direction. I'll take a moment to recognize and thank the sponsors. Senator Carney and Representative Doudera have been steadfast advocates for gun safety and gun violence prevention for the years that I've known them: not only do these bills meet the moment exactly, they are a product of their sponsors' years of research, movement building, and advocacy. In this renewed moment of urgency around this issue, it is time for us all to join them in propelling these bills to passage.

LD 2086, An Act to Amend the Law Governing the Disposition of Forfeited Firearms, sponsored by Senator Carney, mandates the destruction of all firearms that have been forfeited as mandated by the general sentencing provisions of the Maine Criminal Code or Maine Juvenile Code; right now, that requirement only applies to firearms used in commission of a murder or unlawful homicide crime. It also eliminates one of the exceptions to mandatory forfeiture applying to cases in which the firearm subject to forfeiture is rightfully owned by another person, and takes other steps to ensure a sufficiently expanded law regarding forfeiture.

Taken together, these measures would ensure that firearms that are responsible for causing harm in our communities are properly and completely destroyed. Right now, guns that are confiscated can be taken apart and resold in kits or as individual parts; they can then be bought and reassembled as a working firearm, even by someone who would not legally be able to buy a firearm. These firearms, known as “ghost guns”, exist in the shadow of the law, proliferating in homes and communities where they belong least. By mandating the complete destruction of firearms in a broader array of cases, this bill would stem the flow of firearm parts to this dangerous secondary market.

Furthermore, the amendment to this bill would change the state statutory definition of “machine gun” to align with the federal definition, focusing on functionality rather than specific parts or cosmetic components. Updating the state definition to align with federal rules will create greater clarity for gun owners, setting us up to create sound, airtight legislation.

Altogether, this bill serves to appropriately limit the unregulated wave of firearms back into our communities. With this legislation in place, we will have greater peace of mind that when firearms are taken away from those who should not have them, our communities will remain safe from their residual harm.

I’ll turn next to LD 2119, An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights, which provides an important impediment to suicide by gun violence. According to the CDC, gun suicides reached an all-time high in 2022, amounting to 26,993 total deaths in 2022, more than half of all suicides. Gun suicides are almost the most lethal of suicides: about 85 percent of suicide attempts with a firearm end in death.

This bill would create an essential, potentially life-saving, checkpoint in the stream of decisions that can lead up to a gun suicide. This legislation would allow a person to waive their own right to purchase or receive a firearm by filing a voluntary waiver of firearm rights form; it would then be illegal to knowingly or intentionally sell or transfer a firearm to a person who has filed a voluntary waiver of firearm rights form. This waiver can be revoked later when the risk has passed.

This measure is compassionate and fair; it enables those who believe they may be a danger to themselves to intervene on their own behalf, before it is too late. By offering an additional off-ramp for those who are at risk, we can build a system that recognizes the needs of those who are in a moment of crisis and empowers them to limit that harm.

I'll conclude by reiterating what many of us, including advocates, community members, and legislators, have known for years: gun violence is a public health crisis, and we must respond with system-level change. These two bills thoughtfully and meaningfully address both the distribution and procurement of firearms, which are two critical pieces of a system that can perpetuate violence or can halt it in its tracks. Together, they will help us to keep our communities safer from that harm. I urge you to support these bills, and I'm happy to answer any questions you may have.