

**LD 2224: An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System**

**Presented to Maine's Joint Standing Committee on Judiciary**

As the state's largest grassroots mental health advocacy organization, NAMI Maine appreciates Governor Mills' efforts to address the mental health needs of the people and communities in our state, including a depleted community mental health system. NAMI Maine stands with state leaders as we continue to recover from the horrific events in Lewiston on October 25<sup>th</sup>, as we have continuously provided support and resources to many impacted by the tragic events.

As an organization representing the one in four Mainers who are diagnosed with a mental health condition each year, and their families, as well as the sole provider implementing Platinum Level Certified Crisis Intervention Teams across the state, we feel we must address our significant concerns with this legislation before the committee today.

LD 2224 An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System will result in a significant impact on systems in our state and will cause those who are most vulnerable in our communities to suffer significant negative impacts.

We appreciate the important discussion regarding funding for mobile crisis services as well as receiving centers to occur in Lewiston. It is critical to note that previously your esteemed colleagues in Health and Human Services have voted to implement receiving centers in each county of the state, however, it was not funded through the Department of Health and Human Services. The previous session resulted in the committee again voting to implement receiving centers, initially in Androscoggin and Kennebec County, and again it was not chosen to be funded. We recognize the critical need for receiving centers across the state, as this is considered a best practice intervention to support those who are experiencing a crisis, as well as recognized as a critical component of The US Department of Health and Human Services Administration 9-8-8 implementation plan. However, the plan that is put before this committee does not address the critical need that has been identified in a timely manner. Currently, there is legislation before the Health and Human Services Committee that tackles this problem more wholistically with effective investments within an impactful timeframe. This also addresses the significant gaps in service in the depleted mobile crisis program, which currently is operating with between 80-85 crisis workers for the entire state of Maine. Again, we thank the governor for recognizing the critical need, however, the need is immediate and in dire circumstances that must be addressed.

As some of the members of the committee may be aware, in June of 2022, the United States Department of Justice found that the State of Maine was violating the rights of children with disabilities, primarily mental health, with an overreliance on state institutions, such as the criminal justice system and psychiatric hospitals.<sup>1</sup> It is critical to understand that although Maine is currently facing one

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<sup>1</sup> [United States' Investigation of Maine's Behavioral Health System for Children under Title III of the Americans with Disabilities Act \(justice.gov\)](https://www.justice.gov/opa/record/united-states-investigation-of-maine-behavioral-health-system-for-children)

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**LEGISLATIVE CONTACT**

Hannah Longley, LCSW, Clinical Director of  
Advocacy and Crisis Intervention  
(207) 622-5767 ○ HannahL@namimaine.org

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investigation and is vulnerable to a potential lawsuit, the United States Department of Justice has been investigating numerous municipal, county, and state entities for civil rights violations as it relates to the overutilization of the criminal justice system and the institutions, while significantly lacking in community mental health resources. As stated, there is proposed legislation currently in the Health and Human Services Committee that begins to address the concerns that the Department of Justice has expressed in Maine, as well as noted in findings against other states as it relates to the Olmstead Act. Please see the attached handout with a QR code to follow and access the DOJ findings regarding the State of Maine, as well as recent findings against other entities across the country, demonstrating the precarious position the state currently finds itself.

Lastly, NAMI Maine can not support legislation in which constitutional rights of the second amendment are predicated on an individual's disability, the presence of mental illness, which is not a known risk factor for violence. Although we understand that the events of October 25<sup>th</sup> shook our state to its core, it is imperative that basing emergency restriction orders on the foundation of mental illness is not evidence-based. According to national data, 3-4% of violent crimes are attributed to mental illness, with an even smaller percentage involving a weapon of any sort. Mental illness is not included in the top five risk factors for all types of violence. To highlight this from the concerns being addressed by the committee today, evidence-based risk factors for mass attacks in public include criminal history, past use of firearms, stressors in someone's environment, and financial instability. A fifth risk factor in this category is that someone is male. None of these risk factors is a diagnosable mental health condition.<sup>2</sup> Please utilize the QR code if you are interested in learning more regarding the research and following the NAMI National webinar for further information.

NAMI Maine wants to emphasize our appreciation for the work to address the vast shortcomings of the current mental health system within the State of Maine and needs to provide action following such horrific events. However, in moving forward, we must ensure that policies implemented within the state are evidence-based and avoid being reactive in nature. NAMI Maine works closely with mental health providers, law enforcement, and most importantly the individuals and their family members who will be most significantly impacted. As such, we ask this committee to consider legislation previously proposed in other committees and ensure that we are not leaving the municipal, county, and state entities vulnerable to federal investigations and lawsuits. As such, NAMI Maine is unable to support the passage of LD 2224.

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*ABOUT NAMI MAINE: Incorporated in 1984, the National Alliance on Mental Illness, Maine Chapter (NAMI Maine) is the state's largest grassroots mental health organization. With support from national and regional affiliates, the agency is dedicated to building better lives for everyone impacted by behavioral health concerns. NAMI Maine engages with leaders and community partners at all levels to improve the state's mental health system through collaboration and education.*

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<sup>2</sup> Elbogen, E. B., & Verykousis, N. (2023). *Violence and Mental Illness Rethinking Risk Factors and Enhancing Public Safety*. NYU Press.

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# Resources Pertaining to LD 2224

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SCAN TO SEE



FURTHER INFORMATION

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