



Testimony of Maine Public Health Association in Support of:

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

LD 2238: An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

Joint Standing Committee on Judiciary
State House, Room 438
Thursday, March 7, 2024

Good morning, Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary. My name is Rebecca Boulos. I am a resident of South Portland and executive director of Maine Public Health Association. MPHA is in support of LD 2224: "An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System" and LD 2238: "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases."

MPHA is the state's oldest, largest, and most diverse association for public health professionals. We represent more than 700 individual members and 60 organizations across the state. MPHA works to optimize the health of people and places in Maine through advocacy, education, partnerships, and public health workforce development. As a statewide nonprofit association, we advocate, act, and advise on critical public health challenges, aiming to improve the policies, systems, and environments that underlie health inequities – but which also have potential to improve health outcomes for all people in Maine. We are not tied to a national agenda, which means we are responsive to the needs of Maine's communities, and we take that responsibility seriously.

Introduction

Violence in America, and here in Maine, is a public health crisis that affects people in all stages of life, from infancy to the elderly. It leaves physical and emotional scars, derails lives, and erodes communities by reducing productivity, decreasing property values, and disrupting social services.¹ Violence is also a vicious cycle – exposure to violence is a strong predictor of committing future violence.² Violence is a leading cause of premature death and disability in the U.S., and here in Maine.

Violence in the U.S.

- According to the U.S. Centers for Disease Control and Prevention, in 2022, there were more than 48,000 firearm-related deaths in the U.S., equivalent to 132 people dying from a firearm-related injury every day.³
- According to the Gun Violence Archive, in 2023, there were 656 mass shootings in the U.S., a 3-fold increase since 2014 (272).
- Already in 2024 (as of today, March 7, 2024), there have been 71 mass shootings in the U.S. Nearly 3,000 adults and more than 250 children (youth ages 0-17 years) have died in the past 2 months due to gun violence.

Violence in Maine:

- In 2023, 18.3% of middle schoolers reported that violence in their home, or the threat of violence, made them want to leave home, even if only for a short while.⁴
- Domestic violence represented 29% of total reported assaults in 2022.⁵
- 1 in 5 Mainers will experience sexual assault during their lifetime.⁶
- According to the Maine Center for Disease Control and Prevention, nearly 89% of firearm fatalities in 2021 were suicides, a rate significantly higher than the national average.⁷
- One of the deadliest mass shootings in America occurred here in Maine, claiming 19 people's lives.

LD 2224

This legislation expands background checks for gun sales, modifies Maine's Yellow Flag law, and provides injury and violence prevention programming.

Background Checks

There is a loophole in federal law that does not require background checks on gun sales by unlicensed individuals. In states that have not closed that loophole, like Maine, people who would fail a background check because of previous behavior can still obtain weapons. For example, in Texas, someone who previously failed a criminal background check when trying to purchase a gun, obtained an AR style weapon from an unlicensed seller, bypassing the background check. He killed 7 people and wounded 25 others.

Research shows background checks reduce other types of violence, including domestic violence, which is also associated with mass shootings. Background checks are an important foundation on which to build other gun violence prevention policies.

LD 2224 would require that a background check be performed for all unlicensed firearms sales that are the result of advertising. This would mean that sales that take place at a gun show or online would need to also have a background check performed, just like if purchased from a federally licensed, local gun dealer. This bill further incentivizes, but does not require, background checks for unlicensed, unadvertised sales by making it easier to prosecute someone if they transfer a firearm to someone who is not allowed to have one; thus, encouraging unlicensed sellers to conduct a background check before they transfer the firearm to someone they don't know.

This proposal is a unique and welcome approach to expanding the number of gun sales that are performed with a background check while respecting, and even encouraging, the culture of responsible gun ownership in Maine.

Extreme Risk Protection Orders (ERPO)

While this bill makes some modest changes to make it easier to evaluate people in crisis and issue Yellow Flag orders where appropriate, we believe a stronger ERPO law, otherwise known as a Red Flag law, will save lives. ERPOs enable law enforcement, family members and others to go through the court to temporarily remove firearms from people who pose a danger to themselves or others in the community. It's a more straightforward process than Maine's Yellow Flag Law. According to The Johns Hopkins Center for Gun Violence Solutions, data show that, when implemented effectively, ERPO laws can save lives. Twenty-one states, including Vermont, Connecticut and Massachusetts, and Washington D.C. have enacted ERPO laws.

Data suggest ERPO laws are effective at reducing firearm suicides. Connecticut and Indiana were the first two states to enact ERPO laws, in 1999 and 2005, respectively. A recent (2018) study evaluated the laws in these two states and found, overall, that firearm seizure legislation was associated with reductions in state-level firearm suicide rates. In Indiana, the legislation was associated with a 7.5% decrease in firearm suicides in the first decade post-enactment (383 firearm suicides prevented). In Connecticut, while the law was enacted in 1999, it was not enforced until 2007 (after the Virginia Tech shooting). Thus, while the legislation was

associated with only a 1.6% reduction in firearm suicides, the reduction increased to 13.7% following increased enforcement of the law (preventing 128 firearm suicides).⁸

Injury & Violence Prevention Programs

This bill would require the Maine Department of Health and Human Services to provide injury and violence prevention programming, including conducting data collection, synthesis, and evaluation. Data show that different types of violence tend to co-occur, such that in areas where there are higher rates of community-level gun violence there are also higher rates of domestic violence and child abuse. At the community level, gun violence tends to occur more often in areas already experiencing social and economic disparities, including geographic racial segregation and concentrated poverty.⁹ Moreover, childhood trauma, including domestic violence and community violence, may be a risk factor for gun violence later in life.¹⁰ A public health approach to violence prevention fosters healthy gender norms and relationships, bolsters trauma-informed services, and works to mitigate racism by changing norms and behaviors; collectively, these efforts lead to reductions in violence.¹¹ Injury and violence prevention programming at the Maine Department of Health and Human Services could help identify where violence is occurring and develop tailored prevention and intervention strategies to reduce the incidence, prevalence, and impact of violence in Maine communities.

LD 2238

This bill introduces a waiting period. Those who purchase a new firearm will have to wait 72 hours before they can receive it. Research suggests that implementing a waiting period for gun purchases can reduce impulsive acts of violence. One study found that waiting periods for gun purchases of just a few days reduce gun homicides by about 17%. Similar to background checks, waiting periods are associated with lower incidence of domestic violence, which could lower the risk of mass shootings. There is an association between high-heat days and increased gun violence.¹² Waiting periods provide time for agitated individuals to “cool down” before being able to obtain a weapon.

Gun violence is not inevitable. It can be prevented through a comprehensive public health approach that keeps families and communities safe, while respecting responsible gun owners. As such, Maine Public Health Association supports these bills. We respectfully request you to vote LDs 2224 and 2238 “Ought to Pass.” Thank you for your consideration.

¹ U.S. Centers for Disease Control and Prevention. 2020. Violence prevention: A public health issue.

² Weaver CM, Borkowski JG, Whitman TL. Violence breeds violence: Childhood exposure and adolescent conduct problems. *J Community Psychol.* 2008;36(1):96–112.

³ U.S. Centers for Disease Control and Prevention. 2023. Fast facts: Firearm violence and injury prevention.

⁴ Maine Department of Health and Human Services & Maine Department of Education. 2023. Maine Integrated Youth Health Survey Middle School Report.

⁵ State of Maine Department of Public Safety. 2022. Crime in Maine 2022.

⁶ Dumont R & Shaler G. 2015. Maine Crime Victimization Report: Informing public policy for safer communities. Muskie School of Public Service, University of Southern Maine.

⁷ Maine Center for Disease Control and Prevention, Maine DHHS. Feb 2023. Report pursuant to 22 MRS, Ch. 256-A §1425.

⁸ Kiviston A. & Phalen P. 2018. Effects of risk-based firearm seizure laws in Connecticut and Indiana on suicide rates, 1981–2015. *Psychiatric Services.*

⁹ Santilli A, O’Connor Duffany K, Carroll-Scott A, Thomas J, Greene A, Arora A, Agnoli A, Gan G, & Ickovics J. 2017. Bridging the response to mass shootings and urban violence: Exposure to violence in New Haven, Connecticut. *American Journal of Public Health*;107:374-379.

¹⁰ Wamser-Nanney R, Nanney JT, Conrad E, Constans JI. 2019. Childhood trauma exposure and gun violence risk factors among victims of gun violence. *Psychol Trauma*;11(1):99-106.

¹¹ American Public Health Association. 2018. Violence is a public health issue: Public health is essential to understanding and treating violence in the U.S.

¹² Lyons VH, Gause EL, Spangler KR, Wellenius GA, Jay J. 2022. Analysis of daily ambient temperature and firearm violence in 100 US cities. *JAMA Netw Open*;5(12):e2247207.