

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

Memorandum of Opposition

Date: March 07, 2024

To: Honorable Members of the Committee On Judiciary

From: Jonathan Martell

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

Members of the committee,

I would like to express my Opposition of LD-2224 An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

My Name is Jonathan Martell, from Sanford.

I am a current Sanford City Councilor, Lifetime member of the Gun Owners of Maine, Legislative Officer for the Sanford Springvale Fish and Game Club, NRA Range Safety Officer, and lifelong firearms enthusiast.

UBC:

I grew up in Maine, and Q3 is what pushed me to get more involved in the preservation of my rights.

This is another recycle of the same bill that has been rejected time and time again starting with LD 3 back in 2016. Here we are 7 years later with essentially the same bill. This is almost identical to LD168 in 2023, LD 999 back in 2021.

Mainers have already voted against universal background checks and have had to come to this very committee multiple times to express this fact each and every time one of these bills is submitted.

All of the gun shows that I have attended have been sales through FFL dealers only. This is a solution looking for a problem at gun shows. There is no gun show loophole that Bloomberg and his like would have you believe. If you are regularly selling guns, you are required by current law to have a FFL, regardless of whether you are at a gun show or not.

Less than 1% of criminals get guns from gun shows. Studies have shown that almost all guns used in crime are either stolen or straw purchases. -Bureau of Justice Statistics Survey of Prison Inmates 2016.

Part B would in fact affect almost all private sales, as any form of communication other than verbal would require a FFL background check. This is essentially Universal Background Checks, as any communication which is mostly electronic these days would fall under this law. I have to question the large number of exemptions in C, D with groups that statistically have higher levels of domestic violence. It proves that it is not about safety.

During 2020 the FBI background check system was down numerous times due to the volume. Do you really want to rob the domestic abuse victim a reasonable means of self defense, and to violate her or his right?

According to the GOA site, 95% of failed NICS checks are false positives.

A report by USA today, a 2017 report by the FBI showed that only 12 out of 112,000 attempts to purchase were prosecuted. That's 0.01% folks. Why is that?

Overall, an estimated 287,400 prisoners possessed a firearm during their offense. Among prisoners who possessed a gun during their offense, 90% did not obtain it from a retail source. More than half (56%) of prisoners who possessed a firearm during their offense had either stolen it (6%), found it at the scene of the crime (7%), or obtained it of the street or from the underground market (43%). Fewer than 1% had obtained the firearm at a gun show (0.8%).

Lastly, the FFL can set any fee they wish, it could be \$10, \$1000, or \$100,000. There is no definition of what is reasonable. How is this not a tax on a right? Poll taxes were abolished as unconstitutional, and this is certainly violating the Maine State and US Constitutions.

Again, Mainers don't want universal background checks. Please vote NO.

Red Flag:

This bill also seeks to expand Maine's current Yellow Flag law to Red Flag "Extreme Risk Protection Order" laws. These laws strip citizens of their Second Amendment rights without due process based on weak and nebulous standards.

If passed, Maine's Red Flag law could strip Mainers of their Constitutional rights without a hearing and based on hearsay for up to 30 days. It does not include any penalties for erroneous accusations, allowing for an open season against gun owners in Maine.

Initial Restrictions would change from 14 days to 30 days.

Medical Practitioners should not be relying on a 3rd party that may or may not be biased against a person. Any accusation could be used in this case. I have seen such abuse with current law, this would be much worse. What exactly is Reliable Hearsay? You want to use Hearsay to strip people of their rights? We are making a mockery of the justice system, and Mainers Rights.

Don't violate your oath of office, vote Ought Not to Pass on LD-2224

Sincerely,

Jonathan Martell
Sanford, ME