

In Opposition of LD 2238 "An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System" and LD 2224 "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases"

Senators and Representatives of the Committee on Judiciary, my name is William Smith and I live in Gorham. Thank you for the opportunity to testify in opposition of LD 2238 and LD 2224.

In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. (2022), the Supreme Court of the United States stated that all laws related to the 2nd Amendment of the United State Constitution must align with the text, history and tradition of the 2nd Amendment at the time of its ratification.

The Supreme Court additionally stated in the Bruen opinion that, in the context of a law which potentially infringes on the 2nd amendment rights of American citizens, the responsibility falls on the State to find and elucidate a connection to a historical analog law existing at the time of the ratification of the 2nd Amendment.

The Supreme Court has reviewed multiple cases concerning 2nd Amendment legislation since 2022. Due to the clear scrutiny described in the Bruen case the Justices have sent most "arms" related cases back to the appellate or district courts informing them of the above requirements. This resulted in the lower courts informing the States that they did not perform due diligence during the writing of their legislation.

In 1809, the Supreme Court addressed the issue of judicial supremacy, holding that state legislatures cannot "annul the judgments" of federal courts. As a result, the lower courts have all been forced to deem the modern laws in question in the above cases unconstitutional and strike them from the law books.

The bills in review today fail to satisfy the clear-cut requirements set forth in the Bruen case. The State has failed to uphold the text, history and tradition of the 2nd Amendment in the writing of these bills, and it has failed to elucidate or enumerate any historical analogs to these bills within United States law at the time of the ratification of the 2nd Amendment.

The United States has no historical legal analog or tradition of restricting or hindering its citizens rights to purchase, possess or bear in common use arms; nor is there a history of restricting inter-personal firearms sales or a history of not following due process of the law in the context of firearms ownership.

In consideration of the above information, I request you members of the Committee vote OUGHT NOT PASS for LD 2238 and LD 2224.

Thank you.

William Smith

Gorham, Maine

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