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Senator, District 21

THE MAINE SENATE
131st Legislature

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**Testimony introducing
LD 2238, "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain
Firearm Purchases"**

And

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

**Senator Peggy Rotundo
March 7, 2024**

Senator Carney, Representative Moonen and friends and colleagues on the Committee on Judiciary, my name is Peggy Rotundo and I represent Senate District 21, the City of Lewiston. I am here today to introduce two bills: LD 2238, "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases" and LD 2224, "An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System."

First I would like to talk about LD 2238, which, as its title suggests, will require a 72-hour waiting period between an agreement for the purchase and sale of a firearm and the delivery of that firearm to the purchaser. The bill does not apply to sales to law enforcement officers, people employed as corrections officers or guards whose jobs require carrying a firearm, or other firearm dealers. Violating this waiting period would be a civil offense, with the punishment being a fine between \$200 and \$500; the penalty following a second violation would result in a fine of between \$500 and \$1,000.

The purpose of requiring a waiting period is to provide the purchaser with a "cooling off" period. It is to help protect the purchaser from acting on a short-lived impulse — suicide or homicide — that may have inspired the purchase in the first place. Nine states have similar laws on the books and three more employ waiting periods for certain types of firearms.

The goal is to save lives, and research shows that these policies work. The American Academy of Pediatrics found that states with waiting periods experienced 51 percent fewer firearm suicides than states without these policies. Another study, published in the publication *Proceedings of the National Academy of Sciences*, found that states that adopted waiting period laws experienced a 17 percent decrease in homicides and a 7 to 11 percent decrease in suicide.

According to the Centers for Disease Control (CDC), suicide is the fourth leading cause of death for Mainers between the ages of 15 to 54. In 2021, 277 Maine people died by suicide in Maine. More than half involved a firearm. Enacting waiting periods in Maine could make a meaningful difference in suicide rates and could save lives.

This bill can't and won't prevent all homicides and suicides. No piece of legislation can. It can, however, lessen gun violence in general in the state and help to save lives and create safer and healthier communities.

The same can be said for LD 2224, the Governor's bill. It is a thoughtful approach to addressing gun violence and mental health care. I am honored to sponsor this bill and am happy to provide details to you on what it does.

The Governor's bill creates an Injury and Violence Prevention Program within the CDC. The program will be a clearinghouse for information and data from all over Maine to help us understand and prevent future incidents of violence. The more we know about the causes of these kinds of violence, the better we can adapt and prevent them in the future.

As Chair of the Appropriations Committee, I am pleased to note that the Governor's proposed Supplemental Budget includes \$1 million to fund this initiative.

The bill also establishes a network of crisis receiving centers throughout Maine. These centers provide care for people suffering a mental health crisis. They are proven alternatives to the hospital emergency room or jail, which are common destinations for people who are experiencing these crises. The first of these centers opened in Portland just over two years ago. In the last year, over 170 people have visited the center in order to help resolve a mental health crisis.

The bill contains plans for a center to be created in Lewiston and I am pleased that there is \$1.4 million in the Supplemental Budget to fund its construction and staffing. This bill also directs the Department of Health and Human Services to develop a statewide plan to build centers throughout Maine in the future.

LD 2224 would also strengthen Maine's extreme risk protection law. As we learned after the mass shooting in Lewiston, law enforcement officers had been unable to take the assailant, Robert Card, into custody and initiate our extreme risk protection law to confiscate his weapons. This bill addresses gaps in that law by allowing law enforcement to get a judge's approval, in unusual circumstances, to take a person into protective custody for a mental health assessment. If a law enforcement officer has made reasonable efforts to take the person into custody but has been unable to do so, and the officer can establish probable cause that the person has a mental illness and presents a likelihood of serious harm due to access to weapons, the court will issue a protective custody warrant.

LD 2224 also expedites a judge's weapons restriction order, making sure the order is sent quickly from the courts to the State Bureau of Identification. This way the state database which is utilized by the National Instant Criminal Background Check System (NICS) can be updated as soon as possible, helping to ensure that a prohibited person will not be able to purchase a weapon. The bill will also extend statutory deadlines for court processes in order to provide District Attorneys additional time to prepare for hearings.

Under current law, a person may not purchase a weapon from a federally licensed firearm dealer when that person's name is entered into NICS. They may, however, be able to purchase a weapon in a private sale. The bill address this issue by requiring *any* sale of a firearm that is advertised to be checked against NICS.

Additionally, this bill makes it easier to successfully prosecute anyone who sells a gun to someone who is not allowed to have one via private and unadvertised sales. The current crime of knowingly selling a firearm to someone who is a prohibited person – a misdemeanor – would be expanded by adding the term “recklessly” to intentionally or knowingly, making it a stronger standard and making it easier to successfully prosecute these sellers. It also makes that type of illegal sale a felony – not just a misdemeanor.

The bill does not change the tradition of transferring a firearm to a relative or a friend who they know is allowed to own one. But it would mean that anyone selling a firearm to a stranger should have to visit a licensed firearm dealer to check the NICS system, and make sure they are not a prohibited person.

Please know that Department of Public Safety Commissioner Mike Sauschuck is on hand to answer questions about this bill.

I come from a community with broken hearts and shattered lives, a community where many people are still afraid to go out in public, a community where there are families that worry when their children go off to school, and wonder if those children will come home safely at night. As a legislator, I cannot do anything to bring back the lives of the grandparents, parents, children, friends and neighbors who lost their lives on October 25, nor can I miraculously heal those people that were terribly injured in the mass shooting, or take away the grief and pain that the families of the victims and survivors live with daily. What I can do is to do everything in my power as a legislator to put laws in place that help reduce the level of gun violence in our state and that make our communities safer places to live and work. That is why I am here today presenting these two bills to you and why I thank you for the serious consideration I know you will give these bills.

I appreciate the Governor's leadership on this issue and look forward to working with her and others to find smart, effective solutions to protect the people of Maine. I am confident we can keep people safe while respecting the rights of responsible gun owners. I am confident we can get there by working hard and by working with respect, sensitivity, patience and compassion. We owe this to our children so they can go to school without fear. We owe this to Maine families so they can go out to a movie or to a restaurant without fear. We owe this to the memories of those people we lost on October 25th in Lewiston and to the loved ones they left behind. Thank you.

I am happy to answer questions and I will note again that Commissioner Sauschuck is also here to answer questions about the Governor's bill.