



Maine Sheriffs' Association

"One Team, One Mission"

Sheriff Scott Nichols, President

Sheriff Troy Morton, 1st Vice-President, Sheriff Scott Kane, 2nd Vice-President – Sheriff Barry Curtis, Secretary –
Sheriff Todd Brackett, Treasurer – Sheriff Dale P. Lancaster, Immediate Past President –
Sheriff Kevin Joyce, Past President-at-Large - Mary-Anne LaMarre, Executive Director

March 7, 2024

**L.D. 2224 – An Act to Strengthen Public Safety by Improving
Maine's Firearm Laws and Mental Health System**

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, my name is Troy Morton. I am the Sheriff of Penobscot County and 1st Vice- President of the Maine Sheriffs Association. L.D. 2224 - An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System has unanimous support from all sixteen counties on all but section 3 of L.D.2224.

Maine sheriffs applaud the Governor's intention to strengthen public safety, and we feel that LD 2224 will go a long way towards that goal. Maine sheriffs met to carefully review this bill before we took a position and unanimously support the majority of this bill and offer these points from our discussion for the committee to consider.

Section 6 of the bill was well received by Maine's sheriffs. As this bill progresses through the system, we fully support this section and urge lawmakers to ensure the final bill retains this objective.

During our discussion of section 12 it was noted by several sheriffs that limiting the endorsement of a protective custody warrant to a justice or a judge only, may limit access to these warrants in some parts of the state after hours. It was also noted that once obtained, a protective custody warrant may not guarantee that we could search for an individual in all circumstances without also obtaining a search warrant.

In Section 17, we believe the added language needs more clarification. "The court may consider affidavits and other reliable hearsay in making this determination." We question if this language is clear enough to guide the judiciary during their review.

The unspeakable tragedy that occurred in Lewiston, in October of 2023, may not have had a different outcome if this current bill was passed in the first session. Collectively, we all need to focus on improving parts of the yellow flag law.

L.D.2224 is a good bill and though Maine's Sheriffs did not unite on section 3, the Maine Sheriffs' Association feels the remaining eighteen sections should be enacted. It would be my pleasure to answer any questions you may have.

Thank you for your consideration.

Sincerely,

Sheriff Troy Morton, Vice-President
Maine Sheriffs' Association

Third, Prohibit Dangerous People from Possessing Weapons: The bill contains three measures aimed at accomplishing this.

- **Strengthen Maine's Extreme Risk Protection Order Law:** Maine's existing Extreme Protection Risk Order addresses public safety concerns, while protecting Constitutional rights so that it would survive potential court challenges. Citing the inability of law enforcement to take the Lewiston shooter into protective custody to initiate the extreme risk protection order law and remove his weapons, the Governor's bill strengthens the law to allow law enforcement to seek a protective custody warrant signed by a judge, in unusual circumstances, to take a person into protective custody, providing them with another tool to use at their discretion to take dangerous people into custody to remove their weapons when that person is uncooperative. The bill also amends the existing statute by addressing some timeframes that have been identified as being burdensome by those tasked with enforcing it.
- **Extend National Instant Criminal Background Check System (NICS) to Advertised, Private Sales:** The Governor's bill requires any advertised firearm sale to be checked against the National Instant Criminal Background Check System, as is required for commercial sales at federally licensed firearm dealers. When a person is subject to Maine's extreme risk protection order law, their name is entered into a national database of persons prohibited from purchasing weapons. This is a process that works well if the individual attempts to purchase a weapon from a Federally licensed firearm dealer. In that case, the sale would be denied. But, under current law, that same individual may be able to purchase a weapon in a private sale — a weapon they are not legally allowed to have. The proposal would address this issue by requiring any sale of a firearm that is advertised — through Facebook, Craigslist, Uncle Henry's, a gun show, and other means — to be checked against the National Instant Criminal Background Check System (NICS), the same system used by licensed firearm dealers. If enacted, it would ensure that when a gun is sold through an advertised, private sale, it cannot be sold to someone who is prohibited from having a firearm.
- **Incentivize NICS Checks for Unadvertised, Private Sales:** The Governor's bill strengthens Maine law to make it easier to prosecute anyone who sells a gun to someone not allowed to have one and toughens Maine law to make that type of illegal sale a felony, not just a misdemeanor. This approach will mean that transfers of firearms to family members or trusted friends, as is common in Maine, will remain unchanged, but it will incentivize checks against the NICS system for private, unadvertised sales to unknown individuals through the threat of increased risk of prosecution and prison time.

The Governor has also proposed other steps to address these issues by a number of initiatives in the Supplemental budget, including: Supporting mobile crisis teams, promoting safe firearm storage, hiring more state troopers, enhancing funding for extreme risk protection order assessments, providing funding victims' services, and creating the Maine Mass Violence Care Fund.

Violence is not a simple problem and there is no single, simple measure that can address it completely.

The Governor recognizes that, for some, this bill is too much, and, for others, it is not enough.

But these proposals are not extreme or unusual. They are practical, common-sense measures that are Maine-made and true to our culture and our longstanding traditions while meeting today's needs. They represent meaningful progress, without trampling on anybody's rights, and they will better protect public safety.

We hope you approach this bill with an open mind. I am happy to answer any questions you may have.