

April 5, 2024

Testimony in Opposition to LD 2283

An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary:

My name is Nathan Gould. I am from Winterport. I am submitting this testimony in opposition to LD 2283, "An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public."

Among the greatest concerns with this bill is the potential for misuse and abuse of emergency crisis prevention orders. Disgruntled coworkers, employers, or employees, or a vengeful ex-partner could use this to harass a potential respondent. Worse, someone intending to cause harm may disregard section 4809, subsection 4 and use an emergency crisis prevention order—whether filed themselves or by another party with whom they have coerced or colluded—to disarm a potential victim. What may be intended to prevent harm could be used to facilitate it by dangerous individuals.

Another glaring issue is the unconstitutionality. We have a right to bear arms, stated in the Constitution of the United States and the Maine State Constitution, and we also have a right to due process. Section 4806, subsection 1, paragraph A shows a pattern throughout this bill of assuming guilt before being proven innocent, which is entirely backwards.

A further concern is the definition of “harm” in Section 4805, subsection 2. It has become apparent, over the course of the previous few years, that this Legislature cannot even agree on what constitutes serious bodily harm, whether it relates to rights regarding injections, rights of the preborn, or rights of parents to protect their children from mutilation.

The laws already on the books can and should be enforced, such as Title 19-A, Chapter 103 and P.L. 2019, ch. 411. The Founders of our State and Nation understood that Laws can be abused by men, so limitations were put on government to protect our rights, even from the most well-intentioned of infringements. Our natural rights are given by Almighty God and not granted by any human authority, and self-defense is a fundamental right.

Loopholes are exploited in many ways, from tax avoidance to using parliamentary maneuvers to pass and enact controversial and partisan laws and budgets. It is a tragic possibility that this law could be used not only to infringe upon someone's rights, but to cause physical harm.

I ask the members of this Committee to vote Ought Not to Pass. Thank you for your time.

Respectfully,

Nathan C Gould

Winterport