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Testimony in Opposition

LD 2286, An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

Before the Joint Standing Committee on Judiciary

Presented by David Trahan, Executive Director of the Sportsman's Alliance of Maine - Institute for Legislative Action (SAM-ILA)

Senator Carney, Representative Moonen, members of the Joint Standing Committee on Judiciary, my name is David Trahan. I am the Executive Director of the Sportsman's Alliance of Maine - Institute for Legislative Action (SAM-ILA), testifying in opposition to LD 2286, An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

Four years ago, Governor Mills, attorneys, Derek Langhauser and John Chapman, Senator Keim, Senator Carpenter and the organization I represent, set aside our differences and built a law that is designed to help Maine people in what is likely, the most dangerous time in their life. Using Maine's Protective Custody Statute, appropriately named to help a person deemed a danger to themselves or others and protect the public, we found a way to not only save lives, but found common ground on one of the most controversial bills of our time. So was born, the so-called "Yellow Flag" law.

Maine's law is not a "Red Flag" law. It is far superior! The Maine law, to quote Derek Langhauser, "uses the highest levels of due process when considering taking someone's liberty, clear and convincing evidence." Unlike traditional "Red

Flag” which uses the one of the lowest due process standards in existence, the preponderance of evidence.

Supporters of this Red Flag law claim family members should be able to petition the court to take someone's guns. Under Maine's current law, anyone can initiate a complaint to begin the Yellow Flag process, the Red Flag law limits use. Maine's law is a government intervention that is designed to protect an individual in crisis and connect them to life saving services while separating them from dangerous weapons - all dangerous weapons – not only firearms.

Red Flag simply takes a person’s guns without due process and without their knowledge. Leaving them alone with no treatment, potentially enraged and an ongoing threat to themselves, their families and the community. By contrast, Maine's current law utilizes professional medical staff to evaluate their mental state, offer healthcare services, and provides for trained police officers and the courts to ensure proper treatment and the highest level of due process. Maine's law was designed by some of the finest legal minds in Maine. This Red Flag law was designed by a gun control activist from New York who ten years ago said he would use his billions to take down the National Rifle Association (NRA). The same billionaire who when he served as governor of New York, targeted minorities with stop and frisk.

When Maine's law was being drafted, groups like Mom's Demand Action ridiculed it. The Maine Gun Safety Coalition supported it publicly, while undermining it privately. Since it became law, the same groups took every opportunity, without merit, to criticize it. After the Lewiston shooting, these same groups exploited the tragedy to claim the law was weak, cumbersome and ineffective. That there was not probable cause to place Robert Card into protective custody to be Yellow Flagged. The investigation by the independent commission has since destroyed those claims.

To further undermine these partisan talking points, look to the south.

According to CBS News, Massachusetts has had a red flag law for five years. The Massachusetts law has been used fifty-six times in five years and they have only been approved by the court thirty-seven times. Maine's current so-called yellow flag law has already been used 230 times in half the time. Maine's law has saved countless lives, reduced police shootings and prevented suicides. Are gun control activists blind or just refuse to accept they were wrong?

If I said to you, you could participate in crafting a law that during its use would save thousands of lives, enough to fill the twin towers and you could prevent death by suicide, shootings by police, and that you could be a hero, I suspect you would do it. Unfortunately, that is not what has happened from Maine's so-called Gun Safety Coalition and groups like Moms Demand Action. When this law was passed, they fought it every inch of the way, undermining it at every turn and advocating for its repeal.

Maine's law needs no improvement or replacement. It was a product of courage, a commitment to saving life and preserving liberty.

In the days and months after the Lewiston shooting, we have learned Maine's law could have prevented Robert Card from murdering eighteen people and wounding 13 others. The visionary founders of Maine's law did their job and did it well. Yet, the committee stands poised to ignore the facts and the truth that stare you in the face and pass a law designed by the same out-of-state groups. The people that were wrong when the law was passed, and wrong countless times since. I stand here today on behalf of, and in honor of, those that built Maine's law. People are alive today because of them, and that makes each of them heroes. Take solace in the fact that good can come from our angry, dysfunctional political system.

Thank you,

David Trahan, Executive Director, SAM-ILA