

Maine Association of Psychiatric Physicians

Testimony of David Moltz, MD
To the Joint Standing Committee on Judiciary
129th Maine State Legislature
April 5, 2024

Senator Carney, Representative Moonen, Honorable Members of the Judiciary Committee,

My name is David Moltz, MD, and I live in Portland, Maine. I am here representing the Maine Association of Psychiatric Physicians, to express our full support for LD 2283.

As psychiatrists we feel strongly that the fact that the application for an extreme risk protection order does not require determination of “a mentally ill person” who has a “disease”, and the absence of a requirement for a mental health evaluation as part of the process of weapon removal, is an important strength of this bill. This brings with it many benefits as compared to other models.

- 1. It avoids stigmatizing and blaming mental illness.** The focus on mental illness, however defined, feeds the misconception that mental illness is the cause of gun violence. In fact, only 3-5% of violent crimes are perpetrated by people with mental illness, and the vast majority of mentally ill persons are not dangerous. This bill makes dangerousness and threat the criteria, without invoking mental illness or disease.
- 2. It includes people who are a threat but are not mentally ill.** Most people who use guns aggressively are in crisis, but are not necessarily mentally ill. They may have lost a job or a relationship, may be drinking too much, or may simply have a bad temper and get into an argument. These people do not have a mental illness or a disease, but they will still be eligible for weapons removal under this bill.
- 3. It makes using the law less complicated and more efficient.** Requiring the mental health evaluation, however efficiently it is done, adds a step to the process, making it more cumbersome and harder to use. This bill simplifies the process, making it more likely to be used.
- 4. It empowers family members.** Those most involved with the person, and perhaps most at risk, can act on their own to initiate weapons removal, without having to depend on law enforcement.
- 5. It utilizes appropriate skills and training.** Mental health professionals do not have special skills or training in accurately assessing potential dangerousness. Law enforcement professionals do not have special skills or training in evaluating mental illness. This bill puts the decision in the legal system, where it belongs.

For all these reasons, the Maine Association of Psychiatric Physicians urges you to vote "ought to pass" on LD 2283.

Thank you,

David Moltz, MD
Chair, Clinical Practice Committee
Maine Association of Psychiatric Physicians