



MAINE STATE LEGISLATURE

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April 16, 2025 - Testimony in support of LD 208:

"An Act to Eliminate the 72-hour Waiting Period on Firearm Purchases"

Good afternoon Senator Carney, Representative Kuhn, and members of the Joint Standing Committee On Judiciary. Thank you for the opportunity to testify today on this very significant bill. My name is Representative Billy Bob Faulkingham, and I serve as the House Republican Leader. I represent House District 12, which includes the towns of Franklin, Gouldsboro, Hancock, Sorrento, Sullivan, Winter Harbor, and Steuben. I'm here to speak in support of LD 208 – ***"An Act to Eliminate the 72-hour Waiting Period on Firearm Purchases."***

LD 208 is simple and direct, it repeals the provision in Maine law that requires a 72-hour waiting period between the time a firearm is purchased and when it can be delivered to the buyer. While this requirement may have been well-intentioned, it is ultimately unnecessary, burdensome, and of questionable constitutionality.

Let's begin with our constitutional obligations. Maine's Constitution is clear. Article I, Section 16 states:

"Every citizen has a right to keep and bear arms and this right shall never be questioned."

Maine's Constitution doesn't leave much room for delay, doubt, or discretionary impositions. Yet, a mandatory waiting period does precisely that—it questions and obstructs the right of Mainers to exercise a fundamental constitutional freedom.

It's no surprise, then, that the 72-hour waiting period is already facing legal challenge. Second Amendment advocates sued the state and requested a preliminary injunction to pause enforcement of the law while the court considers its constitutionality. A federal district court granted the pause, recognizing the seriousness of the constitutional claims. The State of Maine appealed, but the federal appeals court refused to overturn the injunction, meaning the law remains unenforceable while litigation continues.

This is a strong signal that the courts believe this law may ultimately be found unconstitutional, and if that is the case, it makes little sense for us to maintain it on the books.

Beyond the legal challenges, the policy itself is flawed. Waiting periods are arbitrary timeframes that offer no proven public safety benefits. According to reviews of academic literature conducted since 2004, there is no clear causal evidence that waiting periods reduce suicides, homicides, or mass shootings.

Furthermore, Maine's waiting period does not enhance the background check process. The 72-hour wait adds no new tools—it simply delays the lawful transfer of a firearm to a law-abiding citizen. Meanwhile, criminals are unaffected by this law. The vast majority of individuals incarcerated for crimes involving a firearm did not obtain their weapon from a licensed dealer. They got it through illegal markets, theft, or from someone they knew. No amount of delay for lawful buyers will stop unlawful ones.

It's important to recognize the real-world burden the 72-hour waiting period places on Maine's law-abiding public. The vast majority of gun owners in Maine already own more than one firearm, and a waiting period cannot realistically affect those buying an additional gun. But it does impact first-time buyers, particularly those seeking a firearm for immediate self-defense. Imagine an individual under the threat of potential domestic violence. Under this law, they would be told to come back in three days. That's not just unreasonable, it's dangerous.

LD 208 corrects this overreach. It restores common sense to our laws, respects the constitutional rights of Mainers, and removes a policy that has been shown to offer no public safety benefit while imposing real burdens on lawful gun owners.

For these reasons, I respectfully urge this committee to vote Ought to Pass on LD 208. Thank you for your time, and I'd be happy to answer any questions.

Respectfully,

A handwritten signature in black ink that reads "Billy Bob Faulkingham". The signature is written in a cursive, slightly slanted style.

Rep. Billy Bob Faulkingham
House Republican Leader