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Testimony Neither For Nor Against:

L.D. 1104 – An Act to Limit the Liability of Persons Who Provide Firearm Hold Agreements

L.D. 1174 – An Act to Allow Gun Shops to Hold Firearms for Veterans of the United States
Armed Forces and First Responders

Good afternoon, Senator Carney, Rep. Kuhn and members of the Judiciary Committee.

My name is Margaret Groban. I live in South Portland. I recently retired after a 30+ year career as a federal prosecutor in Maine focusing on firearms and domestic violence and the intersection between the two. I served for years on Maine's Domestic Violence Homicide Review Panel. I am adjunct faculty at University of Maine School of Law where I co-teach a class on the Second Amendment and the Regulation of Firearms.

It is my extensive experience with firearm laws that leads me to submit comments on L.D.s 1104 and 1174. These proposed bills seek to limit liability for Gun Shops/persons who accept voluntary surrender of firearms.

By way of background, current law does not provide a mechanism for persons to voluntarily surrender firearms, nor does it limit liability for persons or Gun Shops (also called Federal Firearm Licenses or FFLs) who accept these firearms. The voluntary surrender of firearms in both LD 1104 and 1174 allows persons to relinquish possession for any reason.

Neither bill, however, includes a requirement that a background check be conducted to ensure that a firearm is not being returned to a prohibited person. Once the FFL takes possession of the firearm, a background check is required before a firearm can be transferred to the owner. Title 18, United States Code, § 922(t).

L.D. 1104 is currently written to only address transfers between "persons." To allow for background checks as required by law to ensure that prohibited persons are not gaining access to firearms, this proposed bill could be limited to transfers between "persons" and FFLs.