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Testimony Neither For Nor Against:  
L.D. 1009 – An Act to Restore Full Civil Rights to Possess Firearms to Persons Previously  
Convicted of Certain Nonviolent Felony Crimes

Good morning, 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. 1009. This proposed bill seeks to restore civil rights to persons previously convicted of certain felonies.

By way of background, a person prohibited under federal law for firearm possession is prohibited for life, except for certain mental health prohibitors. The statute allowing ATF to review relief applications has been defunded since 1992. 18 U.S.C. §925(c). If a state restores full civil rights (right to vote, sit on a jury, hold public office and possess firearms) to a prohibited person, then the underlying conviction is not firearm prohibiting. 18 U.S.C. § 921(a)(20).

Maine law allows for felons and other prohibited people to apply 5 years after conviction for a black powder hunting license upon review of that application by the Maine Department of Inland Fisheries and Wildlife. . Black powder weapons are not considered under federal law.

L.D. 1109 seeks to create a full restoration of rights to avoid the firearm prohibitions under federal law. There are several concerns with the proposed law: 1) the law mandates automatic restoration if the criteria listed in L.D. 1009 is met. This is contrary to the Maine black powder permitting process and the federal relief from disability process. Both processes call for case-by-case evaluation to ensure that the person does not pose a threat to public safety. 2) L.D. 1009 casts a narrow classification of "nonviolent." For example, a conviction of a weapons offenses under Title 17-A, Chapter 43 (including possession of a machine gun) do not disqualify a person from restoration. Looking at the offenses categorically by title rather than by an evaluation of the facts may allow persons who present a danger to public safety to possess firearms.