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Nine Reasons to Enact L.D. 1743¹

An Act to Allow Municipalities to Prohibit Firearms Within Their Municipal Buildings and Voting Places and at Their Municipal Public Proceedings

Sponsors: Reps. Arford, Bridgeo, Moonen, Cloutier, Kuhn, Beck, Rollins; Sens. Carney, Duson, and Talbot Ross

The Bill's key provision states: "... a municipality may adopt an order, ordinance, policy or regulation that limits or prohibits the possession of firearms within the municipality's buildings and voting places and at municipal public proceedings within the municipality: ... "

1. The Bill does not limit or prohibit firearms itself, but only gives municipalities the option to limit or prohibit civilian firearms at their buildings, proceedings and polling places, similar to the Statehouse and courthouse prohibitions.
2. The Bill will enable municipalities to help their *officials* to be safer, and feel safer, when municipal legislative matters become contentious and heated. It takes away a weapon from people who want to bully and intimidate others at municipal public proceedings.
3. The Bill will enable municipalities to help *citizens* to be safer, and feel safer, when attending municipal public proceedings and when voting.
4. Municipal limitations and prohibitions of firearms at their facilities and proceedings do not infringe on citizens' Second Amendment rights. The U.S. Supreme Court's 2022 decision in *Bruen* holds that "it is settled" that firearms can be prohibited at "legislative assemblies, polling places, and courthouses."
5. The Bill will uphold Maine citizens' constitutional right, under the Maine Constitution Art. I, §1, to pursue and obtain "safety."
6. Municipalities can act more quickly than can the Legislature to enact municipal firearm limits and prohibitions to enhance security in the event of looming threats to town officials and citizens.
7. Opponents' argument that the Bill will allow towns to create "soft targets" of gun violence by prohibiting or limiting firearms is not supported by any authoritative evidence. Rather, an April 2025 study by the Rockefeller Institute of Government found that active shootings were 62.5% less likely to occur in gun-free establishments.
8. Opponents' argument that the Bill will cause "a myriad of conflicting and confusing local firearm laws" is refuted by the fact that the Bill requires any municipality enacting a firearm prohibition or limitation to post its terms prominently on its facilities, so as to be clear to everyone.
9. According to the National Conference of State Legislatures, 18 states permit municipalities to prohibit or limit the possession of firearms in municipal buildings and during municipal public proceedings: They are: AK, CO, DE, IO, IND, KS, MD, MS, MT, NE, NC, ND, OR, SC, TN, TX, VA, and WV.

¹ See the MGSC Background Memorandum on L.D. 1743 for further discussion of these points, and citations.

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Background Memorandum In Support of L.D. 1743
An Act to Allow Municipalities to Prohibit Firearms Within Their Municipal Buildings and Voting Places and at Their Municipal Public Proceedings

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Summary

This Bill permits a municipality to adopt a regulation to limit or prohibit the possession of firearms within its buildings and voting places and at municipal public proceedings within the municipality. Any such municipal regulation may not impose a civil penalty of more than \$1,000 per violation; must exempt law enforcement officers; and must post the limitation or prohibition, and exemptions, on all buildings and other places to which the regulation applies. When a municipal public proceeding is held in a part of a nonmunicipal building, the limitation may not extend to the nonmunicipal parts or users of the building. The bill is not a ban, but only allows municipalities to adopt their own regulations, at their discretion, to limit or prohibit firearms in either or all of its buildings, voting places and public proceedings—as such limits and prohibitions already apply to the State Legislature and courthouses, schools, hospitals, and colleges.

- 1. The Bill does not limit or prohibit firearms itself, but only gives municipalities the option to limit or prohibit civilian firearms at their buildings, proceedings and polling places, similar to the Statehouse and courthouse prohibitions.**

Many Maine municipalities seek the same right that the Legislature, courts, hospitals, and colleges have to limit or prohibit firearms in their facilities, public proceedings and polling places. From 1820 to 1989, municipalities had that right under their home rule authority. However, in 1989 the State took that right by preemption.² In doing so, it did not provide protection to municipal officials and citizens by imposing a statewide firearms ban on municipal buildings, proceedings and voting places, as some other states have done.

https://www.lgbtmap.org/democracy-maps/guns_in_polling_places

It has, however, protected state legislators by banning firearms in the Statehouse. In 2005, it passed a bipartisan law (with no divided Committee report), to ban civilian firearms in Maine's courthouses (L.D. 166, co-sponsored by Rep. Janet Mills). 17-A M.R.S. § 1058. In 2009 it passed a law allowing Maine's public universities to prohibit or limit firearms on campus. 20-A M.R.S. §10009. In 2013, it passed a law banning

² §2011. State preemption: 1. Preemption. The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

2. Regulation restricted. Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies. ...

civilian firearms at labor disputes and strikes 32 M.R.S. §9412(5).³ It is time now, in 2025, for the Legislature to pass a law allowing municipalities to impose similar limitations.

2. **The Bill will enable municipalities to help their officials to be safer, and feel safer, when municipal legislative matters become contentious and heated. It takes away a weapon from people who want to bully and intimidate others at municipal public proceedings.**

Just as in the Legislature and in courthouses, matters that are considered and decided by municipal officials that affect citizens' personal lives, from taxes to property rights, can be contentiously opposed, raising concerns about municipal officers' and attending citizens' safety. **Below are examples of such safety concerns:** Former Maine legislator Cathy Breen related her own story of receiving threats when she was a Maine town councilor, in her testimony in support of a related bill she sponsored in 2021 (L.D. 808):

“Years ago, while serving on the Falmouth Town Council, a male constituent mounted an email attack on me and another female Town Councilor, sending us messages that threatened us and our families for several months in a row. After many meetings with our Chief of Police and our Town Attorney, we determined that our only recourse was to have an armed member of the local police sit next to him at every public meeting. At the conclusion of each meeting, that officer and another would follow behind both me and my colleague, making sure we travelled from Town Hall to our homes in safety late at night. I’ll never forget that feeling of vulnerability. I was a target. There’s no question that the issues that came before us — zoning, property tax rates, transportation projects, school policies and others — had a sizable impact on Falmouth’s residents, and temperatures could rise accordingly. But being physically threatened over these issues was an eye-opener for me. It’s time we grant local elected officials the same authority - if they choose to exercise it - to enact the safety measures that we legislators have as we conduct our work in the public sphere. This bill by no means bans weapons anywhere. It simply recognizes that residents have a right to vote without feeling intimidated, threatened, unsafe or coerced, and allows municipalities to make their own decisions that reflect the will of the people who live there.”

In support of this Bill, former Augusta Mayor David Rollins recalled to the MGSC some anxious Augusta City Council meetings when an “unwell” man who posted inflammatory comments about shooting guns on the internet, would attend the council meetings while openly carrying a handgun. **As the councilors had no authority to require the man to leave his gun behind when attending the meetings, their only recourse was to have an armed police officer attend, in case things went awry. They endured a number of such tense meetings facing that gun.**

Former Rep. John Spears, in support of an earlier related bill he sponsored in 2017 (L.D. 131) testified:

“... in my many years in municipal government, I certainly have witnessed many individuals who were so angry and visibly agitated that if a weapon had been readily available, an incident that all would quickly regret could have occurred. I guess what I mean by that is that if I know my porch steps are rotten I don’t wait until a visitor falls through them before I replace them.”

In 2023, Bangor city councilor Cara Pelletier noted the “hate speech” directed at the council in an article entitled “National extremist groups attack Maine municipal meetings.”

³ Civilian firearms are also banned from all federal buildings (18 U.S.C. § 930) and from property owned by the U.S. Department of Veterans Affairs (38 C.F.R. 1.218) and in post offices (39 C.F.R. 232.1).

<https://www.bangordailynews.com/2023/09/20/news/national-extremist-groups-attacks-maine-municipal-meetings-joam40zk0w/==>

The concern about safety and intimidation exists at polling places as well. In 2022, WGME reported that “town and city clerks across Maine say voters are harassing them” and cities and towns are facing higher clerk turnover with vacancies being hard to fill due to the on-going “threats and attacks against election workers.” <https://wgme.com/news/local/election-clerks-report-harassment-leading-to-more-turnover-in-the-position>

In addition to instances in Maine of such intimidation and safety concerns, there are numerous similar instances in other states’ municipalities, including the following that occurred within the past year:

- March 18, 2025: Elsmere, Ohio: A city councilwoman misses public meetings for fear she’ll be shot by a man who carries an unloaded gun to city meetings. [Cincinnati](https://www.cincinnati.com/story/news/politics/2025/03/18/councilwoman-fears-being-shot-by-man-who-brings-gun-to-public-meetings/8232538200)
<https://www.cincinnati.com/story/news/politics/2025/03/18/councilwoman-fears-being-shot-by-man-who-brings-gun-to-public-meetings/8232538200>
- March 4, 2025: Dubuque, Iowa: Man tries to enter a city council meeting while armed with a loaded gun <https://www.kcrg.com/2025/03/04/dubuque-man-arrested-after-attempting-enter-city-council-meeting-with-loaded-gun/>
- Feb. 14, 2025: In Bloomington, Indiana, a person carrying a rifle and distributing flyers called the city council the “people’s enemies,” but was found to have violated no laws, according to the police, as there was no firearm prohibition on city property. <https://ground.news/article/armed-protester-at-bloomington-city-hall-prompts-concerns-about-street-homelessness-comms-protocols-security>
- October 14, 2024: Resident pulls gun during chaotic Flint, Michigan city council debate. https://www.abc12.com/news/crime/woman-pulls-out-gun-during-mondays-flint-city-council-meeting/article_a74b2198-8a9b-11ef-a115-735b54ed85df.html
- September 10, 2024: Gallatin, Tennessee city councilors and community members report that a councilman “patted his gun” while looking at them, in a show of intimidation. <https://www.wkrn.com/news/local-news/trying-to-intimidate-gallatin-councilman-accused-of-tapping-gun-in-county-commission-meeting/>
- May 22, 2024: Two people enter Boston city hall with guns while the city council was in session <https://www.bostonherald.com/2024/05/22/two-people-enter-boston-city-hall-with-gun-city-council-meeting-disrupted/>

In the 1960’s the National Rifle Association supported banning firearms at public proceedings on the grounds of safety and to avoid intimidation, at a time when Black Panther protesters were bringing guns to public proceedings. <https://www.history.com/articles/black-panthers-gun-control-nra-support-mulford-act>

3. The Bill will enable municipalities to help citizens to be safer, and feel safer, when attending municipal public proceedings and when voting.

The average citizen feels intimidated by the mere presence of persons wearing guns at public meetings and polling places. **As the U.S. Supreme Court has observed, “the display of a gun instills fear in the average citizen.”** *McLaughlin v. United States*, 476 U.S. 16 (1986).

Regardless of laws outlawing intentional intimidation with a firearm, gun carriers who secretly intend to intimidate election workers, voters, town officials and citizens attending municipal public proceedings can avoid being found in violation of these laws by asserting that, in carrying their guns, they only mean to “keep the peace” or to be ready to defend in the event of an active shooter, while in fact they are intimidating the average citizen by their guns mere presence.

As to those places where elections are held in community buildings such as town halls and community centers - local officials currently have no authority to prohibit firearms on the day that elections occur. Even if municipal officials have valid information about a safety threat, they have no authority to prohibit firearms in that polling place. We cannot know if lives would be saved by this Bill, but do know that it will ease the minds of many Mainers who walk into their polling places to know that civilian firearms are prohibited. Without such a prohibition, election officials are faced with having to approach an armed individual and ask them to leave or store the gun should they receive a complaint from a fellow voter who reports feeling threatened in a polling station on town property. The result is that both staff and voters can feel intimidated, and officials must field these citizen complaints with no authority to remedy the situation. The very trained personnel that would normally be present to address such a situation, must remain outside until the perceived intimidation turns to an active threat or their response is requested by the election official. The process is stressful for everyone. Local officials need the tools to make all polling stations, regardless of building ownership, safe from the intimidation and risk that arises when civilian firearms are present.

Firearm limitations and prohibitions in municipal buildings protect the average citizen in a number of ways:

- They reduce the risk of accidental shootings. Municipal buildings often have a high volume of public interaction, making the presence of guns a greater risk for accidental discharge and injury. This includes circumstance where, in an active shooter situation, a citizen who pulls a gun in defense may be mistaken to be a shooter by the police and may be shot himself.
- They reduce the risk of intentional violence: Prohibiting guns can deter potential perpetrators from using firearms in municipal buildings, potentially saving lives and preventing mass shootings.
- They secure safety for vulnerable populations: Municipal buildings often serve vulnerable populations, such as children, the elderly, and individuals with disabilities, making them particularly susceptible to harm if guns are present.
- They enhance security: Firearm prohibitions allow security personnel to focus on other safety measures, such as crowd control and emergency response, without the additional burden of managing firearms.

4. Municipal limitations and prohibitions of firearms at their facilities and proceedings do not infringe on citizens' Second Amendment rights.

The U.S. Supreme Court's 2022 decision in *Bruen*, written by Justice Clarence Thomas, holds that "it is settled" that arms carrying can be prohibited at such sensitive places as "legislative assemblies, polling places, and courthouses." *NYSRPA v. Bruen*, 597 U.S. 1 (2022). In the prior, 2008 case of *District of Columbia v. Heller*, 554 U.S. 570 (2008), the U.S. Supreme Court identified schools and government buildings as "sensitive areas" where firearms can be prohibited.

5. The Bill will enable Maine's municipal citizens to exercise their constitutional right, under the Maine Constitution's Art. I, §1, to pursue and obtain "safety."

Article 1, §1 of the Maine Constitution states that citizens have the right "of pursuing and obtaining safety." This Bill will enable the citizens of Maine's municipalities to pursue that right, to be free of intimidation by the presence of civilian firearms when they conduct the public's business, and when they vote. Although much is said by opponents about their Second Amendment rights, more should be said about Maine citizens' constitutional right to safety, a right the Legislature is dutybound to promote.

6. Municipalities can act more quickly than can the Legislature to enact municipal firearm limits and prohibitions to enhance security in the event of looming threats to town officials and citizens.

In the event of a threat to municipal officials or citizens, municipalities can quickly enact a firearm prohibition -- if this Bill passes. Municipal officials should have the ability to react to real threats in real time, to secure their facilities and protect their residents. For example, should there be a credible threat, days before an election or a public meeting, of violence or intimidation, the municipality would be able to quickly enact an ordinance to prohibit firearms at the polling place or town hall, an action that cannot be so quickly taken by the Legislature.

7. Opponents' argument that the Bill will allow towns to create "soft targets" of gun violence by prohibiting guns is not supported by any authoritative evidence. **Rather, an April 2025 case-control study by the Rockefeller Institute of Government concludes that gun-free zones are associated with a reduction in firearm violence, contradicting the claim that they make areas more vulnerable.** The Study compared establishments where active shootings occurred to similar establishments where they did not, and found that active shootings were 62.5% less likely to occur in gun-free establishments. This Study thus suggests gun-free zones may have a protective effect against active shootings, **challenging the idea that they attract shooters.** <https://rockinst.org/blog/the-role-of-gun-free-zones-in-reducing-firearm-violence>. Moreover, firearms are rarely used successfully in self-defense. In fact, individuals successfully defend themselves with a gun in less than one percent of crimes.

The Department of Homeland Security recommends firearm bans (gun-free zones) for the security of municipal officials: This past November 2024, the Newport News city council in Virginia enacted a firearms ban at its city's buildings upon the advice of the Department of Homeland Security. A councilor explained: *"With the advice of Homeland Security, we are now living in a different time. A time in which multiple people on this council have received credible death threats."* <https://www.whro.org/local-government/2024-11-27/newport-news-bans-firearms-in-city-buildings>

8. Opponents' argument that the Bill will cause "a myriad of conflicting and confusing local firearm laws" is refuted by the fact that the Bill requires a municipality that enacts an ordinance to limit or prohibit firearms post its terms prominently on its facilities, so as to be clear to everyone. The Bill includes the following posting requirement: *"Posting. If a municipality adopts an order, ordinance, policy, or regulation pursuant to this section, it shall post, in a prominent location outside of all buildings and other places to which the order, ordinance, policy, or regulation applies, notice of the limitation or prohibition against the possession of firearms, including any adopted exceptions to the limitation or prohibition."*
9. According to the National Conference of State Legislatures, 18 states permit municipalities to prohibit or limit the possession of firearms in municipal buildings and during municipal public proceedings: They are: AK (AK Stat. 29.35.145), CO (C.R.S. 18-12-201), DE (22 Del. §111), IO (Iowa Code 724.28), IND (Burns Ind. Code Ann. 35-47.11.1-4), KS (KSA 75-7c20) MD (Md Crim Law Code 4-299) MISS (Miss Code 45-9-53), MT (45—8-351, MCA), NEB (RRS Neb 15-225), NC (Gen. Stat. 14.409.40), ND (ND Cent Code 62.1-02-05), OR (ORS 166.173), SC (SC Code 23-31-520), TN (39-17-1359), TX (Tex Local Gov't Code 229.001), VA (Va Code Ann 15.20-915), and WV (W Va Code 8-12-5a).