



THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony in Opposition to LD 1378:
“An Act to Enact the Extreme Risk Protection Order Act Presented to the Joint Standing
Committee on Judiciary”
June 11, 2025

Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

Today, I am here on behalf of the Senate Republican Caucus to testify in opposition to this red flag legislation. This legislation is a one-size-fits-all initiative that proposes to undo the good work that was done by an overwhelmingly bipartisan Legislature just a few years ago when Maine’s Extreme Risk Protection Order statute, colloquially known as Maine’s yellow flag law, was enacted in 2019 under LD 1811.

Let us be clear: **Red flag laws ONLY remove firearms.** They provide no additional assistance for people in crisis. Furthermore, they are not served in conjunction with a protective custody order, the very foundation under which our current law is based upon that guarantees due process protections.

From a law enforcement perspective, these laws endanger not only the individual who is the subject of the order but also the officers executing it. If an individual receives a red flag order and police show up unannounced, it can increase mental health issues and heighten emotions unnecessarily.

The biggest issue with this initiative – unlike Maine’s already existing extreme risk protection order process – is that third parties can petition a court for an order. No actual notice is provided to the individual the order is granted against – only the party seeking the initial red flag order goes before the judge in an ex parte hearing. Under Maine’s yellow flag law, an individual is taken into protective custody first and evaluated prior to removing any weapons in his or her possession.

Red flag orders jeopardize due process. They do not follow the same evidentiary standards of a criminal hearing before depriving someone of their constitutionally protected rights. This deprivation of rights comes not as a result of a criminal conviction or mental adjudication, but rather third-party accusations that may prove untrue.

The last thing we need to do is pass a referendum that allows for these orders to be weaponized to deprive someone of their constitutional rights. This system is ripe for abuse. In fact, the ACLU of Rhode Island has even cautioned that red flag laws could be used in response to overblown political rhetoric on social media, jeopardizing First Amendment rights.

The tragedy in Lewiston left our entire state heartbroken, but Maine’s yellow flag law could have stopped it. Instead of burdening law enforcement with constant changes to Maine law, we should focus on providing the proper training and resources needed to enforce the laws we already have.

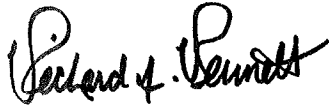
The undersigned Members of the Senate Republican Caucus

A stylized, handwritten signature in black ink, appearing to read "Trey Stewart".

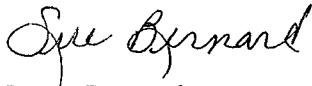
Sen. Trey Stewart
Senate Republican Leader

A stylized, handwritten signature in black ink, appearing to read "Matthew Harrington".

Sen. Matthew Harrington
Assistant Senate Republican Leader



Richard Bennett
State Senator



Susan Bernard
State Senator



Bruce Bickford
State Senator



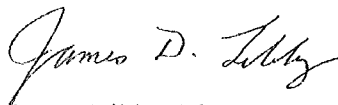
Russell Black
State Senator



Stacey Guerin
State Senator



David Haggan
State Senator



James Libby, PhD
State Senator



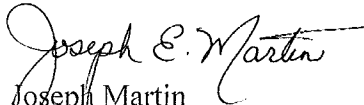
Richard Bradstreet
State Senator



Scott Cyrway
State Senator



Brad Farrin
State Senator



Joseph Martin
State Senator



Marianne Moore
State Senator



Jeff Timberlake
State Senator