



# HOUSE OF REPRESENTATIVES

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Senator Carney, Representative Kuhn and honorable members of the Judiciary Committee:

My name is Representative Jim Thorne and I represent House District 35 which includes the towns of Hermon and Carmel. I am here today to testify in strong opposition to LD 1378, "An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act."

Let me begin by acknowledging the sincere intent behind this legislation. We all want safe communities and effective responses to those at risk of harming themselves or others. However, LD 1378 introduces a system that undermines fundamental constitutional rights and fails to provide adequate due process protections, while offering questionable efficacy in actually preventing violence.

LD 1378 allows for the confiscation of firearms from individuals without prior notice or a hearing, based solely on allegations that have not yet been substantiated in court. Ex parte orders—where the respondent is not present or informed—are a serious infringement on a citizen's right to due process. This departs from longstanding principles of justice that presume innocence until proven guilty and require notice and opportunity to be heard.

The temporary loss of a fundamental constitutional right—here, the Second Amendment—should never be permitted without a full hearing before a neutral judge with evidence presented by both sides. LD 1378 circumvents that safeguard.

This bill opens the door to misuse by disgruntled acquaintances, partners in contentious divorces, or individuals with personal grievances. The standard of evidence required to obtain an order is often vague or overly broad, which can lead to retaliatory or politically motivated petitions.

Once an order is issued, it becomes the responsibility of the respondent to prove they are not a danger, effectively reversing the burden of proof. This undermines the presumption of innocence and places an undue legal and financial burden on the accused.

LD 1378 offers a punitive tool without addressing the core issue: mental health. If an individual is truly in crisis and considered dangerous, taking their firearms does not eliminate the risk—they may still access other means of harm. What they need is treatment, not just temporary disarmament.

Rather than creating legal mechanisms to remove weapons, we should be investing in better mental health services, crisis intervention teams, and community support networks that address the root causes of violence and self-harm.

While extreme risk protection orders may appear proactive, data on their effectiveness is mixed at best. There is scant evidence that such orders meaningfully reduce suicides or mass shootings. What they **DO** reliably create are civil liberty concerns and strained relationships between communities and law enforcement.

The right to keep and bear arms is a fundamental constitutional protection, under the Second Amendment, **NOT** a privilege subject to arbitrary suspension. LD 1378 sets a dangerous precedent by allowing the state to strip that right based on accusations rather than convictions, and without criminal proceedings.

While some may think the goal of LD 1378 may be commendable, the means by which it seeks to achieve them are constitutionally problematic, open to abuse, and lacking in evidence of effectiveness. I strongly urge this committee to **REJECT** LD 1378 and instead, pursue solutions that address the underlying issues of mental health and community violence without compromising civil liberties.

Thank you for your time and I'll be happy to answer any question you may have.