

Senator Carney, Representative Kuhn, other members of the Judiciary Committee, I appreciate the opportunity to offer testimony today on LD 1378, "An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order". My name is Dr. Mark McAllister. I was born and raised in Knox County, and now live in Rockport. I have been a practicing Emergency Physician in Maine for the last 14 years

It was six years ago, 2019, when I last stood before this committee, testifying regarding a very similar red flag bill as this one (the 129th Legislature's LD 1312). At that time, I raised my concern about this type of order. Nowhere in the proposed law did it mandate, or even provide for, mental health assistance to the individual deemed and imminent danger to themselves or others. It sought to remove dangerous weapons from the situation, while leaving the dangerous individual unaided, and still in imminent crisis. It was from that testimony that I was approached by then committee members Senators Michael Carpenter and Lisa Keim. They had heard my concerns, and together, were looking for a better way to keep the people of Maine safe. From that discussion, Maine's "Yellow Flag" law was born.

Maine has something special with its "Yellow Flag" law that other "Red Flag" states do not. Triggering the law immediately connects people with a mental health evaluation. If they are in need of help, it can begin on the spot. I myself have seen the "Yellow Flag" process used to get help for people in *true* crisis, a few whose stories would keep you awake at night. I have little doubt that it has saved lives in the process. There was vibrant discussion about our Yellow flag law in the aftermath of the horrors of the Lewiston shootings. I think that it was that event that ultimately led to this citizen's petition and the LD we are discussing today. From the investigations that followed the event, it was clear that the Lewiston shooting was not due to a failure of our Yellow Flag law. There was a failure to use it. From a news article in February of this yearⁱ, Maine's "Yellow Flag" has now been used over 600 times to intervene in cases when people presented an imminent threat to themselves or those around them.

I think that most of us would agree that identifying people at imminent threat of harming themselves or those around them is of vital importance. Why would we then choose to stop offering them the help that could keep them from carrying out their violent ends? I worry that Maine will be taking a big step backwards if it passes LD 1378, or if this is enacted as a referendum by Maine's Voters. What we have here in Maine with our version of a Risk Protection Order is special. Other states should be looking to copy us, not the other way around. I urge you to vote ought not to pass.

Mark McAllister, MD



ⁱ <https://mainemorningstar.com/2025/02/13/what-we-know-about-where-and-why-maines-yellow-flag-law-is-being-used/#:~:text=Even%20though%20the%20law%20has,SO%20Sanford%20PD%20State%20Police>