

“Senator Carney, Representative Kuhn, and esteemed members of the committee. My name is Rachel Herbener, and I live in Belfast. I respectfully testify in support of LD 1378: An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act, also known as ERPO.

I was one of many volunteers who collected over 70,000 citizen signatures to get ERPO on the ballot.

I had thoughtful conversations with supporters, skeptics and opponents. Many gun owners support this Act and many oppose. Some gun owners who initially opposed the Act changed their mind after I explained the narrow scope of ERPO.

ERPO allows families and law enforcement to petition a court to temporarily restrict someone's access to dangerous weapons when they're in a crisis. Many people that I spoke with were concerned that an angry co-worker or someone with a grudge could take their guns away. Due process protections are in place for the 21 states that currently have ERPO laws.

The petitioner must present evidence to a judge demonstrating that the respondent poses a significant danger of harming themselves or others with a firearm. Respondents are notified when an ERPO petition has been filed and ordered. Respondents can attend a hearing before a final ERPO, where they have the right to protest the order. While not required, respondents may bring witnesses or a lawyer to the hearing. If an ERPO is ordered, the respondent has the right to petition to change or terminate an order before the ERPO ends on its own.

This information is from Everytown for Gun Safety and the Institute for Firearm Injury Prevention at the University of Michigan. If you search on the internet you will see that law enforcement and other organizations confirm this legal process.

The process is not new territory for the Courts. Judges regularly hear cases of Domestic Abuse and file restraining orders if needed.

I know that some gun owners believe that any gun safety legislation threatens their rights. I, and many others who support ERPO, also support the right of citizens to own hunting rifles and handguns. ERPO doesn't restrict gun ownership, it creates a rapid response law that can save lives. Many gun owners who I spoke with understand the need for ERPO, citing the tragedy in Lewiston as one example of a failed Yellow Flag Law. The shooter's family had made repeated efforts to legally have his weapons removed, but could not directly apply to the courts. ERPO removes that roadblock when time is of the essence.