

# Maine Association of Psychiatric Physicians

Testimony of David Moltz, MD  
To the Joint Standing Committee on Judiciary  
132nd Maine State Legislature  
June 11, 2025  
Re: LD 1378

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

My name is Dr. David Moltz and I live in Portland, Maine. I am here today representing the Maine Association of Psychiatric Physicians, to express our support for LD 1378, An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act.

Maine's current risk protection order, the so-called "yellow flag law", has unquestionably been effective in saving lives. However it has significant deficiencies, which we believe would be addressed by the current legislation. As psychiatrists we feel strongly that the fact that the yellow flag law requires a finding of "a mentally ill person" who has a "disease", and the requirement for a mental health evaluation as part of the process of weapon removal, are significant weaknesses of the current law. A true extreme risk protection order (ERPO), as defined in LD 1378, addresses these problems, as follows.

- 1. An ERPO avoids stigmatizing and blaming mental illness.** The focus on mental illness in the yellow flag law feeds the misconception that mental illness is the cause of gun violence. In fact, only 3-5% of violent crimes are perpetrated by people with mental illness, and the vast majority of mentally ill persons are not dangerous<sup>1</sup>. LD 1378 appropriately makes dangerousness and threat the criteria for weapons removal, without invoking mental illness or disease.
- 2. It includes people who are a threat but are not mentally ill.** Most people who use guns aggressively are in crisis, but they are not necessarily mentally ill. They may have lost a job or a relationship, may be drinking too much, or may simply have a bad temper and get into an argument. These people do not have a definable mental illness or disease, so the yellow flag law would not apply to them, but an ERPO would.

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<sup>1</sup> Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, <https://www.samhsa.gov/mental-health/myths-and-facts#:~:text=Myth%3A%20People%20with%20mental%20health,with%20a%20serious%20mental%20illness.>

3. **It makes using the law less complicated and more efficient.** Requiring the mental health evaluation, however efficiently it is done, adds a step to the process, making it more cumbersome and harder to use. This bill simplifies the process, making it more likely to be used.
4. **It empowers family members.** Those most involved with the person, and perhaps most at risk, can act on their own to initiate weapons removal, without having to go through law enforcement. This eliminates an extra step, and gives family members direct access to the court system.
5. **It is less restrictive.** The current law requires the person to be taken into police custody, and forced to undergo a mental health assessment. An ERPO does not require these steps before the removal of weapons.
6. **It utilizes appropriate skills and training.** Mental health professionals do not have special skills or training in accurately assessing potential dangerousness. Law enforcement professionals do not have special skills or training in evaluating mental illness. This bill puts the decision on risk in the legal system, where it belongs.

If LD 1378 is enacted, it will not replace the yellow flag law. Rather, it will expand the range of options, and be available as another alternative for emergency weapons removal when appropriate. The Maine Association of Psychiatric Physicians urges you to vote “ought to pass” on LD 1378.

Thank you,

David Moltz, MD  
Chair, Clinical Practice Committee  
Maine Association of Psychiatric Physicians