



**Our Mission**

Maine Gun Safety Coalition promotes responsible gun ownership in order to create a safer Maine.

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Senator Rosen, Representative Warren, distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Nick Wilson and I am the Executive Director of the Maine Gun Safety Coalition. I appreciate the opportunity to testify neither in support or in opposition to LD 1401.

An individual is prohibited from possessing a firearm if they have been convicted of a Maine or federal law that is punishable by imprisonment for a term exceeding one year. LD 1401 will allow a court to let nonviolent felons to buy and possess guns at a judge's discretion.

Maine Gun Safety Coalition supports establishing a process for the restoration of firearm rights. State and federal prohibitions on firearm possession are intended to keep guns out of the hands at elevated risk for committing violence with a firearm. If someone wrote bad checks or had youthful indiscretions but did their time and have been law-abiding members of society, we feel they should have an opportunity to enjoy Maine's long tradition of hunting.

As currently written, we are concerned that this law is too wide in scope, doesn't require that offenders desist from criminal activity for any length of time before getting their guns back, and lacks language providing guidelines for judges to assess if someone is still a threat.

The bill uses "bodily injury" as the standard for violent versus nonviolent offenders. Bodily injury includes an exceptionally narrow set of crimes. As currently written, this bill allows sex and drug traffickers, arsonists, robbers, and individuals selling armor-piercing bullets to immediately get their gun rights back. Felons convicted of any crimes involving guns, such as trafficking guns, should not be eligible for restoration, nor should felons with a history of stalking or terrorizing women. If this bill includes too many categories and Maine experiences an increase in felons committing gun violence, all gun owners will unfairly look bad in the eyes of the public.

The current language also allows for restoration of firearm rights at sentencing, which undermines the intention of restoration – a previous offender has shown over time that they are rehabilitated and are no longer at elevated risk for violence. As a

point of reference, felons cannot currently apply for a black powder permit until five years have passed. Criminologists researching recidivism find that felons must stay out of trouble for about a decade before their risk of committing a crime equals that of people with no records.

We believe the bill should also include guidelines for judges to determine if someone is still a threat. For example, individuals who have committed two or more crimes involving drugs or alcohol within any three-year period are at much greater risk of committing a violent gun crime until they've gone ten years without committing a crime. Judges also need guidelines so that decisions are made based on risk, not unrelated economic or racial factors.

We are concerned that the current form of this bill may not satisfy the requirements documented in 18 U.S. Code § 921 to allow states to override federal prohibitors. ATF or the Attorney General's office may have to determine if this bill is in opposition to federal law because this bill aims to restore firearm rights but not additional rights. If this bill does not satisfy federal requirements, a Maine citizen who is given an exemption by a judge and subsequently buys a firearm through Uncle Henry's without a background check can believe they are complying with the law but be federally prosecuted for being a felon in possession of a firearm.

Despite our concerns, we are hopeful that we can work with the sponsors and other interested parties to introduce new language that helps this bill achieve its goal of establishing a mechanism for allowing our rehabilitated community members to regain basic constitutional rights. We applaud Senator Jackson for taking the leadership on this issue and we are looking forward to working with him and this committee to create a model law that balances public safety with our desire for our citizens to enjoy hunting in Maine's outdoors or the simple joys of target practice.