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**Executive Director:**

Geoff Bickford

Senator Deschambault, Representative Warren, and distinguished members of the Criminal Justice and Public Safety Committee, thank you for the opportunity to provide written testimony in support of LD 759, "An Act to Amend the Child Endangerment Laws to Include Certain Unauthorized Access to a Loaded Firearm."

For 21 years the Maine Gun Safety Coalition has advocated for commonsense gun safety measures that can and will save the lives of Mainers while still protecting the rights afforded gun owners under the state and federal constitutions. That is why we strongly support LD 759.

There is no greater, more important duty for government than to protect those that are unable to protect themselves from harm. This bill asks you to take on that sacred duty – but no more.

One child lost to or profoundly injured by a shooting in the home is too many, especially when the methods of preventing such a loss are so incredibly simple and inexpensive, and especially since keeping loaded firearms out of the hands of children requires only basic steps that every single responsible gun owner already takes. A simple trigger lock at the cost of \$5 can make sure that a child grows up and lives a full life, or that a teenager is not lost to a moment of impulse.

When tragedies occur like what we saw this past January in Waterville when a two year old was shot by an older sibling with their parents' gun, the event is often described as an "accident" or an "accidental shooting." Let me be clear: These are not accidents. The act of leaving a firearm in a place where a child can access it and discharge is intentional. That is a choice an adult makes. The children of Maine should not carry the burden of the unforgivable, pointless, irreversable actions of a parent or caregiver in their lives. Accidents are unforeseeable. Children accessing loaded firarms in their homes, or the homes of their family members or their friends is not unforeseeable; they are entirely foreseeable. Let this law be the tool that prevents the next foreseeable tragedy.

The importance of this bill is signified by all of the organizations and people that have or will come before you to speak in its favor. The Maine chapter of the American Academy of Pediatrics; the Maine Medical Association; the Maine Children's Alliance; members of law enforcement, doctors and surgeons,

parents, survivors. You will hear from some have lost a child in these circumstances, or know someone who has. They have seen what a gun can do to a child, to a family, to a community, to a state. They are taking time from their lives to impart their knowledge and experience to urge you to pass this bill so that you, or your family, or your constituents don't have to know or see or feel the same things they have.

Notably, this bill's terms would only become effective after a series of events has taken place: an adult ignoring the risk of a child in their care accessing their loaded weapon left in a place where it can be accessed, that child accessing the firearm, and that child discharging or using that gun. This bill is tailored to only the most egregious, irresponsible conduct, and is only enforceable after the fact. There can be no prophylactic enforcement, no safety checks, no searches or inspections or conduct that could ensnare responsible gun owners. Indeed, every responsible gun owner should support this law. They already do by their own conduct, and they have nothing to fear from it becoming law. This law simply empowers prosecutors to hold adults responsible in the most egregious of these always-tragic or frightening cases. At the same time, its passage would make clear that Mainers, with their long tradition of firearm ownership, value the lives and well-being over our children and the safe storage of those firearms in their presence. If this bill becomes law, and as a result, one adult in this state who has both a gun and child in their home decides that because the law commands them to keep their loaded firearms out of the reach of that child they will now do so, then every bit of labor, every minute of time, every word set to paper or spoken during the hearing or work session on this bill, from lawmakers and experts and citizens alike, will have been worth it, many, many times over.

Finally, there will undoubtedly be those that oppose this bill that will declare it unconstitutional under the Second Amendment to the United States Constitution, and its analogue in the Maine Constitution. This argument is meritless. As Justice Scalia noted in the single most important case on the right of citizens to keep firearms in their home, nothing in the Second Amendment prevents a government from passing reasonable regulations that protect the safety and welfare of its populace. 29 states and the District of Columbia understand full well that narrowly-tailored laws that in some limited manner protect children from unattended, loaded firearms are perfectly constitutional, as they have them as laws, and those laws have not been found unconstitutional. That list includes Texas, Kentucky, Indiana, Georgia, and Florida.

The 130<sup>th</sup> Maine Legislature will consider more than a thousand bills this session. All of them are important in their own way, and all of them will effect many, if not most Mainers in some sense. But it is not hyperbole to say that nothing you do this session can be more important than helping to prevent the tragic and preventable death of a child in this state. Please do so. On behalf of our Board of Directors and our thousands of statewide supporters, we urge this committee to issue an "Ought to Pass" report on LD 759.

Sincerely,

Geoff Bickford  
Executive Director  
(207) 780-0501  
Geoff@mainegunsafety.org

