

Daniel Emerson
South Berwick

I oppose LD 759 “An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm”

As I understand this proposal, it is once again an attack on law-abiding Maine citizens, and a direct violation of our Maine Constitutional rights, specifically Article 1, Section 16: “To keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned.”

No matter how virtuous and feel good this bill may be titled, it is gun control, plain and simple.

LD 759 is a superfluous bill that places unnecessary risk and burden on law-abiding gun owners in their own homes. The measure unnecessarily amends the statute governing reckless endangerment of a child, when current law already regulates access to firearms by minors, and the corresponding responsibilities of adults. LD 759 is so overly-broad that it even risks entrapping law abiding individuals who find and report an abandoned firearm, even though they had no previous possession of the firearm. You have existing law on your side. Enforce it!

Title 17-A: MAINE CRIMINAL CODE
Part 2: SUBSTANTIVE OFFENSES
Chapter 23: OFFENSES AGAINST THE FAMILY

§554. Endangering the welfare of a child

1. A person is guilty of endangering the welfare of a child if that person:

A. Knowingly permits a child to enter or remain in a house of prostitution. Violation of this paragraph is a Class D crime; [PL 2015, c. 358, §3 (AMD).]

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a Class D crime; [PL 2019, c. 495, §1 (AMD).]

B-1. [PL 2015, c. 358, §3 (RP).]

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person.

Violation of this paragraph is a Class C crime; [PL 2015, c. 358, §3 (AMD).]

B-3. Being the parent, foster parent, guardian or other person having the care and custody of a child, knowingly deprives the child of necessary health care, with a result that the child is placed in danger of serious harm. Violation of this paragraph is a Class D crime; or [PL 2015, c. 358, §3 (AMD).]

C. Otherwise recklessly endangers the health, safety or welfare of the child by violating a duty of care or protection. Violation of this paragraph is a Class D crime. [PL 2015, c. 358, §3 (AMD).]

[PL 2019, c. 495, §1 (AMD).]

2. It is an affirmative defense to prosecution under this section that:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence; [PL 2019, c. 495, §2 (AMD).]

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 22; or [PL 1991, c. 672, §2 (AMD).]

C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished the child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.

These “one-size-fits-all” storage laws impair the ability of law-abiding Mainers to access their firearms when they need them the most. The central component of the right to use firearms in defense of one’s home and loved ones, is actually being able to use them immediately in a self-defense situation.

I oppose any bill intending to strip Maine citizens of our Constitutional rights.

Again, I oppose LD 759 “An Act To Amend the Child Endangerment Laws To

Include Certain Unauthorized Access to a Loaded Firearm, and it “ought not to pass”.