

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

April 21, 2021

Joint Standing Committee on Criminal Justice and Public Safety

100 State House Station

Augusta, ME 04333

Dear Senator Deschambault, Representative Warren, and Honorable Members of the Committee:

I am writing to you regarding Legislative Document 759 (LD 759), an act to amend the child endangerment laws to include certain unauthorized access to a loaded firearm. On behalf of the National Rifle Association, I would like to express our strong opposition to this legislation.

LD 759 amends the Maine's statute governing reckless endangerment of a child. This bill is unnecessary and overly broad. Maine law already regulates access to firearms by minors and the corresponding responsibilities of adults. It is a crime to unlawfully transfer a handgun to a minor when the person knowingly transfers a handgun to a person who the transferor knows or has reasonable cause to believe is under 18 years old. Another statute prohibits anyone other than a parent, foster parent, guardian, or other approved adult from knowingly selling or transferring a long gun to a person under age 16. Lastly, the statute this bill proposes to amend, already covers the behavior outlined in this bill.

The bill is too broad, as it applies to a "person" who leaves or stores a gun – not just the owner or person in control of the gun. It applies to any location, not just a home, under the control of the "person." The only relevant factor is whether the premises is under the control of the person who leaves or stores the gun. It can entrap law-abiding citizens who did not place the gun in a location, or who do not own the gun. For example, a business owner who finds a gun abandoned in trash bins on his property and goes to call the police to report it, violates this law and could be liable if found by a child, even if it was not the business owner's gun and he did not place it there.

One-size-fits-all "safe storage" laws impair the ability of law-abiding Americans to access guns in the home to defend themselves and their families. In *Heller*, the Supreme Court affirmed that the need for defense is "most acute" in the home, and that the Second Amendment elevates the use of firearms in defense within the home above all other interests. "[T]he need for defense of self, family, and property is most acute" in the home, and the Second Amendment "elevates above all other interests" the right "to use arms in defense of hearth and home." The central component of the right to use arms in defense of one's home is the right to keep arms that are actually capable of being used, and used immediately, for self-defense.

On behalf of the thousands of NRA members in Maine, I urge you to oppose this legislation.

Please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren E. LePage".

Lauren E. LePage, Esq.  
State Director  
NRA-ILA