



## MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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April 21, 2021

Senator Susan Deschambault  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station Room 436  
Augusta, ME 04330

RE: LD 759 – An Act to Amend the Child Endangerment Laws to Include Certain  
Unauthorized Access to a Loaded Firearm

Dear Senator Deschambault, Representative Warren and Members of the Criminal  
Justice and Public Safety Committee:

MACDL opposes LD 759.

The reason here is simple: if a loaded firearm is stored or left in a place where a child is “likely to gain access” to that firearm, and bad things then happen, such conduct is already considered “reckless” and would be considered to be the crime of endangering the welfare of a child or reckless conduct.

Like the Criminal Law Advisory Commission, MACDL believes that adding crimes that address specific conduct that is already criminalized under broader provisions of the Criminal Code already is unnecessary and duplicative. It also adds confusion to the already broad statute that fully criminalizes the very conduct that this bill appears to be focused on. The last thing we need is more confusion in the Criminal Code, especially when Maine law already makes the very conduct at issue here unquestionably criminal already.

Thank you for the opportunity to address this issue.

Sincerely,

/s/ Walter McKee

Walter F. McKee  
Chair, Legislative Committee