



HOUSE OF REPRESENTATIVES

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Senator Deschambault, Representative Warren and honorable members of the Criminal Justice and Public Safety Committee - My name is John Andrews and I represent the towns of Buckfield, Hebron and Paris in western Maine. I am here today present my bill LD 1138, 'An Act to Eliminate the Statutory Duty to Retreat and Affirm the Right of Self-Defense'.

LD 1138 seeks to correct state statute to get it in line with the protections of our natural rights to 'Defend Life' and 'Obtain Safety' as stated in Article 1: Section 1 of the Maine state constitution:

Article 1 Declaration of Rights

Section 1: Natural Rights

'All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and DEFENDING LIFE and liberty, acquiring, possessing and protecting property and of pursuing and OBTAINING SAFETY and happiness.'

LD 1138 is necessary to affirm our Article 1 'Natural Rights' to protect everyday Mainers from harm if they face dangerous situations outside of their domicile. Currently, Mainers who face danger outside their homes are required to retreat from the encounter, surrender their property to someone asserting a claim to it and comply with a demand from an aggressor they are not obliged to perform. That is not a safe or rational standard and it is in clear violation of our state constitution and must be corrected. All Mainers have constitutional protections that guarantee the right to meet force with force to defend their lives or the lives of others so that they can obtain safety.

I submitted this bill for all communities of all types of people in Maine because everyone has the right to defend themselves in a place that they have a legal right to be if they face danger. Especially if that danger is motivated by hate.

A single mom walking through a desolate parking lot late at night after second shift who meets an attacker has the absolute right to defend herself with a firearm.

As does a father out with his family shopping at a mall when he hears the sound of gunfire break out. This recently happened in Nebraska to Scott Tofoya and his family. He corralled as many other shoppers as possible into to the dress shop his wife and daughters were shopping in and drew his weapon to stand guard to defend all of the innocent lives inside the store. Thankfully, he did not have to discharge his weapon. After the incident he said:

'I knew that if I ever pulled that out it would truly be a life and death situation and I would deal with the consequences later.'¹

Those consequences should not be in play if someone is defending themselves, their loved ones or other innocents where they legally have a right to be outside the home.

This law, LD 1138, is for every law-abiding citizen in our great state to protect themselves and others without having to worry about the current statute that violates their constitutional rights.

In fact, LD 1138 is a bill that will serve to help protect communities that often face threats of violence for simply existing. Ermiya Fanaeian a daughter of Iranian immigrants and an LGBTQ political organizer for the Pink Pistols (an LGBTQ Firearms Training Club) in Salt Lake City, Utah said in a recent interview that²:

'I understood the need for the LGBTQ people to protect ourselves from people who wanted to do serious harm to us. Pulse (Nightclub), for me, was a huge pivot point to shift my understanding of what guns can do for us.'

Ms. Fanaeian continued in the interview:

'I shifted my position when an attack happened in Michigan on a black transwoman at a gas station. A group of men had violently mobbed her. I realized then that not only did we need to protect ourselves, but the exact politicians who were calling to disarm working class Americans were doing nothing to protect her. That just made me realize that their

¹ "I never expected I would touch my gun": Dad pulls gun to protect family in Nebraska mall shooting". KETV7 Omaha, April 20, 2021. https://www.wmtw.com/article/i-never-expected-i-would-touch-my-gun-dad-pulls-ccw-gun-to-protect-family-in-saturday-shooting/36176260?utm_campaign=snd-autopilot#

² Recoil Magazine Issue 54; May 2021 p 74-80.

lack of care for protecting LGBTQ Americans, and not just that – they don't want us to be able to protect ourselves either'.

Simply put - LD 1138 is a bill for everyone's self-protection, safety and empowerment. It's a bill that protects the natural right to self-defense for all people and communities. It is necessary and must be enacted into law by the 130th legislature to allow all communities their inherent right to self-defense.

I would ask you to do the right thing and please vote, 'Ought to Pass' to correct the current statute to bring it in line with our state constitution and make Maine a safer place for everyone especially those in communities that might face violence for simply being who they are.

Thank you for your time and commitment to public service.

Respectfully,

John Andrews
State Representative