



# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002  
(207) 287-1400  
TTY: MAINE RELAY 711

## **Sam Zager**

90 Prospect Street  
Portland, ME 04103

Residence: (207) 400 - 6846

[Sam.Zager@legislature.maine.gov](mailto:Sam.Zager@legislature.maine.gov)

### *Testimony of Rep. Sam Zager in support of*

#### *LD 1454 An Act to Prohibit Untraceable and Undetectable Firearms*

#### *Before the Joint Standing Committee on Criminal Justice and Public Safety*

*May 3, 2021*

Senator Deschambault, Representative Warren, and other honorable committee members. I am Sam Zager, representing district 41 in Portland, and I appreciate the opportunity to come before you again, this time to present LD 1454, An Act to Prohibit Untraceable and Undetectable firearms, commonly called “Ghost Guns.”

Ghost guns are weapons that are produced by people who are not registered firearms manufacturers, outside of the legal framework we have been using for over half a century. Ghost guns are secretive, stealthy, and a fast-moving problem. They are proliferating rapidly due to an easily exploitable loophole in federal law, and technology far exceeding what existed when the legal framework was created. Often they are manufactured on 3D printers with easily downloadable computer code. These guns help criminals because they do not require a background check. They do not have a serial number, and are untraceable.

#### **Why do we care in Maine?**

1. As I testified two weeks ago before you, unfortunately, Maine is not as safe with respect to firearm deaths as many suggest. Sixteen states have a lower firearm death rates per capita.<sup>1</sup> Massachusetts, has fewer than 1/3 as many firearm deaths per capita. Over the last 15 years of available data on CDC’s website, Maine is even *worsening* in gun safety rankings.

2. Ghost guns are a large and growing problem. In California, the Bureau of Alcohol, Tobacco, and Firearms (ATF) found that nearly 1/3 of all weapons its agents recovered are unserialized, therefore untraceable.<sup>2</sup> California may seem far away, but please recall that a bit more than a year ago many people in Maine were actually posing the question, “Why would rise in cases of a

---

<sup>1</sup> [https://www.cdc.gov/nchs/pressroom/sosmap/firearm\\_mortality/firearm.htm](https://www.cdc.gov/nchs/pressroom/sosmap/firearm_mortality/firearm.htm)

<sup>2</sup> <https://www.thetrace.org/2019/05/ghost-gun-california-crime/>

new coronavirus on the West Coast matter for me?” Paying attention to significant trends matters for the health and wellness of Mainers.

3. The current federal legal framework is inadequate. The 1968 Gun Control Act (GCA) and subsequent laws and rules were put in place to keep firearms out of the hands of felons, those suffering from severe mental illness, and unsupervised minors. It was championed by all-American hero, decorated Marine Corps fighter pilot, astronaut, and future US senator John Glenn. The US Supreme Court subsequently upheld such reasonable steps to protect the safety of the general public.<sup>3</sup> It was a common-sense step, but times have changed since 1968: the Internet and 3-D printing have enabled an end run around the GCA. I believe that firearms *still* should be kept out of the hands of felons; those suffering from severe mental illness; and unsupervised minors, so we must keep our laws up-to-date with technology.

4. This end-run is a concern because the ATF really needs serial numbers to solve crimes. There is an average of over 200,000 guns that have been traced in this country every year to solve crimes.<sup>4</sup> This represents a hit rate of approximately 1 in every 2 traces.<sup>5</sup> David Chipman, a former ATF special agent and current nominee to lead the agency asserted, “a serial number is a key piece of evidence to trace a gun.”<sup>6</sup> A huge number of criminals commit lower level crimes before their headline crimes. That is why law-enforcement can use tools like LD 1454 to prevent horrific things from happening.

5. The Trump administration’s Bureau wrote, “ATF is well aware of the risk that ghost guns pose to public safety.” (ATF Asst Director Daniel Board, 10/7/2020).

#### **Mechanism of LD 1454.**

Given this threat to public safety, LD 1454 would prohibit the manufacture, distribution, and possession of undetectable and untraceable firearms. It includes clear provisions for law abiding gun owners and hobbyists to enjoy their rights without endangering the rights of others. I am glad to live in a state that has so many safe gun owners.

#### **Addressing prior concerns.**

You may recall a very similar bill being presented in the 129<sup>th</sup> Legislature. To address good questions that were discussed then:

1. Current federal law does *not* cover this particular problem of Ghost Guns. That is why legislation has been introduced in Congress in the past year. Last week, a ruling from the Ninth US Circuit in California demonstrated how the threat of ghost guns is not adequately addressed in current federal law.<sup>7</sup>

---

<sup>3</sup> Lewis v United States (1980)

<sup>4</sup> <https://giffords.org/lawcenter/gun-laws/policy-areas/hardware-ammunition/ghost-guns/>

<sup>5</sup> <https://www.atf.gov/resource-center/infographics/atf-numbers>

<sup>6</sup> Ibid.

<sup>7</sup> The Ninth Circuit’s decision on 4/27/21 overturned an injunction issued by a federal judge in Seattle in March 2020. U.S. District Judge Robert Lasnik had blocked two rules that transferred regulatory control of 3D-printed gun files from the State Department to the Commerce Department. The rules also removed ghost gun blueprints from a State Department list of munitions that require a license to export. Twenty-two states led by Washington state sued to prevent the rule changes from taking effect. In a 25-page opinion, U.S. Circuit Judges Jay Bybee, a George W. Bush appointee, and Ryan Nelson, a Donald

2. There was an incorrect belief that this proposal would only inconvenience law-abiding gun owners, and do nothing to actually stop criminal use of firearms.

First, let us remember that a huge portion of firearm deaths occur outside of criminal conduct.

- a) One example is suicide, because in Maine most suicides are done with firearms.
- b) Another example is accidents. Consider the accidents that the Federal Aviation Administration aims to prevent by requiring law-abiding drone operators to register their hobby drones. LD 1454 provides a way for gun-manufacturing hobbyists to similarly register their DIY creations. In both cases, it's for public safety.

Second, heinous crimes are so often perpetrated by criminals who climb an escalating ladder of smaller crimes. A lot of law enforcement involves intervening on lower level crimes, in order to prevent bigger ones.

### **Summary**

LD 1454 would permit responsible gun owners to exercise their rights, and protect Mainers by preventing the widespread unregulated proliferation of these secretive, unregistered, untraceable weapons.

Thank you for your consideration. I would be glad to answer questions, or defer the ones I'm not an expert on to one of the many testifiers to follow.

---

Trump appointee, concluded that courts lack authority to review the challenged rule changes.  
<https://www.courthousenews.com/ninth-circuit-lifts-ban-on-3d-printed-gun-blueprints/>