

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

My name is Donna Stevens, I am a resident of Bath, and I'm testifying in favor of **LD 1179, "An Act to Restrict Maine Law Enforcement Participation in Federal Firearm Confiscation or Buy-back Programs without Legislative Approval"**.

A lot of supportive testimony focuses on how confiscation and mandatory buybacks violate both the U.S. and Maine Constitutions, and how government can't "buy back" what they never owned or sold.

I would like to focus instead on the State's right to nullify any Federal Law even when deemed Constitutional.

The case for a State to legally nullify a federal law doesn't depend upon constitutionality of the law the state seeks to nullify.

In 5 cases between 1842 and 2018, the U.S. Supreme Court has upheld the legal doctrine known as "anti-commandeering" which holds that the federal government can't require states and/or localities to participate in the enforcement of federal laws or compel the use of public resources in enforcement.

I'd like to highlight 2 of those SCOTUS rulings I find particularly relevant to this legislation.

SCOTUS' **Printz v. United States** ruling in 1997 addressed a provision in the Brady Gun Bill that required county law enforcement officers to administer part of the background check program. The argument was the provisions unconstitutionally forced them to administer a federal program. I believe it was Justice Antonin Scalia that wrote in the ruling, *"We held in New York that Congress cannot compel the States to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by conscripting the States' officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty."*

SCOTUS's **Prigg v. Pennsylvania** ruling in 1842 upheld that the state had a right not to participate in enforcing the federal law, the Fugitive Slave Act of 1793.

LD 1179 would empower Maine's Legislature, the duly elected voice of the people, to ensure any federal directive to confiscate the firearms, and ammunition feeding devices of law abiding citizens, thus taking away their ability to adequately defend themselves or even hunt with their

firearm of choice, is reasonable in comparison to what the current event may be that is precipitating the federal directive, and empower the legislature acting as the voice of the people to ensure that any federal laws do not compel Maine to act in a manner repugnant to the human and constitutional rights of Maine people, among which is the right to keep and bear arms and to be secure in our right to life by adequate means to protect and defend it.

At times in history, federal laws are known to be in violation of, and combative to, human rights and of some humans' rights to life, liberty, and property, and as we should all be in favor of preserving Maine's rights to not blindly enforce federal laws, I ask you to vote OUGHT to PASS on LD 1179.

Thank You for your time and hard work for Maine and our people.

Regards,
Donna Stevens
Bath, ME