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Testimony in Support

LD 1179, An Act to Restrict Maine Law Enforcement Participation in Federal Firearm Confiscation or Buy-back Programs without Legislative Approval

Presented by David Trahan, Executive Director of SAM-ILA

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Senator Deschambault, Representative Warren, and members of the Committee on Criminal Justice and Public Safety, I am David Trahan, Executive Director of the Sportsman's Alliance of Maine, Institute for Legislative Action and I am testifying in support of LD 1179, An Act To Restrict Maine Law Enforcement Participation in Federal Firearm Confiscation or Buy-back Programs without Legislative Approval.

LD 1179 seeks to reinforce the established legal precedent that states have the sovereign right to self-govern and when the President passes an Executive Order or Congress passes a law, states are not obligated to use state employees to enforce them. A good example of this case is border enforcement of federal immigration law. Congress has passed immigration laws, but many states are refusing to use their law enforcement or state resources to assist federal agents.

Additional precedent for the legislation in front of you today goes all the way back to 1793 when the federal government passed two Fugitive Slave Acts and then in 1855 when the state of Maine joined several northern states to pass Personal Liberty Laws barring judges or law enforcement from rounding up fugitive slaves on behalf of the federal government and sending them back to slave owners. Just like LD 1179, the Personal Liberty Laws forbade state officials and the police from helping to enforce federal laws, except, in this case, LD 1179 does allow state law enforcement to participate in a firearm confiscation or buy-back program, but only with the approval of our duly elected and accountable State Legislature and Governor.

Currently, the gun control debate is raging in Congress and our President supports banning certain firearms and some firearm accessories. There is also discussion about instituting firearm confiscation and, or firearm buy-back programs targeting legally owned firearms and owners. This controversial debate is totally appropriate and the way we make laws in this country, but what is good in Washington, is not necessarily good for Maine.

LD 1179 is Legislation that guarantees Maine people have a say through their elected lawmakers whether their state taxpayer dollars will be used for a federal program the majority of Maine people may or may not support. This legislation does not stop the federal government from enforcing their policy it just means they have to do it themselves unless our lawmakers agree.

“The Fugitive Slave Acts were a pair of federal laws that allowed for the capture and return of runaway enslaved people within the territory of the United States. Enacted by Congress in 1793, the first Fugitive Slave Act authorized local governments to seize and return escapees to their owners and imposed penalties on anyone who aided in their flight. Widespread resistance to the 1793 law led to the passage of the Fugitive Slave Act of 1850, which added more provisions regarding runaways and levied even harsher punishments for interfering in their capture. The Fugitive Slave Acts were among the most controversial laws of the early 19th century.”

<https://www.history.com/topics/black-history/fugitive-slave-acts>

“The personal liberty laws were a series of legislative acts that were implemented in the [United States](#) between the 1800s and the beginning of the [civil war](#). These laws were a direct response to the Fugitive Slave Acts of 1793 and of 1850. The Personal Liberty Laws were designed to make the legal system more fair for all people and to ensure the safety of freedmen and escaped slaves without employing the controversial tactic of nullification.^[1] The reasoning behind this decision was simply to avoid more feuding between the northern and southern states. Only two states, [New Jersey](#), and [California](#), gave direct official sanction or assistance to the forced return of fugitive slaves, but [Indiana](#), [Illinois](#) and [Oregon](#), did so indirectly, by prohibiting the entrance within their borders of black people either slave or free. However, the United States would still endure a tense and strained relationship between the Northern and [Southern states](#) in the years leading up to the civil war.^[2]”

https://en.wikipedia.org/wiki/Personal_liberty_laws