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LD 1109

LD 1109: An Act to Reduce Gun Violence Casualties in Maine by Prohibiting the Possession of Large-capacity Ammunition Feeding Devices

Good Morning,

I am Jonathan Burbank, I live in Harpswell Maine. I asking you to vote “ought not to pass” and oppose LD1109. This bill will severely impact lawful gun owners and do absolutely nothing to reduce “gun violence casualties”. There are lots of problems with this bill some of which I have detailed below.

1. There is no evidence that magazine bans reduce gun violence casualties. A very small minority of States has enacted magazine restrictions and there is no statistical evidence they have any positive effect (example an extensive Rand study “we find limited evidence that high-capacity magazine bans reduce mass shootings.”) Many similar studies same result. California leads the nation in mass shootings despite its long standing magazine restrictions. In point of history, we had a nationwide Federal 10 round magazine limitation from 1994-2004 and numerous studies shows it had no effect. There is no case of mass shootings in which the round capacity of a magazine mattered and numerous examples of tragic events show mass murderers do just fine with less rounds in a magazine because changing magazines can be done so easily and they have so much time i.e Parkland shooting. There is simply no public safety benefit to this law.

2. Lawful gun owners are the only ones affected. Criminals won’t care about this in any way. It’s not like they can’t get magazines of higher capacity. There are an estimated 200 million of these in circulation and if stealing them seems like too much work you can just go to NH and purchase them legally. But, in truth, magazines holding more than ten rounds are the most common magazines in the country. They come standard with the most popular firearms sold nationwide. As the district court in the CA case, which ruled restricting them is unconstitutional, observed, “in the realm of firearms,” these magazines “are possibly the most commonly owned thing in America.” No criminal will be deterred in any way by this law.

3. This likely constitutes a taking under the Constitution. As drafted the bill will not only prohibit removable magazines greater than 10 rounds but the internal capacity of guns without magazines like those that are tube fed or belt fed. These cannot be modified so the bill renders these guns contraband. These claims are very likely to succeed as takings.

4. This bill has a massive cost for lawful gun owners. Lawful gun owners will face a huge financial burden (to purchase new 10 rd magazines, if available) and the loss of money in the course of disposing of the now illegal ones. As well as the complete loss on firearms that cannot comply and cannot be replaced. For the average law abiding gun owner these will be substantial costs with no benefit. That’s just a bad law. And for many guns new compliant or modified magazines are simply not available.

5. The costs of defending this by the State will be huge. The State is going to spend millions defending this in court. IT WILL BE LITIGATED by a substantial number of parties. The case in CA about this issue has been ongoing since 2000 and has been back and forth to the 9th circuit a number of times. FOR WHAT? California still leads the nation in mass shootings.

6. Lawful Self Defense is a legitimate need of more than 10 rounds. Since criminals don’t care the only ones affected by this are lawful gun owners. And while Maine is one of the safest States, lawful self defense is still a right. And needing more than 10 rounds is a routine need demonstrated repeatedly in self defense cases nationwide. According to a 2015 study by the International Journal of Police Science & Management, novice shooters have a 39 percent hit probability over typical

engagement distances. That, combined with the fact that an assailant is rarely stopped by a single bullet from many guns, and multiple assailants are very common makes magazine capacity all the more important for effective defensive use of a firearm. The CDC report that Americans use their firearms defensively between 500,000 and 3,000,000 million times each year.

7. Compliance is impossible for many guns. Many guns, some passed down through generations within a family, are designs for which modification for compliance is impossible. Now here we are with the owner left with the choice of disposing of or destroying family heirlooms or being a criminal.

8. 10 rounds is a completely arbitrary number and nonsense. Of the States that limit magazine capacity 10 is rarely the number. CO 15, CT and DE 17, IL and HI 10/15, MA, NJ, NY, OR and VT 10/15. Its not a magic number that means something for public safety, its an arbitrary distinction that has no business in Statute and penalizing solely lawful gun owners.

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