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Testimony of Senator Anne Carney introducing
LD 677, An Act to Update the Statutory Definition of "Machine Gun" and
Prohibit Possession of a Rapid-fire Device
before the Joint Standing Committee on Judiciary
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Representative Kuhn and esteemed colleagues on the Committee on Judiciary, I am Senator Anne Carney, proudly representing Senate District 29, which includes South Portland, Cape Elizabeth and part of Scarborough. It is a pleasure to be with you today to introduce [LD 677](#), An Act to Update the Statutory Definition of "Machine Gun" and Prohibit Possession of a Rapid-fire Device.”

This proposed legislation does two things. First, it updates the definition of machine gun in Maine law to account for devices and alterations to semi-automatic firearms that have developed since our current law was enacted in 1975. Second, it defines “rapid-fire device” as a device that increases the rate of fire of a semi-automatic firearm above the rate of fire of the semi-automatic firearm absent the device, which causes a semi-automatic weapon to function like a machine gun, and prohibits possession of a “rapid-fire device.”

History of Regulation of Machine Guns

Federal and state policy prohibiting machine guns is sound. Regulation of civilian possession and use of machine guns began in the 1930s in response to their use in crime and against law enforcement officers. The National Firearms Act of 1934 required registration of machine guns and imposed a tax on their transfer. §§ 3-6, 48 Stat. 1237- 1238. Legislative history establishes that Congress adopted the act because the “gangster as a law violator must be deprived of his most dangerous weapon, the machine gun,” and “there is no reason why anyone except a law officer should have a machine gun.” S. Rep. No. 1444, 73d Cong., 2d Sess. 1-2 (1934) (Senate Report).

The federal law was amended in 1968 and 1986. The 1986 law made possessing or transferring machine guns a crime, but ‘grandfathered’ those lawfully possessed before the effective date of the 1986 law. 18 U.S.C. §922. In essence, the law limited the level of machine guns circulating in the civilian population to the number available in 1986. Congress took that step to provide “more effective protection of law enforcement officers from the proliferation of machine guns.”

H.R. Rep. No. 495, 99th Cong., 2d Sess. 7 (1986). Prohibiting civilians from possessing and transferring machine guns makes sense. A machine gun fires 98 shots in 7 seconds.

The most recent change in regulation of machine guns came in response to the 2017 mass shooting in Las Vegas, Nevada. A gunman in a hotel room overlooking an outdoor concert used firearms equipped with ‘bump stocks’ to kill 60 people and injure 500 by shooting from his 32nd floor window. Based on audio from the October 1, 2017 mass shooting in Las Vegas, a semi-automatic firearm equipped with a bump stock fired 90 shots in 10 seconds. By way of comparison, audio from the June 12, 2016 mass shooting at an Orlando, FL nightclub indicates that a semi-automatic firearm without such a device fired 24 shots in 9 seconds. *See this [article](#) for more.*

In response to the Las Vegas mass shooting, President Trump then in his first term, issued a [directive](#) to the Department of Justice to adopt regulations “banning all devices that turn legal weapons into machineguns” by clarifying the definition of “machine gun” under Federal law.

In 2024, the U.S. Supreme Court issued a [decision](#) in *Garland v. Cargill*, No. 22-976, that struck down the federal regulations adopted in response to the Las Vegas mass shooting, holding that ATF exceeded its statutory authority by classifying a bump stock as a “machinegun” because a bump stock does not fall under the federal statutory language that defines a machine gun as a weapon that can “shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” 26 U. S. C. §5845(b).

I will note for the committee that the federal definition is significantly different from Maine’s definition and is based on the narrow issue of use of the word “automatically” that does not apply to current Maine law or to the proposed amendment. As such, the *Cargill* ruling does not impact interpretation of Maine’s current statutory definition of machine gun or the language proposed in this legislation. It simply means that federal law enforcement efforts to prevent use and possession of bump stocks have ceased.

Updating Maine’s Definition of Machine Gun

Possession or transfer of a machine gun is already prohibited by state and federal law. Current Maine law, from 1975, defines a machine gun as “a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.” 17-A MRS §1051(2).

The bill updates Maine’s definition of “machine gun” to account for technology developed over the last 50 years that converts a firearm into a machine gun. This technology includes a device that allows the firearm to discharge 2 or more shots with a single pull of the trigger (also called a “burst trigger system” or “auto sear”); a device that applies force to a firearm’s trigger bar to prevent it from limiting the weapon to firing only one round each time the trigger is depressed (also called a “switch”); and a power-driven device that, when installed in or attached to a firearm, repeatedly activates the trigger of the firearm through the use of a crank, a lever or any other part that is turned in a circular motion (sometimes called a “Gat crank”). These devices

meet the current federal definition of “machine gun” set out in the National Firearms Act at 26 USC §5845(b). Possession or transfer of these devices is illegal under federal law except by a Federal Firearms Licensee and has paid the fee required Special Occupational Tax. *More information [here](#).*

The United States Attorney’s Office for the Central District of California and the ATF Los Angeles Field Division put it very plainly:

Conversion devices are advertised using misleading names and deceptive descriptions intended to avoid detection by law enforcement and defeat protocols used by internet vendors. Often the devices are advertised with the assertion that the purchase and possession of the devices is lawful. This is not true. A conversion device just on its own is considered an illegal machine gun under federal law and cannot be possessed, even without a pistol or rifle.

Press Release, [U.S. Attorney's Office, Central District of California](#), January 11, 2024.

Under current law, possession of a machine gun is a Class D crime. Therefore, possession or transfer of the devices included in the updated definition of “machine gun” would also be a Class D crime.

Rapid-fire Device Definition

LD 677 defines “rapid-fire device” and makes possession of a rapid-fire device a Class D crime. A “rapid-fire device” is defined as “a device, part or combination of parts that ... materially increases the rate of fire of a semi-automatic firearm above the rate of fire of the semi-automatic firearm absent the device, part or combination of parts.” It is a clearly stated description. If the device does not already fall within the definition of “machine gun” but does increase the rate of fire of a semi-automatic firearm as compared to the firearm absent the device, it is a prohibited “rapid-fire device.”

The legislation references three types of recently developed technology that fall within the definition of “rapid-fire device:” a device that increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger (also called a “bump stock” or “hellfire trigger”); a device that, when installed in or attached to a firearm, fires both when the trigger is pulled and on release of the trigger (also called a “binary trigger system”); and a manual device that repeatedly activates the trigger of the firearm through the use of a crank, a lever or any other part that is turned in a circular motion (sometimes called a “trigger crank”).

Here are two examples, done for other purposes, that demonstrate a material increase in rate of fire due to a device. [Comparison of audio from two mass shootings](#), the Oct. 1, 2017, Las Vegas concert and the [Pulse nightclub shooting](#) in Orlando on June 12, 2016, shows that a bump stock more than triples the rate at which a semi-automatic weapon fires. A [“Gat Crank” marketing video](#) shows how those devices more than quadruple the rate of fire.

Fifteen states have restricted the sale of bump stocks and other rapid-fire devices and alterations. Three states, Colorado, Illinois and Nevada, use an approach similar to LD 677.

The Urgent Public Safety Concern

ATF [data](#) reported a 570% increase in the number of conversion devices collected by police departments between 2017 and 2021, the most recent data available. Because these devices turn semi-automatic weapons into fully automatic machine guns, they create significant law enforcement and public safety concerns. Outdated laws that lag behind technology make devices to increase a firearm's lethality cheap, easy to acquire and able to skirt laws banning machine guns. This includes the bump stocks used to kill 60 and injure 500 in the [2017 Las Vegas shooting](#) and "Glock switches" used in the [Alabama sweet-sixteen party](#) shooting that left four dead and 32 injured last April. "Police officers are facing down fully automatic weapon fire in amounts that haven't existed in this country since the days of Al Capone and the Tommy gun," [said](#) Steve Dettelbach, director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF. "It's a huge problem."

The prevalence of these devices, along with the U.S. Supreme Court's June 14, 2024, decision ending the federal regulation of bump stocks, adds urgency to this legislation. Passage is critically important to protecting the safety of Mainers. State enforcement is now the only means to uphold the long-standing public safety policy of regulating or prohibiting automatic weapons and their equivalents that has been federal law for 90 years.

I'll close by calling your attention to Vermont, which I think is a powerful example of the importance of state legislation to prevent legal firearms from being turned into illegal automatic weapons. In response to a narrowly-averted school shooting in 2018, Vermont's Republican Governor Phil Scott [advocated](#) for passage of a bill prohibiting rapid-fire devices: "To be sure the positive step forward at the federal level is not reversed by a future federal administration, the legislature should pass H. 876 and ensure Vermont is not enabling the use of devices and accessories that convert legal firearms to illegal automatic weapons."

Passage of LD 677 would give Maine law enforcement agencies authority to prohibit devices that convert lawful semi-automatic weapons into illegal automatic weapons and allow our state to address the significant public safety threats posed by automatic weapons. I urge the committee to vote ought to pass on LD 677. Thank you for your time and consideration today. I am happy to answer your questions.

Anne Carney

State Senator, District 29

South Portland, Cape Elizabeth, and part of Scarborough