

3/23/2025

To Whom it May Concern,

I am writing you today to strongly urge your opposition to a bill currently under consideration by your committee: LD1109 An Act to Reduce Gun Violence Casualties in Maine by Prohibiting the Possession of Large-capacity Ammunition Feeding Devices.

I will spare you the arguments about the Second Amendment and the right to personal property. This will be pragmatic argument.

You likely know that Maine has for a long time had a large proportion of firearms ownership. Current statistics show about half of households in the state own at least one firearm (significantly higher than the national average). If Maine firearms owners are anything like the country as a whole, the largest percentage of firearms are handguns, followed by rifles, and then shotguns.

You may not know that most handguns sold in the United States today come with so called "high capacity" magazines. A large percentage of rifles do as well, though likely not the majority. While it is impossible to get exact figures on this, a **conservative** estimate would be that about 1/3 of households in the state, or about 500,000 people live in households with "high capacity" magazines.

This bill makes these people criminals overnight for doing nothing more than owning a small plastic or metal box containing a spring. Now certainly these people could destroy or otherwise dispose of these magazines, and likely some of them will. It is certain, however, that hundreds of thousands of households will continue to possess these magazines, in many cases not even aware they are breaking the law.

Now certainly law enforcement will encounter people possessing these magazines in the course of their duties, in many cases when no other law has been broken. It will then be at the discretion of the individual officer whether to arrest an otherwise law-abiding person for possessing a little box with a spring or to ignore the law. I suspect in most cases the law will be ignored. Do we really want to create a situation where the freedom of otherwise law-abiding people, ignorant of the law, is at the discretion of whatever law enforcement officer they happen to encounter? Is that likely to engender a good relationship between the population and the police? Is that discretion likely to be applied evenly across racial and socioeconomic classes?

We all know that the VAST majority of gun violence in the state falls into three categories: (A) domestic violence, (B) violence between groups of individuals involved in other criminal activities largely in urban areas, and rarely, (C) mass shooting events.

I think it is fairly obvious that you don't need a "high capacity" magazine to kill a family member at home (A). It should also be fairly obvious that people engaged in ongoing criminal enterprise (B) or planning a mass shooting (C) are not concerned with laws regarding magazine capacity. They will not be turning in or destroying any "high capacity" magazines they possess and would certainly not hesitate to easily obtain them out of state.

The net effect of this law is to inconvenience and criminalize law-abiding gun owners, deprive them of their property, and have NO effect of gun violence. You know this is true.

As an aside, several days ago federal judge Lawrence VanDyke of the US 9th District Court of Appeals published a video explaining how he believes so called "high-capacity" magazines are protected by the Second Amendment. This issue is likely to be decided by the Supreme Court. I have provided you a web address should you like to view his explanation.
www.youtube.com/watch?v=DMC7Ntd4d4c

Thank you for your time,

Gregory Foos, MD
7 Penwood Circle
Cape Elizabeth, ME