

Testimony of the Maine Municipal Association

In Opposition to

LD 1743, An Act to Allow Municipalities to Prohibit Firearms Within Their Municipal Buildings and Voting Places and at Their Municipal Public Proceedings

May 1, 2025

Senator Carney, Representative Kuhn and members of the Judiciary Committee, my name is Kate Dufour, and I am submitting testimony in support of LD 1743 on behalf of MMA's Legislative Policy Committee, which establishes the association's positions on all municipally relevant legislation.

Municipal official support LD 1743 because the bill promotes home rule authority and entrusts elected officials and participants at town meetings with the responsibility to determine whether to impose a very limited restriction on the possession of firearms in places where people gather to conduct municipal business. Under existing law, the state has preempted municipal authority to regulate firearms, with the only exception being the adoption of firearms discharge ordinances. Unlike the Legislature, under all other circumstances, municipalities cannot regulate the possession of firearms.

While municipal officials certainly understand the concerns that will be raised regarding constitutional rights, they believe the proposal found in LD 1743 makes every effort to address that concern.

First, the bill identifies places where the possession of firearms could be limited by municipal ordinances. As proposed in the bill, the limit could only be imposed in municipal buildings, voting places and at municipal public proceedings, which is defined as "the transactions of any functions affecting any citizens of the State by any board, commission, agency or authority of any municipality or other political or administrative subdivision of a municipality." The bill also provides that notice of the prohibition must be posted, in a prominent location outside of all buildings and other places where the prohibition is in effect and spell out any exemption to the prohibition. Additionally, the bill protects the ability of a federal, state, county or local law enforcement officer to possess a firearm in areas where it is otherwise prohibited.

Second, and more importantly, the bill requires the people in the municipality to decide whether the limited restriction meets the unique needs of the community. The restriction becomes effective if, and only if, the community adopts the ordinance. The decision to move forward with ordinance is entirely up to the residents of the community.

Finally, it is important to note that during our policy committee's debate on this issue, municipal officials were split on whether the authority provided in the bill would benefit their communities. Some municipal officials believe that the ability to restrict areas where firearms can be carried would address the intimidation that some residents feel when attending a public meeting where others are carrying firearms. Other municipal officials believe that the prohibition could provide a false sense of security. However, all agree that the local legislative body is in the best position possible to make that determination for their community.

Thank you for your time and consideration of the municipal perspective on this issue.