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LD 411

Joint Standing Committee on Criminal Justice and Public Safety
c/o Office of the Revisor of Statutes
State House Station #13
Augusta, ME 04333

Opposition Testimony — Legalization of Automatic Firearm Destruction under Title 17-A Forfeiture Provisions

Honorable Members of the Committee:

I respectfully submit this testimony in opposition to any legislative proposal or interpretation that would legalize the automatic or premature destruction of firearms forfeited under Title 17-A, specifically those related to:

Section 393

Section 1105-A, subsection 1, paragraph C-1

Section 1105-B, subsection 1, paragraph C

Section 1105-C, subsection 1, paragraph C-1

Section 1105-D, subsection 1, paragraph B-1

Section 1118-A, subsection 1, paragraph B

It appears the current direction of the law aims to authorize or codify the destruction of firearms upon seizure and forfeiture in connection with drug and firearm possession charges, even before proper adjudication or outside of judicial oversight. This represents a dangerous expansion of government power and raises serious concerns about due process, property rights, and constitutional protections under both the U.S. and Maine Constitutions.

While I understand the public safety motivations behind removing firearms connected to criminal activity, the push to make destruction legal by default undermines long-standing legal norms that require:

1. A judicial finding of forfeiture following due process;
2. An opportunity for the owner to contest the seizure or assert lawful ownership;
3. A clear distinction between firearms used in criminal conduct and those that are lawfully owned but merely seized incidentally.

Legitimizing destruction without these safeguards creates a precedent that property can be permanently taken and destroyed by the state without the full protection of the courts, and often from individuals who have not yet been convicted of a disqualifying offense.

I urge this Committee to reject any proposal that seeks to short-circuit due process in favor of administrative efficiency. If anything, legislation should strengthen judicial review of forfeiture and destruction, not diminish it.

Thank you for your time and commitment to safeguarding the rights of all Mainers.