

## LD 1378 - An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act

### Memorandum of Opposition

Date: June 11, 2025

To: Honorable Members of the Judiciary Committee Members,

From: Jonathan Martell

RE: LD 1378 - An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act

Members of the committee, I would like to express my Opposition of LD 1378 - An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act

My Name is Jonathan Martell, from Sanford.

I am a currently serving Sanford City Councilor, Lifetime member of the Gun Owners of Maine, Legislative Officer for the Sanford Springvale Fish and Game Club, NRA Range Safety Officer, and lifelong firearms enthusiast.

Maine has long been one of the safest States in the Nation. We don't need people from other states, with higher crime rates, telling us how to live.

Red Flag Laws allow – without the person's prior knowledge and with very little evidence – someone's firearms to be removed based on a petition by their family members (including former spouses or partners), household members or law enforcement.

Red Flag Laws have no due process: having your property removed BEFORE having your day in court is not an American value.

### SAY NO TO GUILTY UNTIL PROVEN INNOCENT

Red Flag laws allow the removal of firearms without trial.

National statistics show nearly 80% of those who have their firearms removed by a Red Flag Order have never committed a crime.

In other states, Red Flag or "Extreme Risk Protection Orders" are granted 97% of the time based on hearsay and a low standard of evidence. To get your firearms back, however, you must provide a heavy burden of evidence to prove you aren't a threat. This often comes at great cost (hiring an attorney, missing work, tarnished reputation).

Other states have also seen Red Flag laws used as retaliation for differing beliefs, and used by domestic abusers to disarm their victims.

### SAY NO TO FALLING THROUGH THE CRACKS

Red Flag Laws do nothing to help the person whose firearms have been removed. There are no mental health evaluations, no restraining orders, no protection offered for the people the person is accused of being a potential threat to.

Red Flag Laws can cause:

A suicidal person to be left with a continued determination to take their own life and helpless.

A retaliatory event against their accuser.

Higher risk to the public from a person who has not been jailed or restrained, but instead has just had their

property taken without notice, and is now potentially more dangerous than ever.

#### SAY NO TO REMOVAL OF DUE PROCESS

Under Red Flag Laws, law enforcement can be directed to show up at our homes without notice to remove our property. This has resulted in dangerous or even deadly altercations in other states that already have Red Flag Laws.

#### SAY NO TO ENDANGERING LAW ENFORCEMENT

Our law enforcement officers are busy protecting our communities. This law would force them to take time away from finding actual criminals and force them to raid the homes of people who may have never even committed a crime.

#### SAY NO TO OUTSIDE MONEY

Our Maine heritage is one of independence, high rates of legal firearms ownership, and the belief that you are innocent until proven guilty-not the other way around.

Out of state wealthy elites are spending millions of dollars in our state to influence our way of life. We need to enforce the laws we already have on the books and not spend hours of time confiscating the guns of a person who "might" commit a crime in the future.

Please stop the hate and blatant disregard for our Civil Rights, and vote ought not to pass for this bill.

Sincerely,

Jonathan Martell  
Sanford, ME

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LD 1378

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