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Subject: Opposition to Proposed Red Flag Law / ERPO Legislation

To the Members of the Judiciary Committee,

I write today in strong opposition to the proposed Red Flag Law, or Extreme Risk Protection Order (ERPO) legislation, currently under discussion in the Maine Legislature. While I recognize the importance of public safety and mental health intervention, I believe this bill, as drafted, poses significant threats to due process, individual rights, and Second Amendment protections.

The foundation of this law allows for the temporary confiscation of firearms from individuals based solely on allegations or perceived threats — not on a criminal conviction or a formal mental health adjudication. This undermines constitutional protections by allowing law enforcement to remove firearms before the accused has a chance to defend themselves in a court of law. Preemptive seizure based on speculation, rather than proof, reverses the presumption of innocence and denies lawful gun owners their rights without due process.

The bill's language is overly broad, leaving it vulnerable to misuse or abuse by individuals with personal grievances. There are insufficient safeguards in place to prevent false or retaliatory claims, and the judicial oversight outlined in the proposal falls short of the rigorous standards we should demand when constitutional rights are at stake.

Furthermore, ERPOs do not address the root causes of violence, such as untreated mental illness, lack of access to care, or gaps in community support systems. If someone is truly a danger to themselves or others, simply removing firearms is an incomplete and potentially ineffective measure. A more balanced approach would focus on ensuring proper mental health intervention, with full due process protections in place for the accused.

As Mainers, we value both our rights and our responsibilities. We can pursue public safety without abandoning the core tenets of the Constitution. The Red Flag Law, as proposed, does not strike that balance. I urge this committee to reject this bill and seek alternative solutions that respect due process, property rights, and the fundamental liberties of Maine's citizens.