



Senator Cathy Breen
3 State House Station
Augusta, ME 04333-0003
Office (207) 287-1515
Cell (207) 329-6142
Cathy.Breen@legislature.maine.gov

Testimony introducing
LD 805, An Act To Allow Municipalities To Prohibit Firearms at Voting Places
Senator Cathy Breen
April 12, 2021

Senator Baldacci, Representative Matlack, and distinguished members of the Joint Standing Committee on State and Local Government, my name is Cathy Breen. I represent Maine Senate District 25, which includes the communities of Chebeague Island, Cumberland, Falmouth, Gray, Long Island, Yarmouth, and about half of the City of Westbrook. I am here to introduce **LD 805, An Act To Allow Municipalities To Prohibit Firearms at Voting Places.**

As Americans, we live with daily reports of gun violence. Whether it's homicide, suicide, domestic violence, or mass shootings in places like shopping malls, schools or churches, firearms are ubiquitous in our culture. Maine enacted an "open carry" law in 2015, eliminating the permit and training requirement for anyone 21 or older to carry an open or concealed firearm on their person.

As Americans, we also uphold and revere our fundamental belief in democracy and each person's right to vote. This bill would go a long way in helping us exercise our right to vote without the fear of gun violence. In short, this bill gives a Maine municipality the option to exert local control - **if it chooses** - to prohibit firearms at polling places on election day. Firearms are already prohibited on school property in Maine, and many cities and towns use school buildings to house their elections. This means that our dedicated election volunteers, our candidates who are greeting voters, and voters like us all across Maine can go to the polls without fear of gun violence as long as those elections are held in a school. That is crucial to the successful protection of our democracy and our right to vote.

However, in those locations where elections are held in other community buildings - town halls, community centers, and the like - local officials currently have no authority to prohibit firearms on the day that elections occur. Even if municipal officials or local law enforcement has valid information about a safety threat, they have

no authority to prohibit firearms in that polling place on election day. On January 6, 2021, members of our federal delegation were subjected to a shocking event of political violence at the United States Capitol, the likes of which I had never witnessed in my lifetime. Those events ended in the tragic loss of life of five Americans, including a member of the Capitol police. I have no valid reason to believe that Maine is somehow exempt from similar political violence.

This is a common-sense measure that provides protection for everyone working at the polls. The fact that folks have a right to own and carry guns does not mean we have to normalize the presence of guns in every aspect of our lives. People who serve their communities by volunteering in polling places should be protected, whether the election takes place in a school or in some other building. The language exempts sworn law enforcement officers and weapons secured in locked vehicles. And, to be clear, there is no mandate in LD 805.

In addition, we already have a body of law that prohibits “influencing” or “attempts to influence” voters at polling places. These laws keep campaign signs, stickers, literature and the like, related to anything on the ballot that day, a minimum of 250 feet away from polling places. LD 805 would allow a municipality to put firearms in the same category as campaign signs, again, if it chooses to do so. Again, there is no mandate in LD 805.

Years ago, while serving on the Falmouth Town Council, a male constituent mounted an email attack on me and another female Town Councilor, sending us messages that threatened us and our families for several months in a row.

After many meetings with our Chief of Police and our Town Attorney, we determined that our only recourse was to have an armed member of the local police sit next to him at every public meeting. At the conclusion of each meeting, that officer and another would follow behind both me and my colleague, making sure we travelled from Town Hall to our homes in safety late at night.

I’ll never forget that feeling of vulnerability. I was a target. There’s no question that the issues that came before us – zoning, property tax rates, transportation projects, school policies and others – had a sizable impact on Falmouth’s residents, and temperatures could rise accordingly. But being physically threatened over these issues was an eye-opener for me.

This bill is in step with existing laws, here and in other parts of the country. Ten states have laws expressly banning guns in polling places, including Texas, Georgia, Florida and South Carolina. Maine already has laws on the books to prohibit weapons in certain places, most notably from the State House and at legislative meetings or hearings. We also ban guns from schools, post offices, and court houses. Additionally,

we give others discretion to do the same: our University and Community College systems, hospitals, bars, restaurants, and more. It's time we grant local elected officials the same authority - if they choose to exercise it - to enact the safety measures that we legislators have as we conduct our work in the public sphere.

This bill by no means bans weapons anywhere. It simply recognizes that residents have a right to vote without feeling intimidated, threatened, unsafe or coerced, and it allows municipalities to make their own decisions that reflect the will of the people who live there.

Thank you, and I am happy to take any questions.