

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

ANDREA BECKWITH, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:24-cv-00384-LEW
)	
AARON FREY, in his personal capacity)	
and in his official capacity as Attorney)	
General of Maine,)	
)	
Defendant.)	

DEFENDANT’S OPPOSITION TO PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION, WITH INCORPORATED MEMORANDUM OF LAW

In April 2024, Maine’s Legislature enacted a law imposing a 72-hour waiting period for certain purchases of firearms.¹ Studies demonstrate that by preventing impulsive firearm purchases, waiting periods meaningfully reduce firearm suicides and homicides, with one study suggesting that a waiting period law would have prevented twelve suicides in Maine in one year.

Plaintiffs move to enjoin enforcement of Maine’s waiting period law, arguing that it violates the Second Amendment. ECF No. 4. Their motion should be denied, primarily because plaintiffs are unlikely to prevail on the merits. Without exception, courts have rejected Second Amendment challenges to waiting period laws. First, the Second Amendment’s plain text protects the right to “keep” and “bear” (i.e., “possess” and “carry”) arms. It does not apply to a law regulating the acquisition of arms unless the law is so burdensome that it effectively prohibits keeping and bearing arms. Imposition of a modest 72-hour delay hardly rises to that level. Second, the Supreme Court of the United States has made clear that laws regulating the commercial sale of firearms are “presumptively lawful.” Maine’s waiting period law is just such a law. Finally, even

¹ The law took effect on August 29, 2024, months before plaintiffs filed suit.

if the Second Amendment’s plain text applied to waiting period laws, such laws are, as other courts have held, consistent with the “Nation’s historical tradition of firearm regulation” and thus pass muster under the Supreme Court’s test for assessing challenges to firearm laws.

Because plaintiffs are unlikely to prevail on the merits, and because they cannot establish the other necessary elements, their motion for preliminary injunction should be denied.

MEMORANDUM OF LAW

Legislative Background

On February 28, 2024, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases” was introduced into Maine’s Legislature. L.D. 2238 (131st Legis. 2024). The bill sought to impose a 72-hour waiting period on certain purchases of firearms.

The legislative history demonstrates that the purpose for imposing a waiting period was to reduce suicides and homicides by preventing the impulsive purchase of firearms. *See, e.g.*, Rep. Cloutier Testimony (“Test.”) (Ex. 1); Rep. Craven Test. (Ex. 2); Rep. Speaker Talbot Ross Test. (Ex. 3); Sen. Rotundo Test. (Ex. 4); Rep. Rielly Test. (Ex. 5); Sen. Vitelli Test. (Ex. 6); Rep. Zager Test. (Ex. 7). Many of these legislators pointed to a finding from the American Academy of Pediatrics (“AAP”) that states with firearm waiting periods had 51 percent fewer firearm suicides than did states without waiting periods. According to the AAP report, the use of firearms is the most lethal form of suicide (it has an approximate 90 percent mortality rate) and suicide survivors contemplated their actions in a very brief window of time. *Waiting Periods for Firearm Purchases* (Ex. 8). Legislators also cited a study concluding that states adopting waiting periods had a seventeen percent decrease in homicides and a six percent decrease in suicides. *Handgun waiting periods reduce gun deaths*, Luca, M., *et al.* (Ex. 9).

The AAP testified that more than 90 percent of firearm deaths in Maine are suicides and that in 2021, 56 percent of suicides involved a firearm. Anderson Test. (Ex. 10). The Maine Medical Association and the Maine Osteopathic Association testified that in 2020, firearms became the leading cause of death among children. Cain Test. (Ex. 11). The Maine Coalition to End Domestic Violence (“MCEDV”) testified in support of the bill, stating that domestic violence advocates do not advise victims to obtain firearms as part of their safety plans because “statistically, the victim is more likely to have it used against them than to find it helpful.” Stark Test. (Ex. 12). The MCEDV also testified that for victims who feel that firearms are necessary for their safety, the waiting period would not put them in jeopardy because services are available to keep victims safe during the waiting period. *Id.* The Maine Association of Psychiatric Physicians referred to a study in which 70 percent of suicide survivors reported that less than an hour elapsed between when they first thought of suicide and when they attempted it, and 24 percent reported that less than five minutes elapsed. Moltz Test. (Ex. 13). Also in the legislative record is a February 2023 report from the Maine Center for Disease Control and Prevention finding that of the 178 firearm deaths in Maine in 2021, 158 were suicides (accounting for 56 percent of all suicides). *Report to the Legislature* (Ex. 14).

With some amendments, the bill was enacted as P.L. 2023, ch. 678, and is now codified at 25 M.R.S. § 2016. In relevant part, it provides: “A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement sooner than 72 hours after the agreement.” 25 M.R.S. § 2016(2). The 72-hour waiting period is “concurrent with any waiting period imposed by any background check process required by federal or state law.” *Id.* The law does not apply to sales to law enforcement officers, correction officers, certain private security guards, or firearm dealers. *Id.* § 2016(4)(A), (B). It does not apply to sales between certain family members or to sales of curio,

relic, and antique firearms. *Id.* § 2016(4)(C)(1), (2). Finally, the waiting period law does not apply to sales for which no background check is required under state or federal law. *Id.* § 2016(4)(C)(3).^{2, 3} Sellers who violate the law commit a civil violation for which a fine may be adjudged. *Id.* § 2016(3).⁴

Argument

“To grant a preliminary injunction, a district court must find the following four elements satisfied: (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm absent interim relief, (3) a balance of equities in the plaintiff’s favor, and (4) service of the public interest.” *Arborjet, Inc. v. Rainbow Treecare Sci. Advancements, Inc.*, 794 F.3d 168, 171 (1st Cir. 2015). “The sine qua non of this four-part inquiry is likelihood of success on the merits.” *New Comm Wireless Servs., Inc. v. SprintCom, Inc.*, 287 F.3d 1, 9 (1st Cir. 2002).

I. The plaintiffs are not likely to prevail on the merits.⁵

The Second Amendment provides: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” U.S.

² Under Maine law, background checks are required for sales at gun shows and sales resulting from advertisements (with exceptions for sales between family members and sales of curio, relic, and antique firearms). 15 M.R.S. § 395. Under federal law, federal firearms licensees (importers, manufacturers, and dealers) must contact the national instant criminal background check system to verify an individual’s eligibility to possess firearms before transferring firearms to non-licensees. 18 U.S.C. § 922(t). Federal statute allows up to three business days, and in the case of a transferee under age 21, ten business days, for a response. *Id.*

³ Plaintiffs allege that among states’ waiting period laws, Maine’s law is an “outlier even among outliers.” PI Brief, 16. As discussed below, federal courts have upheld Vermont’s, Colorado’s, and New Mexico’s waiting period laws. The only difference that plaintiffs identify between Maine’s law and these other states’ laws is that in New Mexico, the waiting period law has an exception for buyers with concealed handgun licenses. *Id.*

⁴ Before the law took effect on August 9, 2024, the Maine Department of Public Safety and the Maine Attorney General issued guidance to firearm sellers and buyers regarding the law’s requirements. See https://www.maine.gov/dps/sites/maine.gov.dps/files/inline--files/Advisory%20on%20Waiting%20Period%20Law_1.pdf.

⁵ Plaintiffs appear to be making both a facial and an as-applied challenge to Maine’s waiting period law. Complaint (ECF No. 1), at 25. In a facial challenge, “the challenger must establish that no set of circumstances exists under which the [law] would be valid.” *United States v. Salerno*, 481 U.S. 739, 745 (1987). In an as-applied challenge, the challenger must only establish that the law is unconstitutional as to the challenger’s specific conduct. See *Daggett v. Comm’n on Gov’t Ethics & Election Practices*, 205 F.3d 445, 472 (1st Cir. 2000). Here, plaintiffs fail to establish that the waiting period violates the Second Amendment as applied to them, and this necessarily means that their facial challenge also fails.

Const. amend II.⁶ In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that the Second Amendment protects the individual right to possess a firearm unconnected with militia service. In *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), the Supreme Court set forth the test that courts currently use in resolving Second Amendment challenges to firearm regulations. First, the court must determine whether “the Second Amendment’s plain text covers an individual’s conduct.” *Id.* at 17. If it does, the regulation is nevertheless valid if the government “demonstrate[s] that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Id.*; see also *Ocean State Tactical, LLC v. Rhode Island*, 95 F.4th 38, 43 (1st Cir. 2024).

A. The Second Amendment’s plain text does not cover the purchase of firearms.

At the first step of the *Bruen* test, “the plaintiff has the burden of establishing that ‘the Second Amendment’s plain text covers’ either the conduct they engaged or intended to engage in.” *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 113 (10th Cir. 2024) (quoting *Bruen*, 597 U.S. at 17); see also *Vermont Fed’n of Sportsmen’s Clubs v. Birmingham*, No. 2:23-CV-710, 2024 WL 3466482, at *7 (D. Vt. July 18, 2024). Plaintiffs fail to meet that burden here. The Second Amendment protects the right to “keep” and “bear” arms. As the Supreme Court as recognized, to “keep” arms means to “have” or “possess” arms, and to “bear” arms means to “carry” arms. *Heller*, 554 U.S. at 583-84. The Second Amendment says nothing about any right to purchase or otherwise acquire arms, much less to do so immediately. And this is not surprising. The impetus for the Second Amendment was not a desire to guarantee unregulated sales of firearms, but instead the fear that the federal government might try to disarm the populace, as King George III attempted to do to colonists in the 1760s and 1770s. *McDonald v. City of Chicago*, 561

⁶ The Second Amendment is made applicable to the States via the Fourteenth Amendment. *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

U.S. 742, 768-69 (2010). The Second Amendment thus confers a right to retain arms, not an unfettered right to immediately acquire them free of any regulation.⁷

The Supreme Court has recognized that laws causing delays in taking possession of firearms do not, absent unusual circumstances, implicate the right to keep and bear arms. In *Bruen*, the Court clarified that it was not calling into question “shall-issue” licensing regimes that require applicants to undergo a background check or pass a firearms safety course before being allowed to carry a handgun in public. 597 U.S. at 38 n.9.⁸ These laws necessarily impose a delay before a person can take possession of a firearm.⁹ Such laws “are designed to ensure only that those bearing arms in the jurisdiction are, in fact, law-abiding, responsible citizens” and “appear to contain only narrow, objective, and definite standards guiding licensing officials, rather than requiring the appraisal of facts, the exercise of judgment, and the formation of an opinion.” *Id.* (cleaned up). Maine’s waiting period law is the same. By deterring impulsive behavior, it helps ensure that purchasers will act responsibly with their newly acquired firearms. It has objective standards—it imposes a uniform 72-hour delay unless the sale falls within any expressly described exception and does not require government officials to exercise discretion. As with public carry licensing laws, then, the law does not run afoul of the Second Amendment.¹⁰

⁷ In support of their argument that the plain text of the Second Amendment applies to Maine’s waiting period law, plaintiffs cite *United States v. Perez-Garcia*, 96 F.4th 1166 (9th Cir. 2024). There, though, criminal defendants, as a condition of pretrial release, were barred from possessing firearms pending trial. *Id.* at 1171. It is hardly surprising, then, that the court held that what it referred to as a “temporary disarmament” implicated the plain text of the Second Amendment.

⁸ Under a “shall-issue” licensing regime, no showing beyond a general desire for self-defense need be made to obtain a public carry license.

⁹ That the Supreme Court seemingly approved of states requiring applicants to pass a firearm safety course before being allowed to carry a handgun in public belies plaintiffs’ suggestion that states cannot presume that a person will act irresponsibly with a firearm. PI Brief, 18. There are likely many people who do not need to take a course to safely handle a firearm, but states can nevertheless impose that requirement to increase the likelihood that every person knows how to do so. Similarly, not everyone who purchases a firearm is going to act impulsively with it, but the waiting period increases the likelihood that a person will not do so.

¹⁰ The Supreme Court noted that “because any permitting scheme can be put toward abusive ends,” it was “not rul[ing] out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry.” *Bruen*, 597 U.S. at 38 n.9. Maine’s

In cases challenging laws regulating firearm sales (including waiting period laws), numerous courts have recognized that the Second Amendment’s plain text does not apply to the purchase of firearms, or at least not the immediate purchase of firearms. *B & L Prods., Inc. v. Newsom*, 104 F.4th 108, 117 (9th Cir. 2024) (“The plain text of the Second Amendment directly protects one thing—the right to ‘keep and bear’ firearms. On its face, that language says nothing about commerce. . . .”); *McRorey v. Garland*, 99 F.4th 831, 838 (5th Cir. 2024) (“The plain text covers plaintiffs’ right ‘to keep and bear arms.’ And on its face ‘keep and bear’ does not include purchase—let alone without background check.”) (citation omitted); *Mills v. New York City*, No. 23-CV-07460 (JSR), 2024 WL 4979387, at *9 (S.D.N.Y. Dec. 4, 2024) (“[N]othing in the text of the Second Amendment suggests that plaintiffs have a right to immediately obtain firearms ‘on demand’ as opposed to having to wait a short period of time.”); *Vermont Fed’n of Sportsmen’s Clubs*, 2024 WL 3466482, at *22 (“The Court concludes that the ‘right of the people to keep and bear Arms,’ does not facially include a right to immediately obtain a firearm through a commercial sale.”) (citation omitted); *Ortega v. Lujan Grisham*, No. CIV 24-0471 JB/SCY, 2024 WL 3495314, at *26 (D.N.M. July 22, 2024) (“Having considered the normal and ordinary meaning of the Second Amendment’s language, the Court agrees with the Defendants that the Second Amendment’s plain text does not cover purchasing firearms.”) (cleaned up); *Knight v. City of New York*, No. 22-CV-3215 (VEC) (VF), 2024 WL 1126309, at *6 (S.D.N.Y. Jan. 17, 2024) (“[B]ecause the requirement does not prevent a person from keeping or bearing arms, the 90-day waiting period does not infringe on core conduct protected by the Second Amendment.”), *report and recommendation adopted in part*, 2024 WL 1096991 (S.D.N.Y. Mar. 13, 2024); *Rocky Mountain Gun Owners v. Polis*, 701 F. Supp. 3d 1121, 1132 (D. Colo. 2023) (“From this reading

waiting period law imposes only a 72-hour wait time, does not impose fees, and is not otherwise being put to “abusive ends.”

of the [Second Amendment’s] plain text, it is clear the relevant conduct impacted by the waiting period—the receipt of a paid-for firearm without delay—is not covered.”).

That the Second Amendment’s plain text does not apply to the purchase of firearms is reinforced by the Supreme Court’s statements that regulations on commercial sales are presumptively valid. In *Heller*, where the Supreme Court first recognized that the Second Amendment confers an individual right to keep and bear arms, the Court cautioned that the right is not “unlimited,” and clarified that

nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.

554 U.S. at 626-27 (emphasis added). Such measures, the Court explained, are “presumptively lawful regulatory measures.” *Id.* at 627 n.26. Two years later, the Supreme Court “repeat[ed] those assurances” and affirmed that *Heller*’s holding “did not cast doubt” on “longstanding regulatory measures,” including “laws imposing conditions and qualifications on the commercial sale of arms.” *McDonald*, 561 U.S. at 786. In his concurrence in *Bruen*, Justice Kavanaugh reiterated that, “properly interpreted,” the Second Amendment “allows a ‘variety’ of gun regulations,” and “‘laws imposing conditions and qualifications on the commercial sale of arms’” are “‘presumptively lawful regulatory measures.’” 597 U.S. at 80-81 (Kavanaugh, J., concurring) (quoting *Heller*, 554 U.S. at 626-27 & n.26). Most recently, in his concurrence in *United States v. Rahimi*, 602 U.S. 680 (2024), Justice Kavanaugh again noted that under *Heller* and *McDonald*, “laws imposing conditions and qualifications on the commercial sale of arms” are “presumptively constitutional.” *Id.* at 735 (Kavanaugh, J., concurring). There is no reason to doubt, then, that the Supreme Court continues to recognize that regulations on the commercial sale of firearms are presumptively lawful.

Lower federal courts have applied this presumption in challenges to laws regulating the sale of firearms. In *Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96 (10th Cir. 2024), plaintiffs challenged a law establishing 21 as the minimum age to purchase firearms. The Tenth Circuit upheld the law, explaining that “‘embedded within the quartet of recent Supreme Court Second Amendment cases is the recognition that certain ‘longstanding’ regulations – including ‘laws imposing conditions and qualifications on the commercial sale of arms’ – are ‘presumptively lawful.’” *Id.* (quoting *Heller*, 554 U.S. at 626–27 & n.26). Similarly, in a case challenging a law prohibiting firearm sales on state property, the Ninth Circuit concluded that the “most reasonable interpretation” of *Heller’s* statement that regulations on the commercial sale of arms are presumptively lawful “is that commercial restrictions presumptively do not implicate the plain text of the Second Amendment at the first step of the *Bruen* test.” *B & L Prods.*, 104 F.4th at 119.

Several courts have applied this presumption to waiting period laws. *See Ortega*, 2024 WL 3495314, at *30 (“Accordingly, if a firearm regulation falls into one of the presumptively Constitutional categories that *Heller* outlines, the regulation does not implicate the Second Amendment’s plain text, and, thus, a court need not proceed to *Bruen’s* second prong.”);¹¹ *Rocky Mountain Gun Owners*, 701 F. Supp. 3d at 1135 (explaining that its conclusion that the plain text of the Second Amendment does not apply to a waiting period law was “reinforced” by the presumption that commercial regulations of the sale of firearms are lawful).

Theoretically, regulations on firearm sales could be so burdensome that they effectively prohibit the acquisition of firearms and interfere with the right to keep and bear arms, thus

¹¹ The *Ortega* court concluded that a law regulating the commercial sale of firearms must be “longstanding” to be entitled to the presumption. 2024 WL 3495314, at *32. This is a misreading of the relevant language in *Heller*. There, the Supreme Court was characterizing certain categories of firearm regulations as being longstanding prohibitions, not saying that a particular law within one of those categories had to be longstanding to be presumed lawful. In any event, the *Ortega* court found that waiting period laws are sufficiently longstanding. *Id.* at *34.

overcoming any presumption of lawfulness. *Bruen*, 597 U.S. at 38 n.9 (referring to permitting scheme that could be put toward “abusive ends” to “deny ordinary citizens their right to public carry”); *McRorey*, 99 F.4th at 838 n.18 (“There is no question that regulations on purchase so burdensome that they act as de facto prohibitions on acquisition would be subject to constitutional challenge under *Bruen*’s rigorous historical requirement.”); *Rocky Mountain Gun Owners*, 701 F. Supp. 3d at 1136 n.11 (the presumption of lawfulness is “not a guarantee,” and “[a]busive regulations may still be subject to constitutional challenges”). The Attorney General is thus not suggesting that a law establishing, for example, a 25-year waiting period would withstand a Second Amendment challenge simply because it could be characterized as a “law[] imposing conditions and qualifications on the commercial sale of arms.” *Heller*, 554 U.S. at 626-27.

But a law requiring certain buyers to wait 72 hours before taking possession of a firearm is neither abusive nor a de facto prohibition on keeping and bearing arms. *See Ortega*, 2024 WL 3495314, at *29 (concluding that a seven-day waiting period was “minimally burdensome” and did “not so substantially impinge the ability to acquire firearms that it functions as a de facto prohibition on the right to keep and bear arms”); *Vermont Fed’n of Sportsmen’s Clubs*, 2024 WL 3466482, at *23 (finding that 72-hour waiting period did not unduly burden the right to keep and bear arms and noting that Second Circuit has suggested that “thirty-day waiting periods are not unconstitutionally long”). As plaintiffs concede, federal law already can delay a firearm sale for up to three days pending completion of a background check. PI Brief, 13 (citing 18 U.S.C. § 922(t)(1)(B)(ii)).¹² The Maine statute explicitly provides that the 72 hours “must be concurrent with any waiting period imposed by any background check process required by federal or state law.” 25 M.R.S. § 2016(2). In some instances, then, Maine’s law will impose no additional delay.

¹² Under the Bipartisan Safer Communities Act enacted in 2022, Pub. L. 117-159, the allowance for a background check for persons under 21 is up to ten business days. 18 U.S.C. § 922(t)(1)(C).

The Maine law imposes objective and definite standards. With the exception of certain sales expressly identified in the statute, buyers must wait 72 hours before taking possession of a firearm. The statute allows for no exercise of discretion—so, for example, a government official cannot extend or shorten the waiting period for a particular person. *See Polis*, 121 F.4th at 123 (a state’s “minimum age requirement for firearm sales and purchases is nondiscretionary because it sets a narrow, objective, and definite standard that applies uniformly to all potential sellers and buyers, eliminating any possibility for subjective interpretation or exceptions”). There is thus no potential for abuse.

In sum, the Second Amendment, on its face, does not apply to Maine’s 72-hour waiting period law, nor does the law impose such a burden as to interfere with what the Second Amendment does protect—the right to keep and bear arms.

B. Maine’s waiting period law is consistent with the Nation’s historical tradition of firearm regulation.

Even when the Second Amendment’s plain text applies to the conduct at issue, a firearm regulation survives a Second Amendment challenge if the government “demonstrate[s] that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 17. The *Bruen* Court emphasized that this inquiry will sometimes be straightforward, but “cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach.” *Id.* at 27. “[T]he Constitution can, and must, apply to circumstances beyond those the Founders specifically anticipated.” *Id.* at 28. Often, the historical inquiry will “involve reasoning by analogy” and may require a determination of “whether a historical regulation is a proper analogue for a distinctly modern firearm regulation.” *Id.* at 28-29. This “analogical reasoning requires only that the government identify a well-established and representative historical analogue, not a historical twin. So even if a modern-day regulation is not

a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.” *Id.* at 30 (emphasis in original).

In 2024, the Supreme Court clarified how courts should conduct this historical inquiry. *Rahimi*, 602 U.S. 680. The Court noted that it did not mean to suggest “a law trapped in amber,” and that “the Second Amendment permits more than just those regulations identical to ones that could be found in 1791.” *Id.* at 691-92. “[T]he appropriate analysis involves considering whether the challenged regulation is consistent with the principles that underpin our regulatory tradition.” *Id.* at 692. “A court must ascertain whether the new law is ‘relevantly similar’ to laws that our tradition is understood to permit, ‘apply[ing] faithfully the balance struck by the founding generation to modern circumstances.’” *Id.* The central questions are why and how the regulation at issue burdens Second Amendment rights:

For example, if laws at the founding regulated firearm use to address particular problems, that will be a strong indicator that contemporary laws imposing similar restrictions for similar reasons fall within a permissible category of regulations. Even when a law regulates arms-bearing for a permissible reason, though, it may not be compatible with the right if it does so to an extent beyond what was done at the founding. And when a challenged regulation does not precisely match its historical precursors, “it still may be analogous enough to pass constitutional muster.”

Id. (quoting *Bruen*, 597 U.S. at 30).

Maine’s waiting period law addresses a societal problem that did not exist at our founding—the impulsive use of firearms to commit homicides and suicides. As Professor Randolph Roth explains, homicide rates were low in the colonial era, and even though household ownership of firearms was widespread, only ten to fifteen percent of family, household, and intimate partner homicides were committed with firearms. Roth Decl., ¶ 16. Professor Roth attributes this low rate to the technological limitations of firearms of that period—they were liable to misfire, usually had to be reloaded after every shot, reloading was time-consuming, and firearms

could not be kept loaded for any length of time. *Id.*, ¶ 17. “[C]olonists seldom went about with loaded guns, except to hunt, control vermin, or muster for militia training.” *Id.*, ¶ 19. So, “[g]uns were not the weapons of choice in homicides that grew out of the tensions of daily life.” *Id.*, ¶ 18. By the 1820s, homicide rates remained low, and because people continued to generally refrain from going about armed, only a small percentage of homicides were committed with firearms. *Id.*, ¶ 21.

Suicide rates were also low at the founding, and suicide by firearm was rare. After analyzing suicides in Vermont and New Hampshire from 1783 to 1824, Professor Roth determined that the suicide rate was between 3.1 and 5.7 per 100,000 persons ages 16 and older, and that only six percent of suicides were committed with firearms (despite the fact that 50–60 percent of households owned a firearm). *Id.*, ¶ 43. By the late 1920s and early 1930s, though, when technology had advanced and firearms could be kept loaded and used impulsively, not only did suicide rates increase, but so did the percentage of suicides committed with firearms—41 percent in New Hampshire, 47 percent in Vermont, and 40 percent in Maine. *Id.*, ¶ 44. In sum, impulsive firearm homicides and suicides were simply not the societal problem that they are now.

Another significant difference between now and then is that, as Professor Robert Spitzer explains, firearms were not readily available during the 17th, 18th, and most of the 19th centuries. Spitzer Decl., ¶¶ 9-10. Rather, “[r]apid, convenient gun sales processes did not exist in the U.S. until the end of the nineteenth century, when mass production techniques, improved technology and materials, and escalating marketing campaigns all made guns relatively cheap, prolific, reliable, and easy to get.” *Id.*, ¶ 10. Professor John Donohue concurs with Professor Spitzer:

There was a built-in waiting period for everyone who purchased a gun in 1791 because of issues of travel time, scarcity of gun parts, and the time it took to make a gun. The world today allows almost unlimited access to weaponry within minutes

because there are far more licensed gun sellers than the combined number of McDonald's and Starbuck's stores.

Donohue Decl., ¶ 51. *See also Vermont Fed'n of Sportsmen's Clubs*, 2024 WL 3466482, at *27 (“There is substantial evidence in the record highlighting that instant availability of a wide variety of guns would not have been anticipated at the founding.”). There was thus no need to impose waiting periods until recent times because, as a practical matter, a person necessarily had to wait before taking possession of a firearm.¹³

While impulsive firearm purchasing was not a problem, other impulsive behavior was. As Professor Spitzer details, there were many laws in early America designed to keep firearms out of the hands of intoxicated individuals. Spitzer Decl., ¶¶ 14-31. From the 1600s through the early 1900s, laws in at least twenty states criminalized the carrying or use of firearms when intoxicated; laws in at least fifteen states regulated the commercial sale or distribution of alcohol when firearms were also present; and laws in at least two states barred gun sales to those who were intoxicated. *Id.*, ¶ 20.

In addition, this country has a long history of weapon licensing and permitting. *Id.*, ¶¶ 32-63. Licensing and permitting laws date to the 1600s and became more widespread in the 1800s and early 1900s. *Id.*, ¶ 34. In the 1800s, laws in at least 18 states imposed licensing requirements as a pre-requisite for carrying or owning weapons, and laws in 29 states did so in the early 1900s. *Id.*, ¶¶ 35, 41. “Historic weapons licensing laws contemplated an evaluation process to improve the likelihood that individuals who sought access to firearms did not obtain that access until they

¹³ Plaintiffs note that in *Silvester v. Harris*, 41 F. Supp. 3d 927, 962 (E.D. Cal. 2014), the court stated that there is no historical evidence “to suggest that waiting periods imposed by the government would have been accepted and understood to be permissible under the Second Amendment.” PI Brief, 10-11. But the Ninth Circuit reversed the district court and upheld California’s ten-day waiting period. *Silvester*, 843 F.3d at 819. In so doing, it noted that “[t]here is . . . nothing new in having to wait for the delivery of a weapon” because “[b]efore the age of superstores and superhighways, most folks could not expect to take possession of a firearm immediately upon deciding to purchase one.” *Id.* at 827. So while “[d]elays of a week or more were not the product of governmental regulations, . . . such delays had to be routinely accepted as part of doing business.” *Id.*

were approved to receive a license.” *Id.*, ¶ 75. And as Professor Spitzer notes, “licensing by its nature thwarts any unrestricted ability to acquire or use firearms on demand.” *Id.*, ¶ 33.

Given that firearm homicides and suicides were relatively rare in our Nation’s history, and because firearms were not readily available until the late 19th century, it is not surprising that there are no early examples of waiting period laws. Rather, it is “unprecedented societal concerns” (the increased use of firearms in homicides and suicides) and “dramatic technological changes” (the ability to quickly acquire firearms and easily use them) that call for the imposition of waiting periods. *See Bruen*, 597 U.S. at 27. In this circumstance, then, the Court should apply a “nuanced” approach and look for historical analogues by comparing the “how” and “why” of Maine’s waiting period law to historical precursors.

In three recent cases—in Colorado, Vermont, and New Mexico—federal courts held that waiting period laws are consistent with the Nation’s historical tradition of firearm regulation. In *Polis*, the federal district court in Colorado found that “firearms were not as readily available for purchase and . . . impulsive gun homicides were much less prevalent at the time of the founding and in the century that followed,” so “it is logical that waiting-period laws were not adopted during that period. 701 F. Supp. 3d at 1141. The court then determined that laws restricting firearm acquisition and use by intoxicated persons were an appropriate analogue because “the Waiting-Period Act and the intoxication laws both work to prevent individuals in a temporary impulsive state from irresponsibly using a firearm.” *Id.* at 1144. The court further found that licensing laws were an appropriate analogue “because they support that the Founders and Reconstruction generation would have accepted a modest delay on the delivery of a firearm in order to ensure that those receiving a firearm are law-abiding, responsible citizens.” *Id.* at 1145. The court concluded

“that our Nation’s historical tradition of firearm regulation is consistent with the Waiting-Period Act.” *Id.* at 1145-46.

The Vermont federal court reached the same conclusion in *Vermont Federation of Sportsmen’s Clubs*, 2024 WL 3466482. It agreed that “immediate availability of firearms is a modern development that requires modern regulation” and that a “nuanced approach” was necessary. *Id.* at *25; *see also id.* at *27 (explaining that “the rapid availability of guns presents an ‘unprecedented social concern’ that requires a ‘more nuanced approach’ to historical analogy”).

It found that

restrictions on firearm use associated with alcohol are an apt historical analogue for Vermont’s waiting period. In both cases, the relevant legislature identifies a period during which it believes that firearms pose an extreme risk to public safety. It then mandates that individuals refrain from carrying or using firearms until those people can exercise their Second Amendment rights safely and effectively. Vermont’s statute operates in a manner that finds precedence in our nation’s history and tradition of gun regulation.

Id. at *26. As the court noted, “[t]he only difference between the two laws is the reason why the individual might make a reckless decision: one based upon alcohol, and one based upon inflamed passions or fears.” *Id.* And, as in *Polis*, the court found that historical licensing laws were also appropriate analogues to a waiting period law because “[b]oth allow for background checks and mandate delay so the government can ensure that the individuals acquiring firearms are, in fact, law-abiding and responsible citizens.” *Id.* The court concluded that, while a waiting period law is “a novel solution to a novel problem,” it is consistent with the Nation’s historical tradition of firearm regulation because of the precedent for regulations disarming “individuals who might be likely to make rash decisions with a firearm.” *Id.* at 28.

Finally, in *Ortega*, 2024 WL 3495314, the federal district court in New Mexico found that waiting period laws are consistent with the historical regulation of firearms. Rather than focusing

on laws relating to intoxication and licensing, the court considered “regulations demonstrate[ing] a deeply rooted historical tradition of restricting and even outright prohibiting the sale of firearms to large groups out of a fear that some among those groups might use those firearms to do harm in society.” *Id.* at *36-38.¹⁴

As these cases demonstrate, “how and why” Maine’s waiting period law burdens Second Amendment rights (assuming for the sake of argument that the Second Amendment even applies), is the same as the “how and why” of intoxication and licensing laws. With respect to “how,” Maine’s law imposes only a minor burden. It does not apply to sales for which no background check is required, and not all firearm purchases require a background check.¹⁵ The law does not prohibit anyone from acquiring a firearm. Instead, it simply imposes on covered sales a modest 72-hour waiting period. Intoxication and licensing laws imposed a similarly minor burden. Intoxication laws simply prevented acquiring, carrying, or using firearms during the period of intoxication. Licensing laws imposed a delay until licensing authorities could be certain that the relevant criteria were met. In sum, the waiting period law imposes no more of a burden than early intoxication and licensing laws.

As to “why,” the purpose of the waiting period law is to decrease the likelihood that firearm purchasers act irresponsibly by using firearms to harm themselves or others. Laws prohibiting intoxicated persons from acquiring or carrying firearms were similarly designed to reduce firearm violence by persons who might act impulsively. Licensing laws served a similar purpose—helping

¹⁴ Plaintiffs argued that such laws cannot serve as analogues because they were “rooted in racism and bias.” *Ortega*, 2024 WL 3495314, at *40. The *Ortega* court rightly acknowledged that “[m]any founding-era gun regulations . . . undoubtedly are repugnant,” but nevertheless concluded that it had to consider them “if it is to adhere faithfully to the Supreme Court’s instruction to assess the Constitutionality of modern firearm regulations against those laws in existence in the eighteenth and early nineteenth century.” *Id.*

¹⁵ Plaintiffs are thus wrong when they say that the Maine law “applies to all firearm sales.” PI Brief, 9.

to ensure that persons acquiring firearms were responsible citizens who would be less likely to use firearms unlawfully.

In short, because both the “how” and the “why” are the same, Maine’s modern waiting period law is sufficiently analogous to intoxication and licensing laws and is consistent with “this Nation’s historical tradition of firearm regulation.” *Bruen*, 597 U.S. at 17.

II. The remaining factors warrant denying injunctive relief.

Because plaintiffs are unlikely to prevail on the merits, the remaining factors are “matters of idle curiosity.” *New Comm Wireless Servs.*, 287 F.3d at 9. In any event, though, the other factors do not support plaintiffs’ request for injunctive relief.

Plaintiffs argue that the irreparable injury here is the deprivation of their Second Amendment rights. PI Brief, 18-19. But as argued above, plaintiffs are not likely to establish that the waiting period law violates the Second Amendment and thus fail to show a likelihood of irreparable injury. *See Crosspoint Church v. Makin*, 719 F. Supp. 3d 99, 125 (D. Me. 2024). Plaintiff Beckwith claims that she and the women she helps will suffer irreparable harm because they are being denied the ability to defend themselves. But she already carries a gun. Beckwith Decl., ¶ 2. While she expressed interest in purchasing another gun, *id.*, she presumably has done so by now, and, if she has not, the 72-hour waiting period could not have been the reason. She offers no support for the proposition that she has standing to allege harm to people with whom she works. In any event, the Maine Coalition to End Domestic Violence testified that services are available to keep victims safe during the waiting period. Stark Test. (Ex. 12).

The firearm-dealer plaintiffs claim in their declarations that business has decreased since the waiting period law went into effect. *See White, Hendsbee, and Cole Decls.* As an initial matter, plaintiffs offer no support for the proposition that the Second Amendment confers on gun

sellers a right to make money. So even if they are suffering a harm, it is not a harm resulting from a violation of their Second Amendment rights.¹⁶ Because they do not claim an injury based on their Second Amendment rights, it is not clear how the firearm-dealer plaintiffs have established their standing to bring this action.

As to the remaining factors, the balancing of the equities and the analysis of the public interest should be considered together, because these two factors merge when the government is the defendant. *Does 1-6 v. Mills*, 16 F.4th 20, 37 (1st Cir. 2021). And here, those factors warrant denying preliminary injunctive relief. As Professor Donohue explains:

Substantial empirical evidence illustrates that waiting periods prior to the purchase of weapons such as those enacted by Maine will reduce suicides – particularly among young adults – and would be expected to reduce the risk of the type of episodes seen in recent years of enraged individuals buying firearms on the way to commit mass violence and other criminal acts.

Donohue Decl., ¶ 27. One study concluded that waiting period laws reduce firearm suicides by 7.4 percent—the same reduction in Maine’s 158 firearm suicides in 2021 would have saved twelve lives that year alone. *Id.*, ¶ 40. Professor Donohue’s own research found that waiting period laws “are able to disrupt suicidal ideation and thereby significantly decrease firearm suicides,” and reduce suicides by 21-34-year olds by 6.1 percent. *Id.*, ¶ 41. As he notes, “[i]f a particularly lethal mechanism like a gun is readily available, many despondent individuals with what could be a merely passing moment of despair will end up committing suicide when a lapse of time would be enough to dissuade or divert them from such an irreversible action.” *Id.*, ¶ 43. Professor Donohue further opines that waiting periods may reduce the risk of at least some mass shootings, citing as an example a 21-year old who shot and killed eight people in Atlanta in 2021. *Id.*, ¶ 47. He bought the firearm on the day of the shooting after his parents had just thrown him out of the home, and a

¹⁶ Moreover, the law has been in effect for just a few months, and it is premature to conclude that it will negatively affect business in the long run.

waiting period could have allowed his immediate mental health crisis to pass. *Id.*; see also *Handgun waiting periods reduce gun deaths*, Luca, M., *et al.* (Ex. 9) (study concluding that states adopting waiting periods experienced a seventeen percent decrease in homicides and a six percent decrease in suicides).

While plaintiffs claim that the waiting period law “puts domestic violence victims and others at profound risk,” PI Brief, 20, they offer no supporting evidence. Professor Donohue, by contrast, points to “empirical evidence indicat[ing] that increased gun carrying by the untrained public rarely generates any benefit in thwarting crime and is indeed self-defeating since it generates substantial increases in violent crime.” Donohue Decl., ¶ 29. He notes that despite the fact that there are 350 million firearms in the United States, firearms are used in self-defense in approximately just 0.8 percent of attacks. *Id.*, ¶ 48.¹⁷

Finally, “any time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Maryland v. King*, 567 U.S. 1301, 1303 (2012) (cleaned up). As shown above, the State would be harmed by enjoining this law.

Conclusion

For the reasons set forth above, the Attorney General respectfully requests that plaintiffs’ motion for preliminary injunction be denied.

¹⁷ While plaintiffs claim that “in Wisconsin, a woman was killed by her stalker before she could take possession of the handgun she was attempting to purchase,” PI Brief, 12, Professor Donohue explains why this claim is “improbable.” Donohue Decl., ¶ 53.

Dated: January 3, 2025

Respectfully submitted,

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Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2025, I electronically filed this document and any attachments with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all registered participants as identified in the CM/ECF electronic filing system for this matter.

Dated: January 3, 2025

/s/ Christopher C. Taub
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EXHIBIT 1

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March 7, 2024

Testimony of Rep. Kristen Cloutier in support of
LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases
Before the Joint Standing Committee on Judiciary

Good morning Senator Carney, Representative Moonen and distinguished members of the Judiciary Committee. My name is Kristen Cloutier and I represent House District 94, which includes part of my hometown of Lewiston. I am writing to you as a cosponsor and supporter of **LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases**.

The goal of LD 2238, a sensible piece of legislation, is to save lives through the establishment of a 72-hour waiting period.

Waiting periods are designed to prevent individuals who pose an immediate threat to themselves or others from the impulsive purchase and use of a firearm.

Specifically, this bill would require a 72-hour waiting period between an agreement for the purchase and sale of a firearm and the delivery of that firearm to the purchaser. The measure includes certain exemptions for sales to law enforcement officers, to individuals who need a firearm for employment in security and to federally licensed firearms dealers.

While Maine's suicide death rate dropped from 19.5 per 100,000 in 2021 to 17.7 per 100,000 in 2022, it remains the second-highest rate in New England. Similarly, violent crimes including assault and robbery were down in 2021, but Maine's 2022 murder rate is the highest it has been since 2008 at 2.2 per 100,000 residents. Research shows that proposals such as this one work, and it's one that has support among non-gun owners and gun-owners alike.

A 2019 study found that Americans routinely underestimate public support for gun safety measures including waiting periods. Nationally, 85% of non-gun owners and 72% of gun owners support mandatory waiting periods for firearms purchases.

By requiring a 72-hour waiting period before the purchase of a firearm, we have the opportunity to significantly reduce both suicides and homicides. Thank you for your time and consideration.

Sincerely,

Kristen Cloutier

District 94: Part of Lewiston



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EXHIBIT 2

March 7, 2024

Testimony of Representative Margaret Craven in support of
**LD 2238, an Act to Address Gun Violence in Maine by Requiring a Waiting Period for
Certain Firearm Purchases**
Before the Judiciary Committee

Good afternoon, Senator Carney, Representative Moonen and honorable members of the Judiciary Committee. My name is Margaret Craven, and I represent House District 93, which is part of Lewiston. I am here today to speak in strong support of **LD 2238, an Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases**.

In the 129th Legislature, we passed a bill that requires the Maine CDC to keep track of the incidences of injury and deaths from firearms in the state. In 2021, there were 178 deaths from firearms in Maine, two of which were accidental, 17 were homicides and 158 were suicides. One death was deemed, "undetermined." These numbers come from the 2021 CDC report, which is attached, and the 2023 report should be published soon. Suicide is the second-leading cause of death for ages 10 to 34 and the third-leading death for Mainers 35 to 44.

If these deaths were caused by just about anything besides gun violence, people would be quick to do something to rectify it. The gun lobby seems to have some kind of magic to be able to convince people that access to guns is not the problem, but I say access to guns is the problem.

According to the Pew Research Center, and the US CDC, there were more deaths from firearms in the US in 2021 than in any other year on record.

Gun violence is an epidemic. Gun violence is a public health threat. According to the American Psychiatric Association, an overwhelming 87% of Americans think gun violence is a public health threat¹. In 2016, the American Medical Association, our country's largest physicians' group, adopted a formal policy calling gun violence a public health crisis.²

We all know that the human brain does not mature until well into a person's 20s. Young people, especially when experiencing despair or hopelessness, are impetuous and can lack the maturity to make good decisions.

Behaviorally-informed gun policy has the potential to reduce violence without imposing new restrictions on anyone's right to own a gun. Waiting periods are effective, and they are also

supported by a majority of Americans and roughly 50% of gun owners³. Waiting periods do not restrict gun ownership, they create a window of time in which someone in crisis could get the help they need. It's been proven in states that enacted waiting periods that it reduces the incidents of suicide.

Eleven states have some form of a waiting period to purchase a firearm. They are VT, RI, NJ, MD, IL, MN, WA, CO, CA, HI, FL and the District of Columbia.

Thank you for your time. I am happy to answer any questions you have for me.

1. <https://www.psychiatry.org/newsroom/news-releases/americans-overwhelmingly-see-gun-violence-as-a-public-health-issue-they-want-congress-to-act-and-cdc-to-conduct-research>
2. <https://www.ama-assn.org/press-center/press-releases/ama-calls-gun-violence-public-health-crisis>
3. <https://behavioralscientist.org/the-case-for-handgun-waiting-periods/>



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EXHIBIT 3

RACHEL TALBOT ROSS
SPEAKER OF THE HOUSE

Testimony of Speaker Rachel Talbot Ross supporting

**LD 2224, An Act to Strengthen Public Safety by Improving
Maine's Firearm Laws and Mental Health System**
and

**LD 2238, An Act to Address Gun Violence in Maine by
Requiring a Waiting Period for Certain Firearm Purchases**
Before the Joint Standing Committee on Judiciary

Good morning Senator Carney, Representative Moonen and esteemed members of the Joint Standing Committee on Judiciary. I am Representative Rachel Talbot Ross of Portland. I represent House District 118 which is the Portland peninsula and I have the distinct honor of serving as the Speaker of the House. I stand before you today to offering my steadfast support of both LD 2224, An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System and LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases.

Without a doubt, you will be hearing from a diverse and varied group of Mainers today. The issue of common-sense gun safety reforms, especially in light of the Lewiston tragedy, has elevated the urgency of this conversation. You will hear today and in the coming weeks from constituents, elected officials, first responders, the local and federal government, gun safety advocates, gun owners, sportsmen, hunters, and public health experts.

To use your time most judiciously, I will leave the policy overview and the technical details to the sponsor, Sen. Rotundo and share my own personal experience with these long overdue reforms.

In 1977, my father, the Honorable Gerald Talbot, proposed legislation to enact a three-day waiting period for handgun purchases in Maine. At that time, the weapon causing the most harm was the "Saturday Night Special" - one of the small, easily concealed weapons that were believed to be at the root of many street crimes in the 1970s.

The amount of damage those guns could do in a short amount of time pales in comparison to the damage inflicted by the weapons readily available today. Increases in caliber, ammunition capacity, firing rate and range have made deadly weapons of war immediately accessible with lethal consequences both in Maine and across the country.

In the following years, gun violence in all its forms has become a significant public health crisis. It poses a serious threat to the well-being and safety of individuals and communities, and its impact, often felt for generations, extends beyond just physical injuries. Gun violence can result in loss of life and permanent disability, as well as long-lasting psychological and emotional trauma for survivors, families, witnesses, and the healthcare providers who care for the victims.

In addition to supporting the bills before you today, I also provided testimony on LD 2086 An Act to Amend the Law Governing the Disposition of Forfeited Firearms. Combined with my proposal, LD 2237, An Act to Strengthen Public Safety, Health and Well-being by Expanding Services and Coordinating Violence Prevention Resources, we have the opportunity to pass a suite of legislation to protect Mainers and reduce the risk of gun-related incidents.

47 years later, one of the initiatives in this comprehensive package is the very same answer that my father proposed. A 72-hour waiting period. And we have the same reasons for supporting this common-sense legislation. This reform could help prevent so many people from making a terrible, tragic, life-changing decision. Give them time to cool off. To get the help they need.

The goal is to save lives, and research shows that these policies work. The American Academy of Pediatrics found that states with waiting periods experienced 51 percent fewer firearm suicides than states without these policies. Another study found that states that adopted waiting period laws experienced a 17 percent decrease in homicides and a six percent decrease in suicide.

According to the Maine CDC, suicide is the fourth leading cause of death for Mainers between the ages of 15-54. In 2021, 277 Mainers died by suicide – more than half involved a firearm.

Governor Mills' legislation creates another layer of protection by extending the National Instant Criminal Background Check System (NICS) to advertised, private sales and



EXHIBIT 4

Peggy Rotundo
Senator, District 21

THE MAINE SENATE
131st Legislature

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Augusta, Maine 04333

**Testimony introducing
LD 2238, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain
Firearm Purchases”**

And

**LD 2224, “An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental
Health System”**

**Senator Peggy Rotundo
March 7, 2024**

Senator Carney, Representative Moonen and friends and colleagues on the Committee on Judiciary, my name is Peggy Rotundo and I represent Senate District 21, the City of Lewiston. I am here today to introduce two bills: LD 2238, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases” and LD 2224, “An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System.”

First I would like to talk about LD 2238, which, as its title suggests, will require a 72-hour waiting period between an agreement for the purchase and sale of a firearm and the delivery of that firearm to the purchaser. The bill does not apply to sales to law enforcement officers, people employed as corrections officers or guards whose jobs require carrying a firearm, or other firearm dealers. Violating this waiting period would be a civil offense, with the punishment being a fine between \$200 and \$500; the penalty following a second violation would result in a fine of between \$500 and \$1,000.

The purpose of requiring a waiting period is to provide the purchaser with a “cooling off” period. It is to help protect the purchaser from acting on a short-lived impulse — suicide or homicide — that may have inspired the purchase in the first place. Nine states have similar laws on the books and three more employ waiting periods for certain types of firearms.

The goal is to save lives, and research shows that these policies work. The American Academy of Pediatrics found that states with waiting periods experienced 51 percent fewer firearm suicides than states without these policies. Another study, published in the publication *Proceedings of the National Academy of Sciences*, found that states that adopted waiting period laws experienced a 17 percent decrease in homicides and a 7 to 11 percent decrease in suicide.

According to the Centers for Disease Control (CDC), suicide is the fourth leading cause of death for Mainers between the ages of 15 to 54. In 2021, 277 Maine people died by suicide in Maine. More than half involved a firearm. Enacting waiting periods in Maine could make a meaningful difference in suicide rates and could save lives.

This bill can't and won't prevent all homicides and suicides. No piece of legislation can. It can, however, lessen gun violence in general in the state and help to save lives and create safer and healthier communities.

The same can be said for LD 2224, the Governor's bill. It is a thoughtful approach to addressing gun violence and mental health care. I am honored to sponsor this bill and am happy to provide details to you on what it does.

The Governor's bill creates an Injury and Violence Prevention Program within the CDC. The program will be a clearinghouse for information and data from all over Maine to help us understand and prevent future incidents of violence. The more we know about the causes of these kinds of violence, the better we can adapt and prevent them in the future.

As Chair of the Appropriations Committee, I am pleased to note that the Governor's proposed Supplemental Budget includes \$1 million to fund this initiative.

The bill also establishes a network of crisis receiving centers throughout Maine. These centers provide care for people suffering a mental health crisis. They are proven alternatives to the hospital emergency room or jail, which are common destinations for people who are experiencing these crises. The first of these centers opened in Portland just over two years ago. In the last year, over 170 people have visited the center in order to help resolve a mental health crisis.

The bill contains plans for a center to be created in Lewiston and I am pleased that there is \$1.4 million in the Supplemental Budget to fund its construction and staffing. This bill also directs the Department of Health and Human Services to develop a statewide plan to build centers throughout Maine in the future.

LD 2224 would also strengthen Maine's extreme risk protection law. As we learned after the mass shooting in Lewiston, law enforcement officers had been unable to take the assailant, Robert Card, into custody and initiate our extreme risk protection law to confiscate his weapons. This bill addresses gaps in that law by allowing law enforcement to get a judge's approval, in unusual circumstances, to take a person into protective custody for a mental health assessment. If a law enforcement officer has made reasonable efforts to take the person into custody but has been unable to do so, and the officer can establish probable cause that the person has a mental illness and presents a likelihood of serious harm due to access to weapons, the court will issue a protective custody warrant.

LD 2224 also expedites a judge's weapons restriction order, making sure the order is sent quickly from the courts to the State Bureau of Identification. This way the state database which is utilized by the National Instant Criminal Background Check System (NICS) can be updated as soon as possible, helping to ensure that a prohibited person will not be able to purchase a weapon. The bill will also extend statutory deadlines for court processes in order to provide District Attorneys additional time to prepare for hearings.

Under current law, a person may not purchase a weapon from a federally licensed firearm dealer when that person's name is entered into NICS. They may, however, be able to purchase a weapon in a private sale. The bill address this issue by requiring *any* sale of a firearm that is advertised to be checked against NICS.

Additionally, this bill makes it easier to successfully prosecute anyone who sells a gun to someone who is not allowed to have one via private and unadvertised sales. The current crime of knowingly selling a firearm to someone who is a prohibited person – a misdemeanor – would be expanded by adding the term “recklessly” to intentionally or knowingly, making it a stronger standard and making it easier to successfully prosecute these sellers. It also makes that type of illegal sale a felony – not just a misdemeanor.

The bill does not change the tradition of transferring a firearm to a relative or a friend who they know is allowed to own one. But it would mean that anyone selling a firearm to a stranger should have to visit a licensed firearm dealer to check the NICS system, and make sure they are not a prohibited person.

Please know that Department of Public Safety Commissioner Mike Sauschuck is on hand to answer questions about this bill.

I come from a community with broken hearts and shattered lives, a community where many people are still afraid to go out in public, a community where there are families that worry when their children go off to school, and wonder if those children will come home safely at night. As a legislator, I cannot do anything to bring back the lives of the grandparents, parents, children, friends and neighbors who lost their lives on October 25, nor can I miraculously heal those people that were terribly injured in the mass shooting, or take away the grief and pain that the families of the victims and survivors live with daily. What I can do is to do everything in my power as a legislator to put laws in place that help reduce the level of gun violence in our state and that make our communities safer places to live and work. That is why I am here today presenting these two bills to you and why I thank you for the serious consideration I know you will give these bills.

I appreciate the Governor's leadership on this issue and look forward to working with her and others to find smart, effective solutions to protect the people of Maine. I am confident we can keep people safe while respecting the rights of responsible gun owners. I am confident we can get there by working hard and by working with respect, sensitivity, patience and compassion. We owe this to our children so they can go to school without fear. We owe this to Maine families so they can go out to a movie or to a restaurant without fear. We owe this to the memories of those people we lost on October 25th in Lewiston and to the loved ones they left behind. Thank you.

I am happy to answer questions and I will note again that Commissioner Sauschuck is also here to answer questions about the Governor's bill.



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March 13, 2024

Testimony of Rep. Morgan Rielly in support of
**LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for
Certain Firearm Purchases**
Before the Joint Standing Committee on Judiciary

Dear Senator Carney, Representative Moonen and distinguished members of the Joint Standing Committee on Judiciary:

My name is Morgan Rielly, and I represent House District 127, which includes part of my hometown of Westbrook. I am pleased to cosponsor and write in support of **LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases**.

Waiting periods are designed to prevent individuals who pose an immediate threat to themselves or others from the impulsive purchase and use of a firearm, and currently, in our state, we need to support the passage of LD 2238. According to the CDC, suicide is the fourth leading cause of death for Mainers between the ages of 15-54. Most gun deaths in Maine are by suicide.

The American Academy of Pediatrics found that states with waiting periods experienced 51 percent fewer firearm suicides than states without these policies. Another study found that states that adopted waiting period laws experienced a 17 percent decrease in homicides and a six percent decrease in suicide.

We need to stop and ask ourselves why people need access to firearms quickly. If we have the ability to allow our law enforcement more time to run thorough background checks on those purchasing firearms, and in that process, have the ability to save the lives of community members who are second guessing taking their own life or the lives of others, we must support LD 2238.

Thank you for your time and consideration of this bill.

EXHIBIT 6

131st Legislature
Senate of
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Senate District 24

Senator Eloise Vitelli
Senate Majority Leader
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Testimony of Senator Eloise Vitelli supporting
LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting
Period for Certain Firearm Purchases
Before the Joint Standing Committee on Judiciary
March 7, 2024

Senator Carney, Representative Moonen, and Esteemed Members of the Joint Standing Committee on Judiciary, my name is Eloise Vitelli, and I proudly represent Senate District 24, which includes all of Sagadahoc County and Dresden. Today I offer testimony in support of LD 2238, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases.”

As the Senator who represents Bowdoin, I have joined our community in grieving a quadruple homicide. There have been instances, such as these, where our gun laws have not protected Mainers. That’s why it’s clear we need to examine our state laws, find the gaps in our safety nets, and do all we can to help keep people safe.

This is a crucial moment in our state’s history, and we are here to meet that moment. It will take all of us working together and listening compassionately to chart a path forward. This bill represents the first step.

LD 2238 would require a 72-hour waiting period between an agreement for the purchase and sale of a firearm and the delivery of that firearm to the purchaser. The measure includes certain exemptions for sales to law enforcement officers, to individuals who need a firearm for employment in security and to federally licensed firearm dealers.

Waiting periods are designed to prevent individuals who pose an immediate threat to themselves or others from the impulsive purchase and use of a firearm. The goal is to save lives, and research shows that these policies work.

The American Academy of Pediatrics found that states with waiting periods experienced 51 percent fewer firearm suicides than states without these policies. Another study found that states that adopted waiting period laws experienced a 17 percent decrease in homicides and a six percent decrease in suicide.

According to the Maine CDC, suicide is the fourth leading cause of death for Mainers between the ages of 15-54. In 2021, 277 Mainers died by suicide – more than half involved a firearm.

Thank you for your consideration and time. At this time, I will do my best to answer any questions you may have.



Eloise Vitelli
Senate Majority Leader, Senate District 24
Sagadahoc County and Dresden

EXHIBIT 7



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Testimony in support of

LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

March 7, 2024

Senator Carney, Representative Moonen, and esteemed Judiciary committee members, thank you for hearing this bill. My name is Representative Sam Zager, and I represent District 116, Part of Portland, where I also practice family medicine.

As this committee is well aware, this 3-day waiting period bill is one of severe proposals under consideration this session regarding firearm violence. No right under the US or Maine Constitution is absolute, and the Supreme Court of the United States in the *Heller* and *Bruen* decisions allows for tailored approaches to regulating firearms. There has to be a compelling public interest.

To consider the public interest, we should first examine the scope and type of problem we have: more American children die each year involved with a firearm than a motor vehicle. See Figure 1 of this [article](#) published in the medical journal *Pediatrics* by Dr. Bailey Roberts and co-authors two months before the Lewiston tragedy.¹ **In addition to showing that firearms being the #1 killer of American children, they also pointed out the problem is worsening:** “From 2018 to 2021, there was a 41.6% increase in the firearm death rate [among children].” We ought to be able to reduce the number of children dying in this manner. These numbers and trends constitute a public health crisis.

In the face of public health crises, public policy and collective solutions have a remarkably good track record. Consider a public health crisis of the 20th century: annual US deaths due to motor vehicles had nearly tripled in the 25 years from 1943 to 1968. Then, the federal government mandated the installation of seatbelts.² Motor vehicle deaths in this country reached 56,000 per year in 1972, approximately the same number of deaths in the entire Vietnam War. It took another 25 years for actual seatbelt usage to reach a majority (54% in 1994). There were also

¹ <https://publications.aap.org/pediatrics/article/152/3/e2023061296/193711/Trends-and-Disparities-in-Firearm-Deaths-Among?autologincheck=redirected>

² <https://www.ghsa.org/issues/seat-belts>

other government steps (e.g. speed limits and drunk driving enforcement), and citizen campaigns to change people's behaviors (e.g. Mothers Against Drunk Driving, MADD). The net effect was more than a 50% reduction in per capita motor vehicle fatalities (roughly 20,000 fewer Americans dying each year). **Americans realized that we could make driving safer without taking away driving. Similarly, we can reduce deaths from firearms, while still respecting the Second Amendment right to well-regulated firearm possession and usage. As with motor vehicle accidents, we just have to decide we want to do something to save lives.**

When it comes to the 72-hour waiting period in this bill, there actually is good evidence that it would save lives. Michael Luca et al published a study in the Proceedings of the National Academies of Science in 2017. They found in a natural experiment, caused by the temporary implementation of the Brady Bill, that waiting periods reduce gun suicides by 6% and homicides by 17%.³

This bill addresses an important issue of firearm fatalities, a large and growing problem, in a way that has been demonstrated to reduce both suicides and homicides. I urge the committee to support it.

Thank you for your service and attention.

³ <https://www.pnas.org/doi/epdf/10.1073/pnas.1619896114>



Waiting Periods for Firearms Purchases

Overview

Under current federal law, there is no waiting period requirement for the purchase of guns. Waiting period laws give law enforcement additional time to perform an accurate background check and create a “cooling off” period to prevent acts of violence or suicide attempts. If sold from a federally licensed dealer, a gun can be transferred to a purchaser before a proper background check is performed. However, the laws do not apply to private dealers in states that do not require universal background checks.

Waiting periods can reduce the number of prohibited people from purchasing guns, along with those who purchase a firearm with the intent of suicide. Waiting periods are an under-utilized, evidence-based strategy for reducing death and injuries.

AAP Position

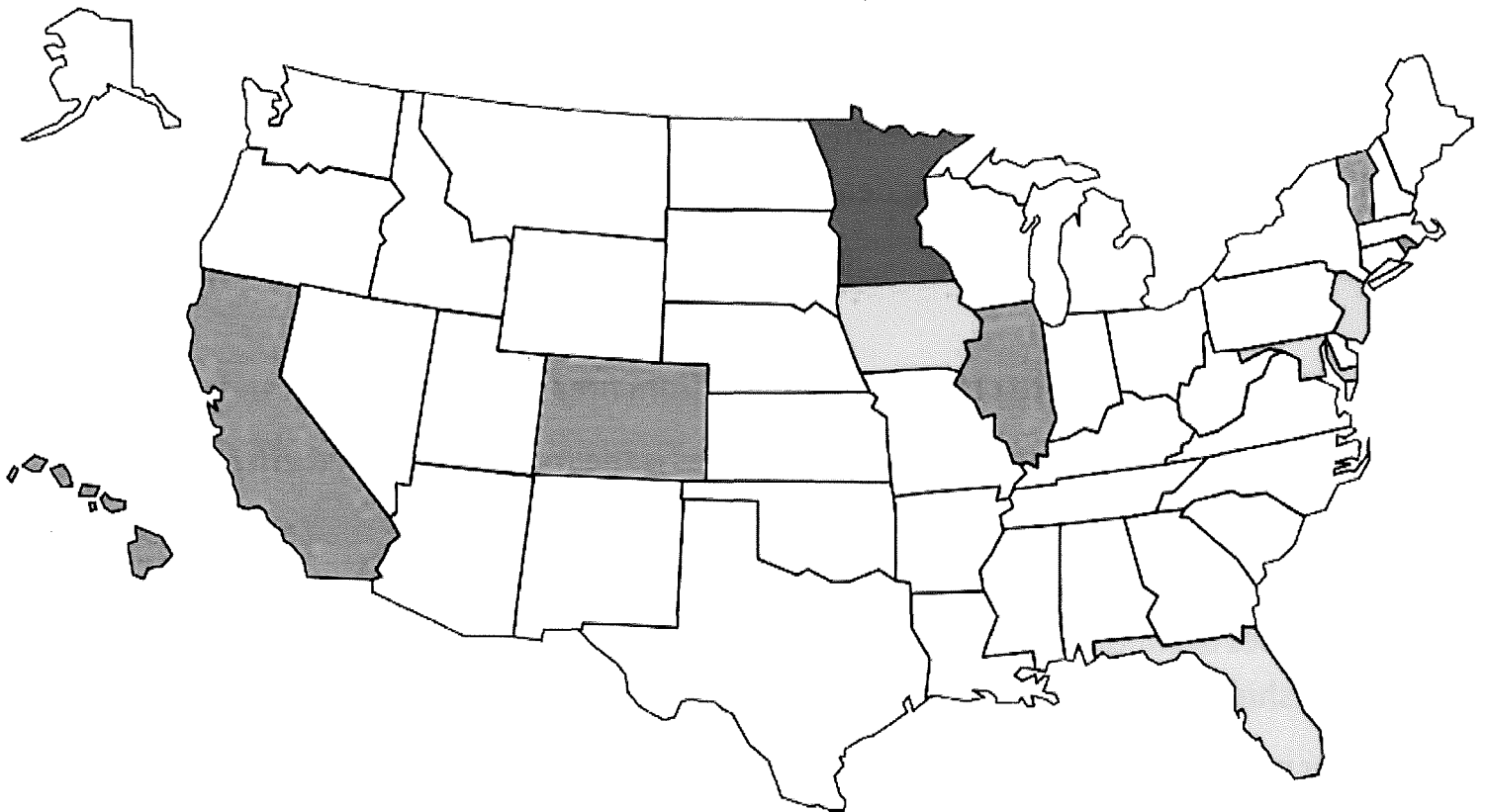
- The AAP is committed to protecting children from firearm-related injury and violence.
- The absence of guns in home and communities is the most reliable and effective measure to prevent firearm-related injuries in children and adolescents.
- The AAP supports a number of specific measures to reduce the destructive effects of guns in the lives of children and adolescents, including the manufacture, sale, purchase, ownership, storage, and use of firearms.
- Other measures aimed at regulating the access of guns should include mandatory waiting periods, closure of the gun show loophole, and mental health restrictions for gun purchasers.

Facts

- Death from firearms remains the most lethal form of suicide with an approximate 90% mortality rate.
- According to several studies, suicide survivors contemplated their actions in a very brief window of time. Waiting periods could help address this period of impulsive behaviors.
- Waiting period laws have proven to lower the rates of suicide. States with such laws had 51% fewer firearm suicides than states without. Another study showed that these states also experienced a 17% decrease in gun homicides. Over 900 firearm homicides could be prevented each year if every state implemented waiting periods.
- Over 70% of Americans without a firearm in the home support longer waiting periods for gun purchases.

Progress

- **6 states and DC** – impose waiting periods for purchases of all firearms
- **1 state** – imposes waiting periods for purchases of handguns & assault weapons
- **4 states** – impose waiting periods for handguns only



For information on current law or pending legislation in your state, please contact AAP State Advocacy at stgov@aap.org.

More



Handgun waiting periods reduce gun deaths EXHIBIT 9

Michael Luca^{a,1}, Deepak Malhotra^a, and Christopher Poliquin^a

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Edited by Phillip J. Cook, Duke University, Durham, NC, and accepted by Editorial Board Member Kenneth W. Wachter September 21, 2017 (received for review December 3, 2016)

Handgun waiting periods are laws that impose a delay between the initiation of a purchase and final acquisition of a firearm. We show that waiting periods, which create a “cooling off” period among buyers, significantly reduce the incidence of gun violence. We estimate the impact of waiting periods on gun deaths, exploiting all changes to state-level policies in the United States since 1970. We find that waiting periods reduce gun homicides by roughly 17%. We provide further support for the causal impact of waiting periods on homicides by exploiting a natural experiment resulting from a federal law in 1994 that imposed a temporary waiting period on a subset of states.

also suggest that waiting periods reduce gun homicides by 17%. The results of both analyses confirm a large and robust effect of waiting periods on homicides. We also find a negative effect of waiting periods on suicides, but the magnitude and statistical significance of the suicide effect vary across model specification.

Data and Research Design

We construct a panel of every change to waiting period laws in the United States between 1970 and 2014, which we obtained from state statutes and session laws. We combine these changes with annual data on firearm-related deaths from the Centers for Disease Control and Prevention. Fig. 1 shows the number of states with waiting periods over time. Overall, 44 states (including the District of Columbia) have had a waiting period for at least some time between 1970 and 2014. Exploiting the significant geographic and temporal variation in the adoption of waiting periods, we implement a difference-in-differences framework to estimate the causal impact of waiting periods on gun deaths. Essentially, we compare changes in firearm-related deaths within states that adopted waiting periods with changes in firearm-related deaths in other states. We control for changing economic and demographic factors that may be correlated with higher levels of gun violence or with the decision of lawmakers to adopt policies that delay gun purchases.

gun policy | gun violence | waiting period | injury prevention

More than 33,000 people die in gun-related incidents each year in the United States, accounting for as many deaths as motor vehicle accidents (1). This is concerning both in absolute terms and in comparison to other developed countries, all of which have lower rates of gun violence (2). For example, if the United States could lower its firearm death rate to that of Finland (the high-income country with the second highest rate), roughly 20,000 fewer people would die from guns every year. However, there has been no meaningful reduction in the US firearm-related death rate for more than a decade. Moreover, evidence about which policies would be effective at reducing violence remains limited (3), and the types of bills that are enacted depend on the political party in power (4).

To support our causal interpretation, we then restrict the analysis to the period from 1990 to 1998, during which federal policy forced many states to implement waiting periods. The Brady Handgun Violence Prevention Act (hereinafter “Brady Act”), which went into effect in February 1994, required background checks on handgun purchases from licensed firearm dealers and created a 5-d waiting period to allow sufficient time for the check. Although it was a federal policy, the Brady Act only created new waiting periods for 19 states, since some states already required a background check and waiting period, and some implemented an “instant check” system that allowed for nearly immediate background checks (thereby obviating the need for a waiting period). We provide further details regarding the Brady Act and affected states in *Identifying Policy Changes* and *Materials and Methods*.

One avenue for reducing gun deaths is to draw on insights from behavioral economics and psychology, which suggest that delaying gun purchases, even for a short time, might be an effective policy tool. Visceral factors, such as anger or suicidal impulses, can spur people to inflict harm on others or themselves, but tend to be transitory states (5, 6). For example, Card and Dahl (7) find that there is a 10% increase in domestic violence following an upset loss of the local National Football League team. Moreover, behaviors triggered by such visceral states can be contrary to longer term self-interest (5, 6).

Delaying a gun purchase could create a “cooling off” period that reduces violence by postponing firearm acquisitions until after a visceral state has passed. Increasing the time it takes to acquire a gun might also close the window of opportunity for would-be perpetrators of violence to use their weapons. Finally, a mandatory delay has the potential to deter purchases among people who have malevolent, but temporary, motivations for owning a firearm.

This article explores the impact of “waiting period” laws on firearm-related homicides and suicides using 45 y of data on law changes and mortality at the state level in the United States. A waiting period is a mandatory delay between the purchase and delivery of a gun; it requires purchasers to wait, typically between 2 and 7 d, before receiving their weapons. We exploit plausibly exogenous temporal and geographic variation in waiting period laws to implement a difference-in-differences approach that identifies the causal impact of waiting periods on homicides and suicides.

We find that waiting periods cause large and statistically significant reductions in homicides. Point estimates using our full 45-y sample and all waiting period changes imply a 17% reduction in gun homicides. We provide further evidence of a causal relationship between waiting periods and lower homicide rates based on a natural experiment in which federal law imposed waiting periods on a subset of states. Estimates from this analysis

Significance

Waiting period laws that delay the purchase of firearms by a few days reduce gun homicides by roughly 17%. Our results imply that the 17 states (including the District of Columbia) with waiting periods avoid roughly 750 gun homicides per year as a result of this policy. Expanding the waiting period policy to all other US states would prevent an additional 910 gun homicides per year without imposing any restrictions on who can own a gun.

Author contributions: M.L., D.M., and C.P. designed research, performed research, analyzed data, and wrote the paper.

The authors declare no conflict of interest.

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See Commentary on page 12097.

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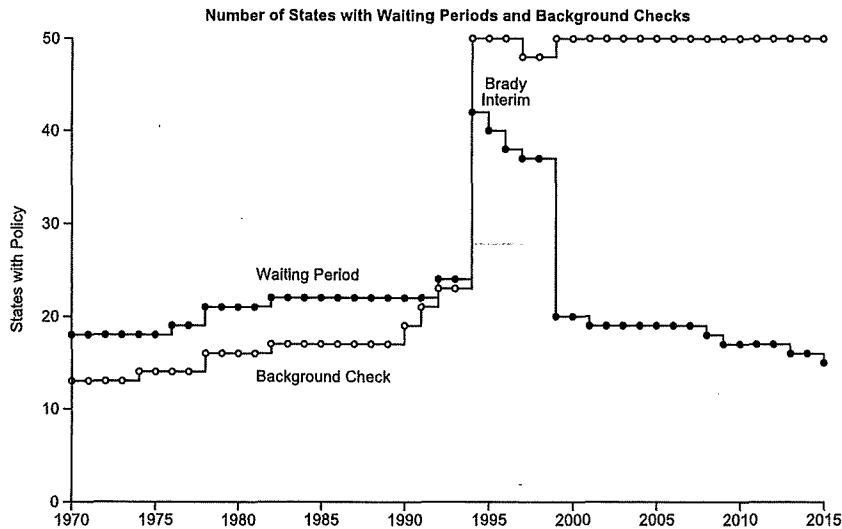


Fig. 1. States with handgun waiting periods and background checks on dealer sales from 1970 to 2015. Many states were required to implement these policies during the Brady interim period between February 1994 and November 1998 (shaded gray). Following prior research (8), Alabama and Ohio are coded as not requiring background checks after the Supreme Court’s decision in *Printz v. United States*. Not all states had waiting periods during the Brady interim period because they implemented or already had an instant background check system that obviated the need for a waiting period to investigate gun buyers.

Results

We begin by examining the effect of waiting periods across the full sample period from 1970 to 2014. The results of Table 1 show that waiting periods are associated with a 17% reduction in gun homicides. This effect is equivalent to ~36 fewer gun homicides

per year for a state with an average number of gun deaths. Waiting periods also lead to a 7–11% reduction in gun suicides (depending on the control variables used in the specification), which is equivalent to 22–35 fewer gun suicides per year for the average state. The results in Table 1 use a log-linear specification; we

ECONOMIC SCIENCES

Table 1. Effects of handgun waiting periods and background checks on violence, 1970–2014

Type of violence	1970–2014		1977–2014
	(1)	(2)	(3)
All homicide			
Waiting period	-0.127 (0.059)**	-0.137 (0.059)**	-0.132 (0.050)**
Background check		0.049 (0.082)	0.025 (0.081)
Gun homicide			
Waiting period	-0.188 (0.077)**	-0.187 (0.086)**	-0.186 (0.071)**
Background check		-0.004 (0.103)	0.022 (0.107)
Non-gun homicide			
Waiting period	-0.016 (0.051)	-0.048 (0.060)	-0.035 (0.037)
Background check		0.153 (0.076)**	0.036 (0.057)
All suicide			
Waiting period	-0.047 (0.021)**	-0.070 (0.023)***	-0.024 (0.011)**
Background check		0.113 (0.061)*	0.023 (0.020)
Gun suicide			
Waiting period	-0.097 (0.034)***	-0.120 (0.031)***	-0.074 (0.017)***
Background check		0.111 (0.073)	0.029 (0.028)
Non-gun suicide			
Waiting period	-0.017 (0.038)	-0.058 (0.059)	-0.006 (0.033)
Background check		0.199 (0.072)***	0.084 (0.031)**

Coefficients represent the effects of waiting periods and background checks on the natural logarithm of deaths per 100,000 adult residents. All models include state and year fixed effects. Models 1–2 include only the policy variables shown. Model 3 follows the specification of Ludwig and Cook (8) and includes alcohol consumption, poverty, income, urbanization, black population, and seven age groups. Model 3 uses fewer years of data due to missing control variables in earlier years. Summary statistics for all variables are included in Table S1. The 1970–2014 period includes 2,295 state-year observations; the model for gun homicides omits three state-years, and the model for non-gun homicides omits two state years because the death count was zero and the model is specified with a logged dependent variable. Similarly, the 1977–2014 period includes 1,938 state-years, but omits two state-years for gun homicides and one state-year for non-gun homicides. SEs, shown in parentheses, are clustered by state. Alternative model specifications presented in Tables S7 and S8 are not logged and include all state-years. * $P < 0.10$; ** $P < 0.05$; *** $P < 0.01$.

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present models with state-specific trends, models linear in the rate of violence, and Poisson models as part of Tables S3 and S5. The conclusion that waiting periods reduce gun homicides is robust across all specifications. The conclusion regarding suicides is robust to all specifications except those that include state-specific, linear trends (Table S3). Both conclusions are robust across models with and without controls for state-level economic and demographic changes. We also investigate the robustness of the results to the exclusion of individual states in Fig. S1.

To further support the hypothesis that waiting periods lead to a reduction in gun homicides, we then focus on a natural experiment created by the Brady Act, a federal law that forced some states to adopt new waiting period and background check policies between 1994 and 1998. Ludwig and Cook (8) also use the Brady Act to study whether background checks and waiting periods affect violence. They compare “Brady states” that were subject to the Brady Act with “Brady-exempt states” that were not. However, some states that were classified as Brady states already had waiting periods and background checks before the Brady Act, and other states chose to implement an “instant” background check system instead of requiring a waiting period. As a result, the coding of Brady states in the study by Ludwig and Cook (8) fails to capture all states that had preexisting waiting periods. In contrast, we precisely code which states had waiting periods (before 1994) and which implemented waiting periods only because of the Brady Act. In total, our coding differs from theirs for 16 states. This additional accuracy allows us to assess the causal impact of waiting periods resulting from the Brady Act. The full list of differences between our coding and prior research, along with supporting citations, can be found in Table S4.

We find that waiting periods led to large and statistically significant reductions in gun violence (Table 2) during the Brady interim period. Specifically, the results of column 3 of Table 2 show that waiting periods implemented during the Brady interim years resulted in a 17% reduction in gun homicides. This is equivalent to roughly 39 fewer homicides per year for the average state. There was also a 6% reduction in gun suicides (i.e.,

17 fewer suicides per year for the average state). Both results are robust across models with and without controls for state-level economic and demographic changes. Notably, exploiting the Brady Act as a natural experiment produces similar estimates as the longer sample period from 1970 to 2014.

Tables 1 and 2 also show that waiting periods have no significant effect on non-gun homicides, suggesting that people subject to waiting period laws do not substitute other means of committing homicide. This is consistent with other research (9) finding no increase in non-gun homicides in response to policies restricting access to firearms. Results for non-gun suicides, however, are less clear; some specifications suggest partial substitution toward non-gun methods of suicide in response to handgun waiting periods.

Discussion

Our results show that waiting periods reduce gun homicides. Waiting periods for gun purchases are supported not only by the American Medical Association but also by a majority of Americans and a majority of gun owners (10, 11). Our point estimates, based on 45 y of data, suggest that the 17 states (including the District of Columbia) with waiting periods as of 2014 avoid ~750 gun homicides. Expanding the waiting period policy to states that do not currently have it would prevent an additional 910 gun homicides per year. Waiting periods would therefore reduce gun violence without imposing any restrictions on who can own a gun.

Materials and Methods

Our main specifications are of the form:

$$r_{it} = \alpha_j + \lambda_t + \beta W_{it} + \gamma B_{it} + \delta' X_{it} + \epsilon_{it}$$

where r_{it} is the natural logarithm of the rate of violence (homicides or suicides) per 100,000 adult residents, W_{it} is an indicator for handgun waiting periods and B_{it} is an indicator for whether background checks are required for dealer handgun sales. We include an indicator variable for background checks on handgun purchases from licensed firearm dealers because a major source of policy variation in our dataset (the Brady Act) also affected

Table 2. Effects of handgun waiting periods and background checks on violence, 1990–1998

Type of violence	Brady period, 1990–1998		
	(1)	(2)	(3)
All homicide			
Waiting period	-0.073 (0.084)	-0.130 (0.077)*	-0.145 (0.060)**
Background check		0.091 (0.064)	0.010 (0.053)
Gun homicide			
Waiting period	-0.103 (0.093)	-0.179 (0.087)**	-0.181 (0.068)**
Background check		0.120 (0.080)	0.033 (0.065)
Non-gun homicide			
Waiting period	-0.019 (0.068)	-0.035 (0.064)	-0.072 (0.050)
Background check		0.025 (0.044)	-0.043 (0.039)
All suicide			
Waiting period	-0.016 (0.021)	-0.022 (0.023)	-0.036 (0.020)*
Background check		0.009 (0.022)	-0.007 (0.019)
Gun suicide			
Waiting period	-0.039 (0.024)	-0.053 (0.028)*	-0.066 (0.021)***
Background check		0.023 (0.028)	-0.003 (0.024)
Non-gun suicide			
Waiting period	0.050 (0.021)**	0.035 (0.022)	0.018 (0.022)
Background check		0.024 (0.023)	0.009 (0.018)

Coefficients represent the effects of waiting periods and background checks on the natural logarithm of deaths per 100,000 adult residents. All models include state and year fixed effects. Models 1–2 include only the policy variables shown. Model 3 follows the specification of Ludwig and Cook (8) and includes alcohol consumption, poverty, income, urbanization, black population, and seven age groups. Summary statistics for all variables are included in Table S2. The sample includes 459 state-year observations for all models. SEs, shown in parentheses, are clustered by state. * $P < 0.10$; ** $P < 0.05$; *** $P < 0.01$.

background check policies. As seen in Tables 1 and 2, the estimated impact of background checks depends on model specification. We also incorporate time-varying state-level control variables that may influence rates of gun violence (8), X_{it} , including alcohol consumption, poverty, income, urbanization, black population, and seven age groups. Summary statistics for these variables are included in Tables S1 and S2. The α_i and λ_t parameters represent state and year fixed effects. These fixed effects control for stable, state-specific factors affecting violence and time-varying factors that affect all states identically. It is impossible to control for all time-varying, state-specific factors that affect gun violence. For example, policing tactics, drug use, and environmental factors such as lead exposure might not have changed uniformly across states over time and may also affect violence. However, the consistency between our estimates during the short (Brady interim) period and the longer period (including all waiting period changes since 1970) supports our interpretation of the results. The model parameters are estimated via least squares weighted by state population. We then calculate the percentage effect of waiting periods on violence using the estimator described by Kennedy (12).

We code a state as having a waiting period if it imposes any mandatory delay on the purchase of a handgun or has a permitting system for dealer and private sales. (In Table S5, we estimate models with a separate control variable for handgun permit systems and show that the effect of waiting periods is not limited to states with permitting systems.) Currently, 10 states and the District of Columbia impose an explicit waiting period on handgun

sales, and an additional five states have permitting systems for private and dealer sales that result in a delay of firearm purchases. Forty-four states have had a handgun waiting period at some point since 1970, although 19 implemented the policy only due to the Brady Act's interim provisions, in effect from February 1994 to November 1998. These provisions required local law enforcement agencies to conduct background checks on handgun purchases from licensed firearm dealers and required a 5-d waiting period to conduct the check. Some states already required background checks and/or waiting periods before the Brady Act, and were therefore not affected by the new law, but other states were forced to adopt a new waiting period due to the federal policy change. When the permanent provisions of the Brady Act took effect on November 30, 1998, the federal waiting period requirement was replaced with an instant background check system [the National Instant Criminal Background Check System (NICS)]. As a result, many states discarded their waiting periods after 1998 because the NICS eliminated the need for a waiting period to investigate purchasers' backgrounds. We use the subset of waiting period changes that resulted from the Brady Act as a natural experiment to provide further support for our analysis of the full sample period from 1970 to 2014.

Although nine states have also had a waiting period on long-guns (i.e., rifles and shotguns) sometime since 1970, we focus on handgun waiting periods because handguns account for 70–80% of firearm homicides (13) and because a major source of variation in our data, the Brady Act's interim period, only affected handgun sales.

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EXHIBIT 10

Executive Committee

President
Laura Blaisdell, MD, MPH, FAAP

March 7, 2024

Vice President
Brian Youth, MD, FAAP

Subject: Testimony in Support of LD 2238, "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases"

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Senator Carney, Representative Moonen, and distinguished members of the Committee on Judiciary, my name is Joe Anderson. I am a resident of Portland, a pediatric hospitalist in Lewiston, and I serve on the board of the Maine Chapter of the American Academy of Pediatrics. I am here to express our support for LD 2238, "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases."

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The Maine Chapter of the AAP is a professional organization representing over 275 pediatricians and pediatric subspecialists working together to further our mission *to improve the lives of children and adolescents in Maine*. Waiting periods are a prevention method for any impulsive act involving a firearm, including both firearm suicide as well as intentional gun violence. We know that in Maine, most gun deaths (upwards of 90%) are suicides, not homicides. Some may wonder why pediatricians feel the need to implement a waiting period for firearm purchases as a suicide prevention tool, when in Maine, you must be 18 years old to purchase a firearm.

Often, we think of suicide in terms of the singular life lost – and certainly that is the most identifiable and significant consequence. However, the impact of suicide on our pediatric community, especially the suicide of trusted adults in their lives, is significant. Experiencing suicide in the family and exposure to firearm violence are both independent adverse childhood experiences, which are correlated with long-term negative health consequences.

Suicide deaths by firearm are on the rise in Maine, as highlighted in the chart below. In 2021, 56% of those deaths involved a firearm.

*Resident Board Representatives

**Medical Student Representatives

Staff

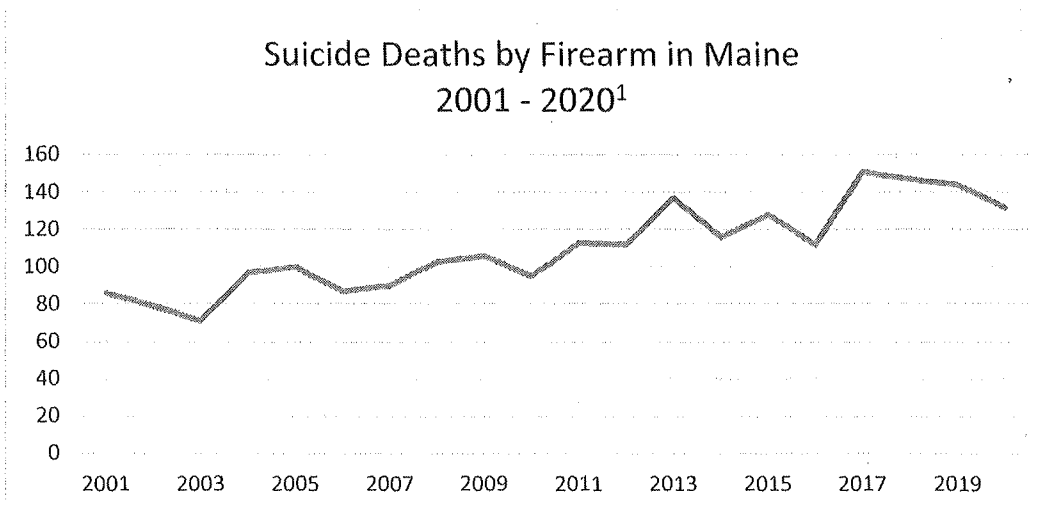
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American Academy of Pediatrics
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Waiting periods are an under-utilized, evidence-based strategy for reducing death and injuries by firearms. Waiting periods give law enforcement sufficient time to perform an accurate background check, and additionally create a “cooling off” period to prevent acts of violence or suicide attempts. States with such laws had 51% fewer firearm suicides than those without. Over 70% of Americans without a firearm in the home support longer waiting periods for gun purchases.²

Although a similar proposal was considered in 2023 and was ultimately unsuccessful, we believe that recent events have been a turning point – for our citizens and our elected representatives – to reconsider means of reducing suicides and gun violence in our state. This waiting period is not intended to infringe upon the rights of responsible gun owners, but rather to *encourage* responsibility and ensure that the decision to purchase a firearm is made with careful consideration and full awareness of the potential risks. We hope you will vote ought to pass on this important piece of legislation which introduces a temporary delay in firearm acquisition in order to prevent a permanent loss of life via suicide or an act of gun violence.

Sincerely,

A handwritten signature in black ink that reads "Joe Anderson" followed by a stylized flourish.

Joe Anderson, DO, FAAP
Advocacy Chair, Maine Chapter of the American Academy of Pediatrics

¹ Maine CDC Report to the Legislature pursuant to 22 MRS, Ch. 256-A § 1425



Maine Medical
Association



**TESTIMONY OF THE MAINE MEDICAL ASSOCIATION
AND
THE MAINE OSTEOPATHIC ASSOCIATION**

IN SUPPORT OF

LD 2224 - An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and
Mental Health System

and

LD 2238 - An Act to Address Gun Violence in Maine by Requiring a Waiting Period for
Certain Firearm Purchase

Joint Standing Committee on Judiciary
Room 438, State House, Augusta, Maine
Thursday, March 7, 2024

Good afternoon Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary. My name is Paul Cain, M.D., and I am a retired orthopedic surgeon and the President of the Maine Medical Association. I am submitting this testimony in support of LD 2224 - An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System and LD 2238 - An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchase on behalf of the Maine Medical Association and the Maine Osteopathic Association.

The Maine Medical Association (MMA) is a professional organization representing more than 4,000 physicians, residents, and medical students in Maine. MMA's mission is to support Maine physicians, advance the quality of medicine in Maine, and promote the health of all Maine people. The Maine Osteopathic Association (MOA) is a professional organization representing more than 1,200 osteopathic physicians, residents, and medical students in Maine whose mission is to serve the Osteopathic profession of the State of Maine through a coordinated effort of professional education, advocacy, and member services in order to ensure the availability of quality osteopathic health care to the people of this State.

MMA and MOA have chosen gun safety reform as a priority issue for our Associations because we cannot continue to ignore one of America's most serious public health crises. Deaths by firearms have increased significantly in the last few years including homicide, suicide, and accidents. In 2020, firearms became the leading cause of death among our children from 1 to 19 years of age—eclipsing motor vehicle accidents, cancer, drug

overdoses, suffocation, and drownings. 77% of homicides and more than 50% of suicides are the result of a firearm. One half of the murders of women are committed by a current or former intimate partner or spouse. Surely this is not what our forefathers imagined when they codified the right to bear arms in our Constitution.

We, the physician caregivers for more than a million Mainers, stand up to end this mayhem through the passage of sensible firearm safety laws in Maine. The physicians of Maine are dedicated to the health and well-being of our communities. We take our role in advancing public health measures seriously. We have no choice: because we are on the front lines of caring for patients affected by gun-related injuries every day.

Before I end, I wanted to note a few specific items about the two bills in front of you today.

As to LD 2238, we support a waiting period because the medical community frequently participates in difficult conversations with patients about how a life event might cause them to be at a heightened risk of harm, both to themselves and others. Suicide is the 4th leading cause of death among 15-54 year old people in Maine, one of the highest rates in the country. LD 2238 would put a buffer between that person's emotions and impulses and an action that would not just hurt themselves but cause a ripple of loss throughout the entire person's community. We know this works because it can reduce firearm suicide rates by 7-11%.¹ Saving just one life is worth the temporary inconvenience of needing to wait to purchase a firearm.

As to LD 2224, we support the majority of the bill including strengthening background checks. However, we just have a couple of suggestions and ultimately believe we should be implementing a red flag law.

We would suggest amending section three of the bill to add §395 (3) (C) - "For the purpose of preventing imminent death or serious physical injury, and the provision lasts only as long as is necessary to prevent the death or serious physical injury." This is based on language out of Oregon and recognizes that there might be a situation where someone acknowledges that they need a pause from firearms in their home and this would allow them to give those firearms to a trusted individual for a temporary period of time. We should be encouraging and creating space in the law for that self recognition.

We would also suggest amending section seven because the current law and this amendment would only allow firearms to be removed after taken into protective custody and a medical professional has identified foreseeable harm. This is problematic for a number of reasons including

- The standard for taking someone into protective custody is high and it is a severe loss of liberty for the individual. Although an extreme risk protection order/ red flag law sounds more intense, it would actually provide a path to a less severe

¹ <https://www.pnas.org/doi/10.1073/pnas.1619896114>

intervention that can be responsive to less severe situations where a person poses a risk but it's not as certain as to what their next steps might be.

- The current law and amendment would only allow law enforcement officers to make the determinations that someone ought to be taken into protective custody. Family members, community members, coworkers should be able to make a petition to a court for extreme risk protection and not rely on law enforcement.

We wanted to note our concern with continuing to rely on the yellow flag law as the one tool to protect the community from harm. At its core, physicians and other healthcare professionals' job is to build relationships with our patients so we can get them the best possible care. Putting health care professionals in the position of determining our patients' Second Amendment rights puts them at odds with building relationships with their patients. This should only be done in special circumstances like in the scope of a forensic psychiatric evaluation and not somewhere like the emergency department room by an ER doctor. If the State does want to place this responsibility on health care professionals then they should provide immunity to the clinician.

Ultimately, we believe many of these points can be resolved by passing an extreme risk protection order/red flag law. We would be happy to discuss this more with the committee members but we would recommend reviewing Gifford's Law Center resources around these types of laws.²

I practiced orthopedic surgery in Lewiston-Auburn for over 30 years and raised our family there. I know many of the victims of the mass shooting that took place there. This tragedy has shook our community and shattered our feeling of safety. How many people now avoid public gatherings or feel uncomfortable sending their children to schools? We need to do better. I am also a gun owner and responsible hunter, but I believe in limits to my Second Amendment Rights.

Thank you for considering the support of Maine's physician community about L.D. 2224 and LD 2238. Sensible gun safety reform needs to happen. We cannot wait for another one of our patients to die. We urge an "ought to pass" vote on both of these bills. I would be happy to respond to any questions you may have.

Thank you,
Paul Cain, M.D.

Please contact Anne Sedlack, Director of Advocacy at the Maine Medical Association and Maine Osteopathic Association if you need to get in touch with me for any further questions

² <https://giffords.org/lawcenter/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>.

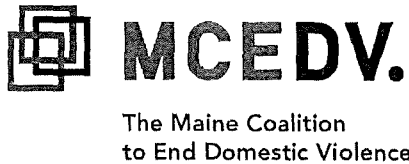


EXHIBIT 12

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207.430.8334

Testimony of Francine Garland Stark
In Support of LD 2238: “An Act to Address Gun Violence in Maine
by Requiring a Waiting Period for Certain Firearms Purchases”
Before the Joint Standing Committee on Judiciary
Thursday, March 7, 2024

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in support of LD 2238, “An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearms Purchases.” What MCEDV and our network of services providers would like Maine policymakers to understand on this issue is that **the codification of a waiting period in connection to firearms in Maine will not cause domestic violence victims to be less safe.**

An abusive partner’s access to firearms makes it five times more likely that a victim of domestic abuse will be killed.² Domestic violence assaults involving a gun are twelve times more likely to result in death than those assaults involving other weapons or bodily force.³ Abusers who possess guns tend to inflict the most severe abuse on their partner.⁴ These things are true without regard to who the actual owner of the firearm is.

In Maine, firearms are the primary method abusers use to kill their current or former intimate partners; accounting for 62% of all of intimate partner violence homicides between 2000 and 2019.⁵ In the cases reviewed for its 2020 report, Maine’s Domestic Abuse Homicide Review Panel noted that approximately half (5 of 12) of the perpetrators who killed their intimate partner went on to commit suicide.

¹ MCEDV serves a membership that includes Maine’s eight regional domestic violence resource centers (DVRCs) across the state, as two culturally specific service providers. Last year, these programs together served more than 12,000 Maine survivors of domestic abuse and violence and their children.

² JC Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study, *American Journal of Public Health* 93, no. 7 (2003).

³ Saltzman, L. E., Mercy, J. A., O’Carroll, P. W., Rosenberg, M. L., & Rhodes, P. H. (1992). Weapon involvement and injury outcomes in family and intimate assaults. *JAMA*, 267(22), 3043-3047.

⁴ JC Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multistate Case Control Study, *American Journal of Public Health* 93, no. 7 (2003).

⁵ 2020 Domestic Abuse Homicide Review Panel Report.

Maine's Homicide Review Panel has recommended that bystanders who become aware that victims have acquired firearms understand that the presence of firearms may lead to increased danger for victims and that these bystanders take immediate steps to connect that person with Maine's domestic violence resource centers to explore high risk safety planning. The US Supreme Court has even noted the connection between access to guns and femicide. In *US v. Castleman* (2014), the Court observed, "This country witnesses more than a million acts of domestic violence, and hundreds of deaths from domestic violence, each year. Domestic violence often escalates in severity over time, and **the presence of a firearm increases the likelihood that it will escalate to homicide...** '[A]ll too often... the only difference between a battered woman and a dead woman is the presence of a gun.'"

Advocates from the domestic violence resource centers in Maine do not advise victims to obtain a firearm as part of their safety plan. This is because, as noted above, statistically, the victim is more likely to have it used against them than to find it helpful in defending themselves from the person abusing them. Of course, if a victim has a firearm or wants to have a firearm as part of their safety plan, our resource centers will support that, including making sure the survivor is aware of the heightened risk that comes with that choice. **A waiting period would not impede efforts of survivors who see acquisition of a firearm as integral to their safety, as there are services in place that can help survivors be safe during that waiting period.** For example, if a victim tells an advocate that they don't feel safe in their house without a firearm, and it turns out that they need to wait 3 days to get that firearm, our centers can either directly shelter, or arrange for temporary lodging in a hotel (in their community or in another community) until that person has what they have determined they need to be safe in their home.

Implementation of a 72-hour waiting period on the purchasing of a firearm would reduce the likelihood of impulsive acts of lethal violence. Domestic violence homicide has devastating impact on surviving family members and on whole communities. MCEDV urges you to take this important step towards decreasing impulsive acts of gun violence by enacting this reasonable waiting period on gun purchase. Thank you for the opportunity to share our knowledge and perspective on this important issue. Please do not hesitate to let me know if we can be of assistance as this conversation continues.

Contact Information:

Francine Garland Stark, Executive Director
Maine Coalition to End Domestic Violence (MCEDV)
Email: francine@mcedv.org

Maine Association of Psychiatric Physicians

Testimony of David Moltz, MD
To the Joint Standing Committee on Judiciary
129th Maine State Legislature
March 7, 2024

Senator Carney, Representative Mooney, and Distinguished Members of the Judiciary Committee,

My name is David Moltz, MD, and I live in Portland, Maine. I am here today representing the Maine Association of Psychiatric Physicians, in support of LD 2238.

As a psychiatrist I am far too familiar with the problem of preventing suicide. A fact that is frequently overlooked in discussions of gun violence is that 89% of deaths by gun in Maine are suicides. More than half of suicide deaths in Maine are by gun. And this is because suicide attempts by gun are lethal 85% of the time, compared, for instance, with drug overdose, which is lethal only 3-5% of the time.

Impulsiveness plays a part in many suicide attempts. In one study, 70% of people who survived serious suicide attempts said that the time between when they thought of suicide and when they attempted it was less than one hour, and 24% said it was less than 5 minutes. In that brief time, if a gun is available it will be used, and when you use a gun, there is no chance for second thoughts.

This impulsivity is why it is vital to legislate a waiting period, such as 72 hours, before a gun can be purchased. It allows a cooling-off period, time to have second thoughts and to change your mind before acting. And it doesn't interfere with second amendment rights. You still get to have your gun; you just have to wait a few days to get it. But those few days may mean the difference between life and death.

On behalf of the Maine Association of Psychiatric Physicians I urge you to save lives by voting "ought to pass" for LD 2238. Thank you.

David Moltz, MD
Chair, Clinical Practice Committee
Maine Association of Psychiatric Physicians
207-650-1017
dmoltz2@gmail.com

Janet T. Mills
Governor



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

Jeanne M. Lambrew, Ph.D.
Commissioner

REPORT TO THE LEGISLATURE

TO: Joint Standing Committee on Health and Human Services
FROM: Maine Center for Disease Control and Prevention, Maine DHHS
DATE: February 2023
RE: Report pursuant to 22 MRS, Ch. 256-A §1425

INTRODUCTION AND BACKGROUND

Pursuant to 22 MRS §1425, the Maine Center for Disease Control and Prevention (Maine CDC) at the Maine Department of Health and Human Services (DHHS) submits this second annual report representing the available data for firearm-related deaths and hospitalizations occurring in Maine from January 2021 through December 2021 as provided to Maine CDC by its partners, including Maine Health Data Organization (MHDO), the Office of the Medical Examiner and the Maine Department of Public Safety (DPS). Additional sources of data specific to incidents involving the use of a firearm and information beyond the scope of this legislative report mandate have been identified and these include, but are not limited to: Maine’s Violent Death Reporting System, Maine’s Domestic Violence and Homicide Review Panel and National Electronic Injury Surveillance System-All Injury Program (NEISS-AIP).

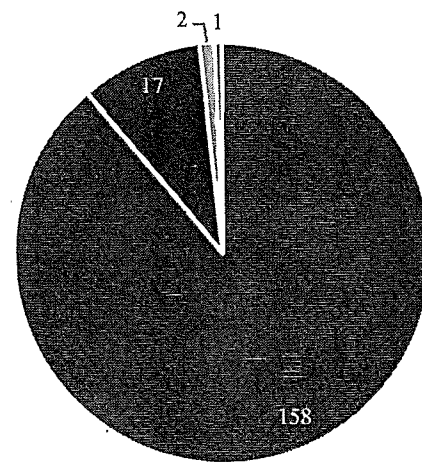
FIREARM FATALITIES: OVERALL

In Maine in 2021, there were 178 deaths by firearms. Of these deaths, 2 were unintentional, 17 were homicides, 158 were suicides. There was one death where the manner could not be determined.

Firearm Fatalities by Category				
	2020		2021	
Suicide	132	85.7%	158	88.7%
Homicide	19	12.3%	17	9.6%
Unintentional	3	1.9%	2	1.1%
Undetermined	0	0%	1	.6%
Total	154		178	

Categories are determined by the Office of the Chief Medical Examiner.

Firearm Fatalities 2021



- Suicide
- Homicide
- Unintentional
- Undetermined

UNINTENTIONAL FIREARM FATALITIES

Unintentional firearm fatality is a case of a person’s death caused by a firearm discharging unintentionally.

Unintentional Deaths by Firearm by Age Group		
Age Group	2020	2021
<15	0	2
15-24	1	0
25-34	1	0
35-44	0	0
45-54	0	0
55-64	1	0
65+	0	0
Total	3	2

Source: Maine Center for Disease Control and Prevention, Maine Office of Data, Research and Vital Statistics, Death certificate data

HOMICIDE

In 2021, there were 17 firearm-related homicides in Maine. Of these deaths, more than 1 in 3 were domestic violence (DV) homicides. According to Maine’s Domestic Violence Homicide Review Panel, about 40% of domestic violence homicide perpetrators use a firearm to kill their victim.

Homicides by Firearm by Age Group				
Age Group	2020		2021	
	Total	DV (subset)	Total	DV (subset)
<15	0	0	0	2
15-24	4	1	1	0
25-34	5	1	7	0
35-44	3	1	2	0
45-54	1	0	6	0
55-64	5	3	1	0
65+	1	1	0	0
Total	19	7	17	6

Notes: Firearm homicide data were run from the death records filed and registered with Data, Research, and Vital Statistics, and compared with the Maine State Police Report on homicides, found on their website [2021 Annual Homicides | Maine State Police](#). The Office of Chief Medical Examiner provided input on records not found on the State Police website.

The following ICD 10 codes were used to identify firearm deaths: W32, W33, W34, X72, X73, X74, X94, X95, Y22, Y23, Y24, Y35, and U014

Source: Maine Vital Records, Maine CDC, Department of Health and Human Services, Maine State Police, Department of Public Safety, and the Office of Chief Medical Examiner, Maine Attorney General's Office.

Beginning January 2022, DPS will implement a revised data collection form to require law enforcement agencies to submit additional data elements for firearm-related incidents occurring January 1, 2022 and after.

SUICIDE

Suicide is the fourth leading cause of death among those ages 15-54 years old in Maine¹. In 2021, 277 Mainers died by suicide. Of these deaths, 56% (n=158) used a firearm. Men are more likely to die by suicide using a firearm than women. Most suicide deaths that involved a firearm occurred among individuals older than 25 years of age.

Number of Suicides by Firearm		
Age Group	2020	2021
<25	13	14
25-44	33	56
45-64	44	52
65+	42	36
2021 Total	132	158

Notes: Suicide related deaths are defined as deaths of Maine residents for which the underlying cause of death was coded as ICD-10 U03 X60-X84 or Y87.0.

Data Source: Maine death certificates, Maine CDC Data, Research and Vital Statistics

FIREARM-RELATED HOSPITALIZATIONS

In 2021, there were 54 firearm-related injuries that resulted in hospitalization in Maine, an increase from 39 in 2020. Of these, 48 (89%) were among men; 17 (31%) were among those aged 25-34 years. Most firearm-related injury hospitalizations were due to accidental discharge of a firearm, followed by assault by firearm.

Non-fatal Firearm-related Hospital Discharges by Firearm-related Cause		
Cause of Injury	2020	2021
Accidental discharge or malfunction of firearm	15	24
Intentional self-harm by firearm	8	10
Assault by firearm	14	17
Terrorism involving firearms	0	0
Firearm discharge of undetermined intent	1	0
Legal intervention involving firearm discharge	1	3
Total	39	54

Notes: Data include Maine Non-Federal/Non Psychiatric Acute Care Hospital Discharges with Principal Diagnosis of injury and firearm-related secondary diagnosis or injury cause code

Data Source: Maine Health Data Organization Hospital Inpatient Database 2021

RELATED RESOURCES

The U.S. Center for Disease Control and Prevention publishes data on causes of nonfatal injury via Web-based Injury Statistics Query and Reporting System (WISQARS) Nonfatal, providing data from the National Electronic Injury Surveillance System-All Injury Program (NEISS-AIP)². The NEISS-AIP data provides information about types of nonfatal injuries in U.S. hospital emergency departments, how common they are, who they affect, and what causes them.

¹ Centers for Disease Control and Prevention, National Centers for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) (2021). Available at: www.cdc.gov/injury/wisqars

² <https://wisqars.cdc.gov/data/non-fatal/home>