

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



May 17, 2023

Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333

Dear Senator Carney, Representative Moonen, and Honorable Members of the Committee:

I am writing to you, on behalf of the National Rifle Association, regarding Legislative Document 1696 (LD 1696); an act to create a civil cause of action for persons suffering damages arising from the sale of abnormally dangerous firearms. This bill seeks to create a cause of action against a firearm industry member's intentional manufacturing or sale of an "abnormally dangerous" firearm. This would ensnare both large retailers and small gunsmiths throughout the state and wrongfully punish them for the misuse of firearm products by violent criminals. Because of this, on behalf of the NRA, I would like to express our strong opposition to this legislation.

First and foremost, the term "abnormally dangerous" is poorly defined. LD 1696 defines abnormally dangerous as a firearm or related product that is most suitable for "assaultive purposes" rather than self-defense or other "legitimate" activities. The standard provides no clear guidance to the firearm industry regarding what firearms would be ok to manufacture and sell in Maine. Under this law, a government agency could label a firearm as simple as a bolt action .22 rifle "assaultive" because an individual could use it for harm against another individual. This broad definition creates a dangerous scenario for the complete degradation of Second Amendment rights in Maine.

While the definition in this bill is very problematic, the true purpose of the bill seems to be an attempt to evade the federal Protection of Lawful Commerce in Arms Act ("PLCAA"). The PLCAA protects members of the firearm industry from being held responsible for the third party misuse of products they manufacture or sell. It is unreasonable for Louisville Slugger or a sporting goods retailer to be held liable when a criminal uses a baseball bat in a crime. It is unreasonable for Ford or an auto retailer to be held liable when a vehicle is used in a crime. And, it is equally unreasonable for a firearm manufacturer or retailer to be held liable for the acts of a criminal that the manufacturer or retailer have no ability to foresee. This liability would be an unfair and egregious overstep by the State of Maine and would shut down firearm commerce in Maine overnight.

Because of these reasons stated above, the NRA and its members strongly urge you to oppose LD 1696.

Please do not hesitate to contact me with any questions you may have.

Sincerely,
Justin E. Davis
State Director, NRA-ILA