



Maine Municipal Association

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Testimony of the Maine Municipal Association

In Support of LD 1122– *An Act Allowing Municipalities to Enact Firearms Policies in Local Government Buildings*

April 8, 2013

Senator Lachowicz, Representative Graham and members of the State and Local Government Committee. My name is Kate Dufour and I am providing testimony in support of LD 1122 on behalf of the Maine Municipal Association (MMA) and at the direction of MMA's 70-member Legislative Policy Committee (LPC).

LD 1122 would entrust local legislative bodies (i.e. councils and town meetings) with the responsibility for determining whether or not to impose a very limited restriction on the possession of firearms in places where people gather to conduct municipal business. Under existing law, the state has preempted municipal home rule authority to regulate firearms, with the only exception being the adoption of firearms discharge ordinances. Under all other circumstances, municipalities cannot regulate the possession of firearms.

As proposed in LD 1122, the existing state preemption would be modified to authorize municipalities to adopt an ordinance that prohibits the carrying of firearms in essential municipal offices and places of legislative assembly. The bill further limits the authority of the municipality by clearly defining the term "essential municipal offices" to mean the office of the municipal clerk, treasurer, tax collector, assessor, manager or administrator and the term "place of legislative assembly" to mean where the town meeting or council assembles to adopt budgets, laws and ordinances.

The bill simply extends to municipalities the *option* to provide the same level of protection the state has extended to legislators, state agency employees and the general public who convene in the state's capitol area.

While municipal officials certainly understand the concerns that may be raised regarding constitutional rights to bear arms, they believe that the proposal found in LD 1122 makes every effort to address that concern.

First, the bill severely limits the places where the right to carry firearms could be limited by municipal ordinance.

Second, and more importantly, the bill requires the people in the municipalities to decide whether or not the limited restriction meets the unique needs of the community. The restriction becomes effective if, and only if, the community votes to adopt the ordinance. The decision to move forward with an ordinance is entirely up to the residents of the community.

Finally, it is important to note that municipal officials are split on whether or not the restriction found in the bill would benefit their communities. Some municipal officials believe that it would address the intimidation that some residents feel when attending a public meeting where others are openly carrying firearms. Other municipal officials believe that the prohibition could provide a false sense of security.

That being said, Maine's municipal leaders agree that it is the local legislative body that is in the best position possible to make that determination for the community.

Thank you for your time and consideration of this important municipal issue.