2 July 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1884, “An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons.”

This bill provides that a person’s firearms possession rights may be stripped when a court has ordered that person to take part in a mental-health progressive treatment program. Although this bill provides a procedure that affords the person some due process protections, ultimately the patient could be denied their firearm possession rights for up to two years based on minimal evidence.

Unlike the statute for involuntary commitment, which requires evidence of the person’s mental illness and dangerousness to be proved by clear and convincing evidence, this statute does not specify the same high evidentiary standard. Once made, these factual determinations are not reviewable on appeal. Ultimately, the statement of a single doctor that the person is probably mentally ill and dangerous is all that is needed to deprive the individual of a constitutionally protected right.

The protections this bill affords the individual are simply insufficient. The evidentiary burden is low, there is no opportunity for a second opinion, and the duration of the order is long.

For these reasons, I return LD 1884 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

[Signature]
Paul R. LePage
Governor