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Bill: Alert Victims if Abusers Try to Buy Gun

By Paul Carrier, Portland Press Herald Writer

AUGUSTA — Victims of abuse will soon get an added layer of protection from the state, thanks to a revived legislative plan to warn them if their abusers try to buy guns. The bill was awaiting passage in the Senate late Tuesday after the House of Representatives endorsed it earlier in the day. Gov. John Baldacci supports the bill and plans to sign it once the Legislature sends it to him.

If a federal background check reveals that a prospective gun buyer is the subject of a protection-from-abuse order, the measure says, the state must then tell the person who is protected by that order about the attempted purchase.

Federal law already prohibits anyone covered by a protection order from buying a gun, but it doesn't require that the victim be warned about the attempt. If passed as expected, the bill would require the state Department of Public Safety or the local police or sheriff's department to contact the victim.

"If someone has threatened to harm you, you want to know if they tried to buy a gun," said Gretchen Ziemer of the Maine Coalition to End Domestic Violence, which supports the bill. "I think this is just another tool in our safety toolbox."

Federal statistics show that 47 people covered by protection orders tried to buy guns in Maine in 2004, and 26 made the attempt in 2005.

"It allows folks to be alerted," said Lauralee Raymond of the Maine Women's Lobby. "It's definitely not a feel-good thing. We actually think this is going to protect people's lives."

Local police currently are not notified when people who have protection orders against them are flagged by the federal background check while trying to buy guns, said Michael Cantara, commissioner of the state Department of Public Safety.

Once the bill becomes law, Cantara said, the federal government has agreed to notify his department of an attempted gun purchase. That would trigger a process by which local or state police would notify the person protected by the court order.

“That is information for a person to insert into her reality and take appropriate steps, when steps are needed,” Cantara said.

Not only would victims learn about potential heightened threats to their safety, Ziemer said, but local police also would get a heads-up that might help them do their jobs as well.

The bill’s passage seemed remote as recently as a few weeks ago because an earlier, nearly identical version died when the House and Senate were unable to resolve their differences on it.

No one opposed the original bill outright. But advocates for gun owners tried to tack on protections of their own, including one requiring that the state train police officers on how to handle, store and ultimately return guns seized from people who have protection orders against them.

“No one had an objection to the (original) bill,” said Assistant House Minority Leader Joshua Tardy, R-Newport, who proposed changes backed by the National Rifle Association.

The bill’s backers, however, countered that the changes were not germane. That ultimately killed the bill when the House and Senate could not agree on whether to include the changes.

Another try took shape behind the scenes during the Legislature’s three-week hiatus earlier this month. That produced two separate bills - one like the original, and one that deals with how police should handle confiscated guns.

The latest version was sailing through the Legislature this week, but John Hohenwarter of the NRA, which took no position on the bill, remained skeptical.

“If it does save a life, that’s a good thing,” Hohenwarter said. But, he said, advocates for abuse victims “need to take a look at whether it’s going to be effective or not.”

Ziemer said the notification bill is as important as another bill passed earlier this year that allows judges to include pets in protection orders. That bill reflects the fact that abusers sometimes harm, or threaten to harm, a victim’s pets as a way to retain control over that person.

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