



Written by [Joe Wolverton, II, J.D.](#) on June 17, 2017

## New Law in Maine Prohibits Creation of Gun Registry

The governor of Maine recently signed a bill that prohibits the creation of a registry of gun owners within the sovereign borders of that state. This will not only protect the privacy of gun owners residing within the Pine Tree State, but will thwart any effort of the federal government to establish such a registry in the future.



Signed into law by Governor LePage on June 12, the new law specifically mandates that: “a government agency of this State or a political subdivision of this State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction.”

Both houses of the state legislature approved the measure with bipartisan support. The state House of Representatives approved the bill on June 6 by a vote of 122-24, and their colleagues in the state Senate followed suit a day later, agreeing to enact the bill by a unanimous 35-0 vote.

The most effective aspect of the new law will likely not be known until such time as some federal agency, no doubt in response to another publicized crime committed with a gun, requires the compiling of a national database of “legal” gun owners. In order to accomplish this constitutionally violative act, the federal agency tasked with creating the catalog would force state and local law enforcement agencies to gather this information or face forfeiture of federal grants.

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Setting aside the fact that the federal government has no authority whatsoever to dole out money to the states and that the states, by accepting those funds, are complicit in the unconstitutional arrangement, such a registry is now illegal in Maine and its gun owners are safe from having their names and other information collected, cataloged, and co-opted by the federal government.

By preemptively preventing state and city participation in any forthcoming federal gun registry, the state government of Maine is demonstrating faithful adherence to the counsel given by James Madison in Federalist 46. In that letter, Madison advises states that to avoid having their authority abridged by the forces of the general government, they should refuse “to cooperate with officers of the Union.”

Maine has now done just that. Barring some future repeal of the recently enacted law, the state and the cities that are a part of it may not, no matter the federal enticement, require residents of the state who own firearms to add their names to a registry aimed at identifying such people.

Moreover, the law in Maine, by making it difficult for the feds to create a registry of firearm owners, establish a precedent of preventing participation in future attempts to abridge the rights of men and women in Maine to keep and bear arms, as already protected by the Second Amendment.

It’s not as if such a scenario hasn’t been discussed — and approved — by the government of the United



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States.

In 2013, the United Nations, with the sponsorship of the U.S. State Department, approved the Arms Trade Treaty.

Perhaps the most immediate threat to the rights of gun owners in the Arms Trade Treaty is found in Article 5. Under the title of “General Implementation,” Article 5 mandates that all countries participating in the treaty “shall establish and maintain a national control system, including a national control list.”

This list should “apply the provisions of this Treaty to the broadest range of conventional arms.”

Article 12 of that treaty adds to the record-keeping requirement, mandating that the list include “the quantity, value, model/type, authorized international transfers of conventional arms,” as well as the identity of the “end users” of these items.

In very clear terms, ratification of the Arms Trade Treaty by the United States would require that the U.S. government force gun owners to add their names to the national registry. Citizens would be required to report the amount and type of all firearms and ammunition they possess.

Section 4 of Article 12 of the treaty requires that the list be kept for at least 10 years.

The agreement also demands that national governments take “appropriate measures” to enforce the terms of the treaty, including civilian disarmament. If these countries can’t get this done on their own, however, Article 16 provides for UN assistance, specifically including help with the enforcement of “stockpile management, disarmament, demobilization and reintegration programmes.”

Right now, the Senate seems unlikely to ratify that treaty, but the margin is very small and the Republicans in charge of that body seem reluctant to use their power to roll back the tide of tyranny that has flooded across the union for decades under Democrat majorities.

Our ultimate barricade against being denied the right to keep and bear arms is the Second Amendment and its support from state governments.

Finally, a word about the multiplicity of federal “laws” and regulations unconstitutionally infringing on the rights protected by the Second Amendment.

Why did our Founding Fathers intend to wall off the right to keep and bear arms from potential assaults by the government? Because they understood that the right to keep and bear arms is the right that, when all others have been abolished, will be the one that can restore the rest.

St. George Tucker was a patriot and friend of Thomas Jefferson. During the War for Independence (there was no revolution in America; there was a restoration), Tucker, on the order of Governor Patrick Henry, smuggled weapons into Virginia for use by the state’s militia.

During that war, Tucker himself served in the militia of the Old Dominion, leading several raids on the British invaders.

After the war, Tucker became a judge — first serving as a circuit judge and later as a federal judge appointed by President James Madison. It was during his work as a jurist that Tucker wrote commentaries on the work of William Blackstone, applying analogies from that inimitable work to the Constitution of the United States.

After quoting the Second Amendment, Tucker wrote the following, identifying the reason the right to



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keep and bear arms was considered sacrosanct by the men of the Founding Generation:

This may be considered as the true palladium of liberty.... The right of self defence [sic] is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour [sic] or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.

Any pretext whatsoever. That is pretty plain language — language that doesn't seem to lend itself to the strained and self-serving (mis)interpretation by those who would prohibit liberty.

Later in that same text, Tucker warned of a time that “Congress [would] pass a law prohibiting any person from bearing arms as a means of preventing insurrections....”

Reading between the lines, then, Tucker recognized that guns are great for hunting and for protecting one's home, but those aren't the uses of firearms that the Second Amendment was designed to preserve.

The purpose of bearing arms — the ultimate purpose — was then and had been throughout history, defending oneself against tyrants. This, our Founders believed, was the “first law of nature.”

Maintaining liberty was believed by them to be a Christian obligation and that duty was only discharged fully and finally by a people armed and able to defeat despots.

As if Tucker needed to be any clearer, he finished his analysis of the ultimate aim of protecting firearm ownership, writing that Congress had no authority to pass any laws restricting the right of the people to own weapons, “nor will the constitution permit any prohibition of arms to the people; or of peaceable assemblies by them, for the purposes whatsoever, and in any number, whenever they may see occasion.”

Lawmakers in every other state should follow Maine's example and erect a wall of statutory protection around the citizens of their states before the forces of federal despotism deny the people the exercise of the very right that was explicitly enacted to prevent such privations.



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