

Federal Government. However, in 1873, the Court began to develop modern incorporation doctrine principles. These principles were used to determine if amendments apply to the States through the due process clause of the 14th amendment.

The Court in *McDonald* is likely to use the modern incorporation doctrine, rather than simply uphold precedent from its previous second amendment cases.

The Supreme Court in *Duncan v. Louisiana* summarized the modern incorporation doctrine, stating, “the question has been asked whether a right is among those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions . . . whether it is basic in our system of jurisprudence . . . and whether it is a fundamental right, essential to a fair trial.”

I believe the second amendment right to bear arms is a fundamental, constitutional right of law-abiding Americans. And, like most of the Bill of Rights, it must also be protected from unreasonable state restrictions.

Since the *Heller* decision, three appellate courts have addressed whether the second amendment applies to the States. Two of the courts, the Second and Seventh Circuits, followed Supreme Court precedent. They held that the second amendment only applies to the Federal Government. This was not because the judges were in favor of gun control—as many tried to state during Justice Sotomayor’s confirmation hearing. Instead, it was because they showed judicial restraint. They recognized that only the Supreme Court should overturn its own precedent. In the third case, the Ninth Circuit failed to follow Supreme Court precedent. Instead, it applied modern incorporation principles. It held that the second amendment is incorporated by the 14th amendment and protected against State infringement. Although I think the Ninth Circuit should have followed precedent, I agree with their analysis.

I would emphasize this: Even if the Court decides that the second amendment does not apply to the States, citizens do not need to worry that people are going to start taking away their firearms.

Forty-four State constitutions contain provisions addressing the right to bear arms. Most of these are much clearer than the Federal Constitution. They were adopted more recently and address specific issues such as concealed carry laws.

New Mexico’s Constitution states: No law shall abridge the right of the citizen to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein shall be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms.

I am confident that our citizens’ right to bear arms will continue, re-

gardless of the *McDonald* decision. However, I believe that the Court will hold that the second amendment is incorporated by the 14th amendment.

When the Court asks whether the right to bear arms is “among those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions . . . and is deeply rooted in this nation’s history and tradition,” I have no doubt in the conclusion they will reach.

ADDITIONAL STATEMENTS

RECOGNIZING DAMARISCOTTA RIVER GRILL

● Ms. SNOWE. Mr. President, today I honor a small restaurant in my home State of Maine that has taken a creative approach to bringing people together by hosting a number of community-oriented events. Located in the charming and quaint town of Damariscotta, the Damariscotta River Grill has become a well-known name in the midcoast Maine dining scene by providing diners with a comfortable and welcoming environment to enjoy a good meal while meeting local artists.

The Damariscotta River Grill opened in late 2003 and has quickly become a recognized name throughout Maine’s burgeoning restaurant scene. Noted for its fresh and diverse menu, the Grill offers customers an eclectic mix of local seafood, meats, and produce. For lunch, the restaurant makes a wide array of sandwiches, and on Sundays the restaurant prepares a delectable brunch complete with an incredible number of options for landlubbers and seafood lovers alike.

The restaurant has quickly caught the attention of critics from far and wide, who all agree that the Damariscotta River Grill is not to be missed when visiting Midcoast Maine. Publications as divergent as the *Boston Herald*, *New York Times*, *Portland Press Herald*, and *Fodor’s* have praised the consistent and mouthwatering cuisine that chef-owner Rick Hirsch cooks up year round. Cape Cod Today went as far as to say that the restaurant offers “. . . as original and appealing a menu as any in New England”—a ringing endorsement given the number of superb establishments throughout the six-state region!

On March 30, Chef Rick Hirsch will be acknowledged for his hard work and dedication in producing such a high-caliber restaurant when he receives the Maine Restaurant Association’s 2010 Chef of the Year award at a ceremony in Portland. A graduate of the renowned Johnson & Wales University in Rhode Island, Mr. Hirsch is extraordinarily deserving of this prestigious award, which recognizes Mr. Hirsch’s more than two decades of culinary experience as the owner of two restaurants in Maine—the Damariscotta River Grill, as well as the Anchor Inn Restaurant in Round Pond—and his Red Plate Catering business.

Additionally, since its inception, the Damariscotta River Grille has been an engaged participant in the local community. The Maine winner of the National Restaurant Association’s 2008 Restaurant Neighbor Award, the Damariscotta River Grill contributes regularly and generously to numerous regional organizations and initiatives, including the Boys and Girls Clubs’ wreath sale each year. The restaurant is also involved in the annual Chocolate Fest, which was just held last month, to support “Healthy Kids!,” a program that helps prevent child abuse and neglect in Lincoln County through educational outreach to families.

Beyond fundraisers for charities and other organizations, the Damariscotta River Grill hosts inventive gatherings to attract the restaurant’s loyal following. To highlight its Wine Spectator award-winning wine list, the restaurant’s Wine Club features at least six wine and food tastings with a wine expert, as well as door prizes and discounts on wine purchases. Additionally, the Grill’s “Art At the Grill” series, presently in its 5th year, shines a significant spotlight on area artists. The restaurant displays an artist’s work for a period of time, and hosts a reception, open to the public, where guests can speak with the artists about their work. In 2010, the restaurant plans to host over 15 artists, including painters, potters, photographers and fabric artists through this unique project.

The Damariscotta River Grill has become a favorite of locals and tourists alike because of its wide-ranging menu and unique character and charm. Chef Hirsch, along with his wife and business partner, Jean Kerrigan, has created something truly special in downtown Damariscotta. I congratulate Mr. Hirsch on his well-deserved award, and wish everyone at the Damariscotta River Grill a remarkable and successful year.●

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4573. An act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti’s debts to such institutions, and for other purposes.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 3433. An act to amend the North American Wetlands Conservation Act to establish requirements regarding payment of