

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 651

H.P. 484 House of Representatives, March 5, 1987
Reference to the Committee on Legal Affairs suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Speaker MARTIN of Eagle Lake.
Cosponsored by Representatives DUFFY of Bangor, RUHLIN of
Brewer and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 RESOLUTION, Proposing an Amendment
2 to the Constitution of Maine
3 to Insure the Preservation of the
4 Right to Keep and Bear Arms.
5

6 Constitutional amendment. RESOLVED: Two thirds
7 of each branch of the Legislature concurring, that
8 the following amendment to the Constitution of Maine
9 be proposed:

10 Constitution, Article I, §16 is amended to read:

11 Section 16. To keep and bear arms. Every citi-
12 zen has a right to keep and bear arms ~~for the common~~
13 ~~defense,~~ and this right shall never be questioned.

14 Constitutional referendum procedure; form of
15 question; effective date. Resolved: That the city

1 aldermen, town selectmen and plantation assessors of
2 this State shall notify the inhabitants of their re-
3 spective cities, towns and plantations to meet, in
4 the manner prescribed by law for holding a statewide
5 election, at a statewide election, on the Tuesday
6 following the first Monday of November following the
7 passage of this resolution, to vote upon the ratifi-
8 cation of the amendment proposed in this resolution
9 by voting upon the following question:

10 "Shall the Constitution of Maine be amended
11 to clarify the rights of citizens to keep and
12 bear arms?"

13 The legal voters of each city, town and planta-
14 tion shall vote by ballot on this question, and shall
15 designate their choice by a cross or check mark
16 placed within the corresponding square below the word
17 "Yes" or "No." The ballots shall be received,
18 sorted, counted and declared in open ward, town and
19 plantation meetings and returns made to the Secretary
20 of State in the same manner as votes for members of
21 the Legislature. The Governor shall review the re-
22 turns and, if it appears that a majority of the legal
23 votes are in favor of the amendment, the Governor
24 shall proclaim that fact without delay and the amend-
25 ment shall become part of the Constitution on the
26 date of the proclamation.

27 Secretary of State shall prepare ballots. Re-
28 solved: That the Secretary of State shall prepare
29 and furnish to each city, town and plantation all
30 ballots, returns and copies of this resolution neces-
31 sary to carry out the purposes of this referendum.

32 STATEMENT OF FACT

33 The Constitution of Maine, Article I, Section 16
34 currently reads, "Every citizen has a right to keep
35 and bear arms for the common defense; and this right
36 shall never be questioned."

37 An April 1986 Supreme Court decision interpreted
38 "common defense" as "pointing to service in a broadly
39 based, organized militia" and, citing another state
40 case, "common defense" does not include hunting."

1 This amendment guarantees the right of citizens
2 to keep and bear arms for the protection of self,
3 home, family, and for hunting and recreational use.

4 It will not affect current laws regarding crimi-
5 nals, people who are mentally unstable, or others for
6 whom purchasing or possessing a firearm is illegal.
7 It also will not affect the power to require licenses
8 for concealed weapons nor the power to prohibit cer-
9 tain arms such as machine guns.

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