

MAINE STATE LEGISLATURE

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M
R. of S.

L.D. 1938

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DATE: 4-25-06

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the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION**

14
16 HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 739,
L.D. 1938, Bill, "An Act To Protect Victims of Domestic Violence"

18 Amend the amendment by inserting after section 2 the
following:

20 'Sec. 3. 25 MRSA §2804-C, sub-§2-C is enacted to read:

22
24 2-C. Receipt of firearms; training; procedure; liability.
26 The Maine Criminal Justice Academy shall provide training for
28 municipal, county and state law enforcement officers regarding
30 the proper handling, storage, safekeeping and return of firearms
32 and firearm accessories received pursuant to a court order under
34 Title 19-A, section 4006, subsection 2-A or Title 19-A, section
4007, subsection 1, paragraph A-1. Such training must include
education concerning the prohibitions on the purchase or
possession of a firearm when a protection order has been obtained
and communication with parties to protection orders concerning
such prohibitions.

36 In developing materials for training in domestic violence issues,
38 the Maine Criminal Justice Academy may consult with a statewide
40 organization involved in advocacy for victims of domestic
42 violence and with an organization having statewide membership
representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm
pursuant to Title 19-A, section 4006, subsection 2-A or Title

HOUSE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 739, L.D. 1938

2 19-A, section 4007, subsection 1, paragraph A-1 shall exercise
4 reasonable care to avoid loss, damage or reduction in value of
6 the firearm and may not permanently mark the firearm or fire the
8 firearm unless there is reasonable suspicion that the firearm has
10 been used in the commission of a crime. Any liability for damage
12 or reduction in value to such a firearm is governed by the Maine
14 Tort Claims Act, Title 14, chapter 741.'


10 **SUMMARY**

12 This amendment directs the Maine Criminal Justice Academy to
14 provide training for municipal, county and state law enforcement
16 officers regarding the proper handling, storage, safekeeping and
return of firearms and firearm accessories received pursuant to a
protection from abuse order.

18 The amendment provides that in developing materials for
20 training in domestic violence issues, the Maine Criminal Justice
22 Academy may consult with a statewide organization involved in
24 advocacy for victims of domestic violence and with an
organization having statewide membership representing the
interests of firearms owners.

26 The amendment also provides that a law enforcement officer
28 who receives custody of a firearm pursuant to a protection from
30 abuse order shall exercise reasonable care to avoid loss, damage
32 or reduction in value of such firearm and may not permanently
34 mark the firearm or fire the firearm unless there is reasonable
suspicion that the firearm has been used in the commission of a
crime. Any liability for damage or reduction in value to such a
firearm is governed by the Maine Tort Claims Act, Maine Revised
Statutes, Title 14, chapter 741.

36 **FISCAL NOTE REQUIRED**
38 **(See attached)**

40 SPONSORED BY: 
42 (Representative J. MILLS)
44 TOWN: Farmington

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122nd MAINE LEGISLATURE

LD 1938

LR 2571(10)

An Act To Protect Victims of Domestic Violence

Fiscal Note for House Amendment "D" to Committee Amendment "A"

Sponsor: Rep. Mills

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund