

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 942

S.P. 333

In Senate, March 17, 2015

**An Act To Permit the Use of Firearm Noise Suppression Devices in
Hunting and To Provide for a Chief Law Enforcement Officer's
Certification for Certain Firearms**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MASON of Androscoggin.
Cosponsored by Representative SHAW of Standish and
Senators: COLLINS of York, DAVIS of Piscataquis, WHITTEMORE of Somerset,
Representatives: DUNPHY of Embden, ESPLING of New Gloucester, TIMBERLAKE of
Turner, WOOD of Sabattus.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §11214, sub-§1, ¶C**, as enacted by PL 2003, c. 414, Pt. A, §2
3 and affected by c. 614, §9, is repealed.

4 **Sec. 2. 12 MRSA §11214, sub-§3** is enacted to read:

5 **3. Noise suppression device.** An individual in lawful possession of a device to
6 suppress or deaden the sound or natural report of a firearm when the firearm is discharged
7 may hunt any wild animals or wild birds the individual is licensed to hunt under this
8 chapter and for which the firearm is allowed with that device attached to the firearm.

9 **Sec. 3. 25 MRSA §2013** is enacted to read:

10 **§2013. Chief law enforcement officer's certification; certain firearms**

11 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
12 following terms have the following meanings.

13 A. "Certification" means the participation and assent of a chief law enforcement
14 officer necessary under federal law for the approval of an application to transfer or
15 make a firearm.

16 B. "Chief law enforcement officer" means an official or the official's designee who
17 the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and
18 Explosives or successor agency identifies as eligible to provide certification.

19 C. "Firearm" has the same meaning as in the National Firearms Act, 26 United States
20 Code, Section 5845(a).

21 **2. Chief law enforcement officer's certification.** Within 15 days of receipt of an
22 application for certification, the chief law enforcement officer shall provide the
23 certification if the applicant is not prohibited by law from receiving or possessing the
24 firearm and is not the subject of a proceeding that could result in the applicant's being
25 prohibited by law from receiving or possessing the firearm. If the chief law enforcement
26 officer denies an application for certification under this section, the chief law
27 enforcement officer shall provide the applicant with a written notification of the denial
28 and the reason for the denial, which may not be based upon a generalized objection to a
29 private person's possessing, making or transferring a firearm or to a certain type of
30 firearm that is otherwise lawful.

31 **3. Criminal history record check; search of premises.** In making a certification
32 required by subsection 2, a chief law enforcement officer may require the applicant to
33 provide only such information as required by federal or state law to identify the applicant
34 and conduct a criminal history record check or to determine the disposition of an arrest or
35 proceeding relevant to the applicant's eligibility to lawfully possess or receive a firearm.
36 A chief law enforcement officer may not require access to or consent for an inspection of
37 any private premises as a condition of making a certification under this section.

