

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1033

H.P. 763

House of Representatives, February 28, 2019

An Act To Protect Children from Accidental Injury Due to Unsafe Storage of Firearms

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Senator MILLETT of Cumberland and
Representatives: BRENNAN of Portland, CRAVEN of Lewiston, DOUDERA of Camden,
HEAD of Bethel, KORNFELD of Bangor, Senator: MOORE of Washington.

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

2 **Sec. 1. 25 MRSA §2015** is enacted to read:

3 **§2015. Unsafe storage of firearm**

4 **1. Storage of firearm.** A person may not store or keep a firearm, as defined in Title
5 17-A, section 2, subsection 12-A, in any place unless that firearm is secured in a locked
6 container or equipped with a tamper-resistant mechanical lock or other safety device,
7 properly engaged so as to render that firearm inoperable by any person other than the
8 owner or other lawfully authorized user. For purposes of this section, a firearm may not
9 be considered stored or kept if carried by or under the control of the owner or other
10 lawfully authorized user.

11 **2. Certain firearms exempted.** This section does not apply to the storage or
12 keeping of any firearm with a matchlock, flintlock, percussion cap or similar type of
13 ignition system manufactured prior to 1900 or any replica of any such firearm if the
14 replica is not designed or redesigned for using rimfire or conventional centerfire fixed
15 ammunition.

16 **3. Certain locations exempted.** This section does not apply to the storage or
17 keeping of any firearm in a location where no person under 18 years of age resides and
18 where no person resides who is prohibited from possessing a firearm under Title 15,
19 section 393, except that this section does apply to a location where child care, as defined
20 in Title 22, section 3731, subsection 1, is provided.

21 **4. Penalties.** The following penalties apply.

22 A. A person who violates this section commits a civil violation for which a fine of
23 not less than \$200 and not more than \$500 may be adjudged.

24 B. A person who violates this section after having previously violated this section
25 commits a civil violation for which a fine of not less than \$500 and not more than
26 \$1,000 may be adjudged.

27 **5. Evidence.** A violation of the provisions of this section is evidence of wanton or
28 reckless conduct in any criminal or civil proceeding if a person under 18 years of age was
29 a resident or a recipient of child care in the place where the firearm was stored or kept,
30 unless such person was permitted by law to possess the firearm, and the violation results
31 in personal injury to or the death of any person.

32 **SUMMARY**

33 This bill requires that firearms kept in a place where children reside or receive child
34 care services or where persons prohibited from possessing firearms reside be secured in a
35 locked container or with tamper-resistant devices that prevent them from being
36 discharged. It excludes antique firearms from this requirement. A fine is provided for
37 violation of the requirement, and a violation is evidence of wanton or reckless conduct in
38 any criminal or civil case if injury or death was the result of the violation.