

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
104th LEGISLATURE

HOUSE AMENDMENT " B " to H. P. 1031, L. D. 1361, Bill, "AN ACT to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon."

Amend said Bill, in the Title, by striking out the words "Dangerous Weapon" and inserting in place thereof the word 'Firearm'

Further amend said Bill by striking out the underlined words "dangerous weapon" in the 3rd line of section 1 (same in L.D.) and inserting in place thereof the underlined words 'a firearm'; and by striking out the underlined words "dangerous weapon" in the 4th line of section 1 (same in L.D.) and inserting in place thereof the underlined word 'firearm'; and by striking out the underlined words "dangerous weapon" in the 8th line of section 1 (7th line in L.D.) and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 1 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out all of the 4th line of section 2 (3rd line in L.D.) and inserting in place thereof the following: '§163-A. Firearm'; and by striking out in the 5th line (4th line in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

(Over) *(Filing No. H-528)*

Further amend said Bill by striking out all of the last paragraph of section 2 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out all of the last paragraph of section 3 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of a sentence for a violation of this section, if armed with a firearm, shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 4 (3rd line of L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 5th line (4th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 4 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 3rd line of section 5 (same in L.D.) the underlined words "dangerous weapon" and

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inserting in place thereof the underlined word 'firearm'; and by striking out in the 4th line (same in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 5 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense of a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 3rd line of section 6 (same in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'; and by striking out in the 4th line (same in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'; and by striking out in the 9th line (8th line of L.D.) the underlined figure "5" and inserting in place thereof the underlined word 'one'

Further amend said Bill by striking out the last paragraph of section 6 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense of a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 3rd line of section 8 (same in L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 4th line (same in L.D.) the underlined

words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 8 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out the last paragraph of section 9 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out the last paragraph of section 10 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of the sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 11 (3rd line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'; and by striking out in the 5th line (4th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

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Further amend said Bill by striking out the last paragraph of section 11 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 12 (same in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'; and by striking out in the 5th line (4th line in L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 12 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of this sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 13 (3rd line of L.D.) the underlined words "dangerous weapons" and inserting in place thereof the underlined word 'firearms'; and by striking out in the 7th line (5th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 13 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of this sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 3rd line of section 14 (same in L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 5th and 11th lines (4th, 5th and 9th lines of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 14 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 15 (3rd line in L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 5th line (4th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 15 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

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Further amend said Bill by striking out in the 4th and 5th lines of section 16 (3rd and 4th lines of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last sentence of section 16 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 17 (3rd line of L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 5th line (4th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 17 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out the last paragraph of section 18 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, if armed with a dangerous weapon, the



imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out the last paragraph of section 19 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, if armed with a dangerous weapon, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th line of section 20 (3rd line of L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the word 'Firearm'; and by striking out in the 5th line (4th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 20 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th and 5th lines of section 21 (3rd and 4th lines of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the word 'firearm'

Further amend said Bill by striking out the last paragraph of section 21 and inserting in place thereof the following underlined paragraph:

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'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out in the 4th and 5th lines of section 22 (3rd and 4th lines of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 22 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by striking out the last paragraph of section 23 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, if armed with a dangerous weapon, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Further amend said Bill by adding at the end of section 24, the following:

'3. Firearm. "Firearm" shall include any pistol, revolver, rifle, shotgun, machinegun, automatic and semi-automatic rifle or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or projected any solid projectile or slug, pellet, missile or bullet or any

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gas, vapor or other nocuous thing by means of a cartridge or shell or by the action of any explosive or the igniting of flammable or explosive substances; or any other instrument that has the appearance of a firearm even though not capable of discharging a projectile.'

Further amend said Bill by striking out in the 4th line of section 25 (3rd line of L.D.) the underlined words "Dangerous weapon" and inserting in place thereof the underlined word 'Firearm'; and by striking out in the 9th line (7th line of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the underlined word 'firearm'

Further amend said Bill by striking out the last paragraph of section 25 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence for a violation of this section shall not be suspended and probation or parole shall not be granted until the minimum imprisonment fixed by the court shall have been served.'

Further amend said Bill by striking out in the 4th and 5th lines of section 26 (3rd and 4th lines of L.D.) the underlined words "dangerous weapon" and inserting in place thereof the word 'firearm'

Further amend said Bill by striking out the last paragraph of section 26 and inserting in place thereof the following underlined paragraph:

'Except in the case of conviction for a first offense for a violation of this section, the imposition or execution of sentence shall not be suspended and probation shall not be granted.'

Filed by Mr. Carter of Winslow.

Reproduced and distributed under the direction of the Clerk of the House.

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