

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 973

6
7 S.P. 328

In Senate, March 3, 1983

8 Referred to the Committee on Judiciary. Sent down for concurrence and
9 ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Trafton of Androscoggin.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Change the Definition of
18 Firearm in the Maine Criminal Code.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 17-A MRSA §2, sub-§12-A, as enacted by PL 1975,
23 c. 499, §1, is amended to read:

24 12-A. "Firearm" means any weapon, whether loaded
25 or unloaded, which ~~will~~ is designed to expel a
26 projectile by the action of an explosive and includes
27 any such weapon commonly referred to as a pistol,
28 revolver, rifle, gun, machine gun or shotgun. Any
29 weapon which can be readily made into a firearm by
30 the insertion of a firing pin, or other similar thing
31 in the actual possession of the actor or an accom-
32 plissee, or by repair, is a firearm.

1 STATEMENT OF FACT

2 This bill amends the definition of "firearm" in
3 the Maine Criminal Code. Certain offenses in the
4 Maine Criminal Code require more severe penalties if
5 the crime is committed with the use of a firearm or
6 involves a firearm in some way. Under the Maine Crim-
7 inal Code's current definition of "firearm," the
8 prosecution, in attempting to prove that a firearm
9 was involved in a crime, must show beyond a reason-
10 able doubt that the firearm was operable. In a case
11 where the criminal defendant has committed a robbery
12 using a firearm and then disposed of the firearm, it
13 is extremely difficult for the prosecution to meet
14 its burden of proving operability. The bill amends
15 the definition of "firearm" to remove the operability
16 requirement.

17 2137021683