

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1937

6
7 S.P. 697

In Senate, January 16, 1984

8 Submitted by the Department of Public Safety pursuant to Joint Rule 24.
9 Referred to the Committee on Legal Affairs, ordered printed and sent
down for concurrence.

10 JOY J. O'BRIEN, Secretary

Presented by Senator Diamond of Cumberland.

Cosponsors: Representative Swazey of Bucksport and Representative Cox
of Brewer.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning the Possession of Firearms
18 by Felons.
19

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

22 15 MRSA §392, as repealed and replaced by PL
23 1981, c. 698, §88, is repealed.

24 STATEMENT OF FACT

25 This section of law allows any person who becomes
26 employed as a law enforcement officer, security guard
27 or employed within a patrol agency to possess and
28 carry firearms as a convicted felon. Seriousness of
29 the crime is not a factor. Where the legislative in-
30 tent behind the possession law is partially to allow
31 felons time to prove rehabilitation within society,
32 this law allows circumvention. Persons in positions
33 of public trust must exhibit and possess standards

1 without taint on their credibility. Federal statutes
2 under Title 18 of the United States Code prohibits
3 possession of firearms by felons. Persons exempted
4 by Maine law are subject to the federal law as to
5 possession, which clearly indicates the conflict be-
6 tween state law and federal law. Recent amendments
7 to Title 25 provide that the Board of Trustees of the
8 Maine Criminal Justice Academy suspend or revoke the
9 right of law enforcement officers to enforce the
10 criminal laws if convicted of any Class A, B or C
11 crime or conviction for any crime in which the term
12 of imprisonment is not less than 6 months involving
13 moral turpitude, thereby supporting repeal of this
14 section further.

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