

MAINE STATE LEGISLATURE

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L.D. 994

(Filing No. H- 462)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 370,
L.D. 994, Bill, "An Act Related to State Preemption of Firearms
Regulation"

Amend the amendment by striking out everything after the
first paragraph after the title and before the statement of fact
and inserting in its place the following:

' Sec. 1. 25 MRSA c. 252-A is enacted to read:

CHAPTER 252-A

FIREARMS REGULATION

§2011. State preemption

1. Preemption. The State intends to occupy and preempt the
entire field of legislation concerning the regulation of
firearms, components, ammunition and supplies to the complete
exclusion of any order, ordinance, rule or regulation of any
political subdivision of the State not authorized by this section
or other state law. Except as provided in subsection 3, any
existing or future order, ordinance, rule or regulation in this
field is void.

2. Regulation restricted. Except as provided in subsection
3, no municipality having a population less than 15,000, county,
village corporation, township or other political subdivision of
this State may adopt any order, ordinance, rule or regulation
concerning the sale, purchase, purchase delay, transfer,
ownership, use, possession, bearing, transportation, licensing,
permitting, registration, taxation or any other matter pertaining
to firearms, components, ammunition or supplies.

3. Exception. This section does not prohibit an order,
ordinance, rule or regulation of any political subdivision which
conforms exactly with any applicable provision of state law or
which regulates the discharge of firearms within a jurisdiction.

Sec. 2. Effective date. This Act shall take effect on September
1, 1990.' '

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STATEMENT OF FACT

The amendment replaces the entire text of committee amendment "A and makes the following technical corrections to the language of the bill in order to clarify its intent and effect.

The term "legislative presumption" is changed to "state preemption" to make it clear that the State intends to fully occupy the field of firearms regulation.

The amendment allows Maine municipalities with a population greater than 15,000 to enact ordinances, rules or regulations that regulate the use, sale or other matters pertaining to firearms within their respective jurisdictions. The purpose of the amendment is to allow Maine's larger communities, where public safety concerns regarding guns are keenest, to enact reasonable rules to deal with their unique problems.

The amendment removes the bill's reference to political subdivisions' rules concerning sales and compensating use taxes since Maine's political subdivisions lack legal authority to legislate or regulate regarding these taxes.

This amendment also adds an effective date of September 1, 1990.

Filed by Rep. Adams of Portland
Reproduced and distributed under the direction of the Clerk of the
House
6/9/89 (Filing No. H-462)