

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)

90K
R. of S.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 994
(Filing No. S-218)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

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

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'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. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

2. Regulation restricted. Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, 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, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.'

1
3
5
7
9
11
13
15
17
19
21
23
25
27

STATEMENT OF FACT

The amendment makes 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".

The reference to "city," "town" and "village" is changed to the more encompassing term "municipality" to avoid redundancy.

The amendment exempts from state preemption ordinances, regulations and rules of municipalities and other political subdivisions which, with the exception of appropriate civil penalty provisions, conform exactly to applicable state laws. The specific reference to the Maine Revised Statutes, Title 17-A, and Title 25, chapter 252, as laws to which local enactments had to conform has been removed to clarify that local ordinances, rules and regulations are preempted by and may not contradict, but may duplicate, state laws regulating firearms.

The amendment removes the bill's reference to political subdivisions' rules regarding sales and compensating use taxes, since political subdivisions in Maine have no statutory authority to legislate or regulate regarding these taxes.

Reported by the Majority for the Committee on Legal Affairs.
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/6/89) (Filing No. S-218)