

MAINE STATE LEGISLATURE

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L.D. 994
(Filing No. S-219)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " B " 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 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.'

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STATEMENT OF FACT

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7 The amendment makes technical corrections to the language of
the bill in order to clarify its intent and effect.

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11 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.

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15 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
17 the amendment is to allow Maine's larger communities, where
public safety concerns regarding guns are keenest, to enact
19 reasonable rules to deal with their unique problems.

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23 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.

Reported by the Minority for the Committee on Legal Affairs.
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/6/89) (Filing No. S-219)