

# MAINE STATE LEGISLATURE

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L.D. 1148

(Filing No. H- 337)

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

COMMITTEE AMENDMENT "A" to H.P. 820, L.D. 1148, Bill, "An Act to Provide for the Forfeiture of Firearms Used to Commit Crimes"

Amend the bill in that part designated "§1158." by striking out all of the first paragraph and inserting in its place the following:

'As part of every judgment of conviction and sentence imposed, every firearm used by the defendant or any accomplice during the commission of any murder or Class A, Class B or Class C crime shall be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the firearm, to the exclusion of the defendant, at the time of the offense. The Attorney General shall adopt rules in accordance with Title 5, chapter 375, governing the disposition to state, county and municipal agencies of firearms forfeited under this section.'

STATEMENT OF FACT

This amendment slightly modifies the original bill to provide that only firearms used in the commission of murder or Class A, B or C crimes must be forfeited by the defendant upon conviction as a part of the judgment and sentence. The State, county or municipality will receive the forfeited firearms in accordance with guidelines to be adopted by the Attorney General in rulemaking under the Maine Revised Statutes, Maine Administrative Procedure Act, Title 5, chapter 375.

Reported by the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the House  
5/30/89

(Filing No. H-337)