

# MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1737, L.D. 2398, Bill, "An Act Concerning the Carrying of Firearms and Firearms Safety Programs"

Amend the bill by inserting after the title and before the enacting clause the following:

**'Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this Act makes a number of changes to the laws regarding the issuance of permits for concealed weapons; and

**Whereas,** these changes are designed to promote the safe exercise of the right of Maine citizens to bear arms; and

**Whereas,** emergency enactment of this legislation will discourage a marked increase in concealed weapon permits sought under the current law and thus avoid imposing on and overburdening the resources of local officials charged with issuing concealed weapon permits; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill in section 1 in subsection 1 in the 8th line (page 1, line 13 in L.D.) by striking out the following: "determined" and inserting in its place the following: 'adjudicated'

Further amend the bill in section 2 in that part designated "§1057." by striking out all of subsection 2 and inserting in its place the following:

2 '2. For the purposes of this section, "licensed  
3 establishment" means a licensed establishment as defined by Title  
4 28-A, section 2, subsection 15, the license for which is held by  
5 an on-premise retail licensee, as defined by Title 28-A, section  
6 2, subsection 27, paragraph B. For the purposes of this section,  
7 "premises" has the same meaning as set forth in Title 28-A,  
8 section 2, subsection 24.'

9  
10 Further amend the bill in section 3 in subsection 8 in the  
11 2nd line (page 2, line 48 in L.D.) by striking out the  
12 following: "1991" and inserting in its place the following:  
13 '1993'

14 Further amend the bill in section 9 in paragraph D in  
15 subparagraph (5) in division (1) in the first line (page 5, line  
16 17 in L.D.) by striking out the following: "Have" and inserting  
17 in its place the following: 'To your knowledge, have'

18 Further amend the bill in section 10 in paragraph E in  
19 subparagraph (5) in the 10th line (page 6, line 36 in L.D.) by  
20 striking out the following: "the National Rifle Association" and  
21 inserting in its place the following: 'a private firearms  
22 association recognized as knowledgeable in matters of firearms  
23 safety by the issuing authority'

24  
25 Further amend the bill in section 10 in paragraph E in  
26 subparagraph (5) in the last paragraph in the 3rd line from the  
27 end (page 7, line 2 in L.D.) by striking out the following:  
28 "April 1," and inserting in its place the following: 'April 15,'

29  
30 Further amend the bill in section 13 in subsection 3-A in  
31 the last paragraph in the first line (page 7, line 46 in L.D.) by  
32 inserting after the following: "utilize" the following: 'only'

33  
34 Further amend the bill by inserting before the statement of  
35 fact the following:

36  
37 **'Sec. 19. Effective date.** Section 3 of this Act takes effect on  
38 July 1, 1991.

39  
40 **Emergency clause.** In view of the emergency cited in the  
41 preamble, this Act takes effect when approved, unless otherwise  
42 indicated.

43  
44  
45 **FISCAL NOTE**

46  
47 The Department of Educational and Cultural Services will  
48 require future additional General Fund appropriations beginning  
49 in fiscal year 1991-92 to develop and disseminate a firearms  
50 safety familiarization program. The total estimated future costs  
51 will be approximately \$20,000.

2 The Department of Public Safety, the Judicial Department and  
 4 the Department of the Attorney General will incur some minor  
 additional costs to implement this bill which can be absorbed by  
 the respective departments utilizing existing budgeted resources.'

8 STATEMENT OF FACT

10 This amendment makes several minor changes to make language  
 consistent with the bill's intent.

12 This amendment clarifies that the provision making  
 14 possession of a firearm in violation of a posted prohibition a  
 Class E crime is applicable only in establishments licensed to  
 16 serve liquor on the premises. Despite apparent intent to the  
 contrary, language in the bill makes this prohibition applicable  
 18 to all establishments licensed to sell liquor.

20 This amendment extends the deadline for development by the  
 Department of Educational and Cultural Services of a firearms  
 22 safety program for public elementary schools from January 1, 1991  
 to January 1, 1993.

24 This amendment provides that, unlike new applicants, holders  
 26 of a valid concealed weapons permit as of April 15, 1990, are not  
 required to demonstrate a knowledge of firearms safety.

28 This amendment also adds a fiscal note, emergency preamble  
 30 and emergency clause.

Reported by the Committee on Legal Affairs  
 Reproduced and distributed under the direction of the Clerk of the  
 House  
 3/29/90

(Filing No. H-1030)