

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 106

H.P. 78

House of Representatives, January 3, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

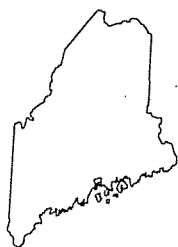
Presented by Representative RICHARDS of Hampden.

Cosponsored by Representative RÜHLIN of Brewer, Representative LEBOWITZ of Bangor and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Regarding Possession of Certain Weapons, Implements or Aids.



Be it enacted by the People of the State of Maine as follows:

2
3 Sec. 1. 12 MRSA §7406, sub-§17, ¶¶A to E, as enacted by PL
4 1979, c. 420, §1, are amended to read:

6 A. Uses for hunting or possesses for hunting any automatic
7 firearm;

8 B. Uses for hunting or possesses for hunting any
10 auto-loading firearm having a magazine capacity of more than
12 5 cartridges. All auto-loading firearms having a magazine
14 capacity in excess of 5 cartridges shall must have the
magazine permanently altered to contain not more than 5
cartridges before it may be used in this State;

16 C. Sells, offers for sale, uses or possesses any firearm
18 fitted or contrived with any device for deadening the sound
of explosion unless that device is properly registered
20 pursuant to the National Firearms Act;

22 D. Uses for hunting cartridges containing tracer bullets;

24 E. Uses for hunting cartridges containing explosive bullets;

26 Sec. 2. 17-A MRSA §1058 is enacted to read:

28 **§1058. Short-barreled shotguns**

30 1. As used in this section, unless the context otherwise
indicates, the following terms have the following meanings.

32 A. "Short-barreled shotgun" means a shotgun having one or
34 more barrels less than 18 inches in length and any weapon
made from a shotgun, whether by alteration, modification or
36 otherwise, if that weapon, as modified, has an overall
length of less than 26 inches.

38 B. "Shotgun" means a weapon designed or redesigned, made or
40 remade, and intended to be fired from the shoulder, and
designed or redesigned and made or remade to use the energy
42 of the explosive in a fixed shotgun shell to fire through a
smooth bore either a number of ball shot or a single
44 projectile for each single pull of the trigger.

46 2. A person is guilty of possession of a short-barreled
shotgun if, without authority to do so, that person knowingly
48 possesses a short-barreled shotgun, unless that short-barreled
shotgun is properly registered pursuant to the National Firearms
50 Act.

52 3. Possession of a short-barreled shotgun in a Class D
crime.

2 4. This section does not apply to persons who have lawful
3 possession of a short-barreled shotgun prior to the effective
4 date of this section.

6
8 **STATEMENT OF FACT**

10 This bill amends the hunting law prohibiting the use and
11 possession of certain implements or aids by restricting the
12 prohibition on possession of these implements or aids to
13 situations involving hunting. The bill also prohibits possession
14 of a short-barreled shotgun.