

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2209

H.P. 1567

House of Representatives, January 23, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

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

EDWIN H. PERT, Clerk

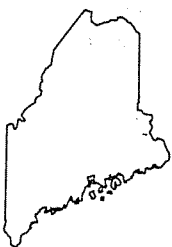
Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative ANTHONY of South Portland, Senator BUSTIN of Kennebec and Representative MELENDY of Rockland.

STATE OF MAINE

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

An Act Concerning Juvenile Offenders.



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

2 Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 1989, c. 917,
4 §1, is further amended to read:

6 1. **Possession prohibited.** No person who has been convicted
8 of any crime, under the laws of the United States, the State of
10 Maine or any other state, that is punishable by one year or more
12 imprisonment or any other crime that was committed with the use
14 of a dangerous weapon or of a firearm against a person, except
16 for a violation of former Title 12, chapter 319, subchapter III,
18 and no person who has been adjudicated in the State or
20 adjudicated under the law laws of the United States or any other
22 state jurisdiction to have engaged ~~in conduct as a juvenile that,~~
24 ~~if committed by an adult, would have been a disqualifying~~
26 ~~conviction under this subsection,~~ committed, as a juvenile, a
28 crime with the use of a dangerous weapon or of a firearm against
30 a person may own, or have in that person's possession or under
32 that person's control any firearm, unless such a that person has
34 obtained a permit under this section. A person who has been
36 adjudicated in the State or adjudicated under the laws of the
38 United States or any other state jurisdiction to have engaged in
40 conduct as a juvenile that, if committed by an adult, would have
42 been punishable by one year or more imprisonment, but that was
44 not a crime committed with a dangerous weapon or with a firearm
46 against a person, may not own or have in that person's possession
48 or control any firearm for a period of 3 years or until that
50 person reaches 18 years of age, whichever comes last. For the
purposes of this subsection, a person is deemed to have been
convicted upon the acceptance of a plea of guilty or nolo
contendere or a verdict or finding of guilty, or the equivalent
in a juvenile case, by a court of competent jurisdiction.

34 Sec. 2. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1989, c.
36 917, §8, is further amended by amending subparagraph (5),
division (c) to read:

38 (c) Have you ever been convicted of a crime
40 described in division (a) or have you within the
42 past 5 years been adjudicated as having committed
44 a juvenile offense as described in division (b)?

46 STATEMENT OF FACT

48 This bill distinguishes those juveniles that commit crimes
50 with a firearm or other dangerous weapon from juvenile felons
whose crimes did not involve a threat with a weapon against
another person. It provides that persons whose juvenile crimes

2 are not committed with the use of a weapon are treated, with
3 respect to gun ownership, in a manner consistent with other
4 provisions of state law. A juvenile committing a felony would
5 not be permitted to own or use a firearm for at least 3 years.
6 The earliest the prohibition would be lifted is when the person
7 becomes 18 years of age and the latest is when the person becomes
8 21 years of age. A juvenile committing any crime with the use of
9 a weapon would not be able to own or use a firearm without going
10 through the elaborate permitting process required for adults.

11 This bill also changes a question on the concealed firearms
12 permit application form to make it consistent with other
questions on the form.