

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1993

Legislative Document

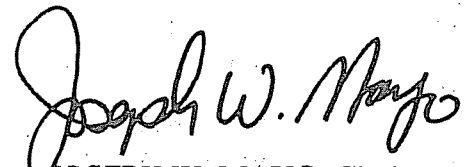
No. 1587

H.P. 1190

House of Representatives, December 29, 1993

An Act Concerning the Possession of Firearms by Persons under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Received by the Clerk of the House on December 27, 1993. Referred to the Committee on Legal Affairs and 1200 ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative LIPMAN of Augusta.

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

2 Sec. 1. 12 MRSA §7077, sub-§1-A, ¶B, as enacted by PL 1993, c.
4 136, §1, is repealed.

6 Sec. 2. 12 MRSA §7077-A, sub-§2-A is enacted to read:

8 2-A. Hunting under the influence. Notwithstanding any
10 other provision of this Part, a person convicted of hunting under
12 the influence in violation section 7406, subsection 3 is not
eligible to obtain a license to hunt in this State for a period
of 3 years from the date of the conviction.

14 Sec. 3. 12 MRSA §7406, sub-§3, as repealed and replaced by PL
16 1991, c. 443, §21, is amended to read:

18 3. Hunting under the influence or with excessive
20 blood-alcohol level. A person is guilty of a Class -E- D crime
if that person hunts wild animals or wild birds:

22 A. While under the influence of intoxicating liquor or
drugs or a combination of liquor and drugs; or

24 B. While having 0.08% or more by weight of alcohol in that
26 person's blood.

28 Sec. 4. 17-A MRSA §1058 is enacted to read:

30 §1058. Possession of firearms while under the influence

32 1. A person is guilty of criminal possession of a firearm
while intoxicated if the person possesses a firearm:

34 A. While under the influence of intoxicating liquor or
36 drugs or a combination of liquor and drugs; or

38 B. While having 0.08% or more by weight of alcohol in the
person's blood.

40 2. It is not a defense to a prosecution under subsection 1
42 that the person holds a permit to carry a concealed firearm
issued under Title 25, chapter 252.

44 3. A law enforcement officer who has probable cause to
46 believe that a person has violated subsection 1 may require that
person to submit to chemical testing to determine blood-alcohol
48 level or drug concentration. If the court is satisfied that the
law enforcement officer had probable cause to believe that the
50 defendant was in violation of subsection 1 and that the person
was informed of the requirement to submit to chemical testing,

2 the person's failure to submit to chemical testing is admissible
4 evidence on the issue of whether that person was under the
6 influence of intoxicating liquor or drugs or a combination of
8 liquor and drugs.

10 4. For purposes of this section, the term "under the
12 influence of intoxicating liquor or drugs or a combination of
14 liquor and drugs" has the same meaning as in Title 29, section
16 1312-B, subsection 1. Standards, tests and procedures applicable
18 in determining whether a person is under the influence or has an
20 excessive blood-alcohol level within the meaning of this section
22 are those applicable to Title 29, section 1312-B.

24 5. Criminal possession of a firearm while intoxicated is a
26 Class D crime.

28 STATEMENT OF FACT

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32 This bill makes possession of a firearm while under the
34 influence of alcohol or drugs or with an excessive blood-alcohol
level a Class D crime. The bill also increases the class of
crime for hunting under the influence or with an excessive
blood-alcohol level from Class E to Class D and requires a 3-year
suspension of a violator's privilege to hunt.

32 This document has not yet been reviewed to determine the
34 need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.