

MAINE STATE LEGISLATURE

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R. O. S.

L.D. 96

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MAJORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 60, L.D. 96, Bill, "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution"

Amend the bill by striking out the title and substituting the following:

'An Act to Limit Nuisance Actions and Noise Ordinances Relating to Sport Shooting Ranges'

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 17 MRSA §2806 are enacted to read:

§2806. Sport shooting ranges

A person who acquires title to or who owns real property in the vicinity of a permanently located and improved shooting range may not maintain a nuisance action against the person who owns the range to restrain, enjoin or impede the use of the range when there has not been a substantial change in the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

Sec. 2. 30-A MRSA §3011 is enacted to read:

§3011. Regulation of sport shooting ranges

1. Definition. As used in this section, "sport shooting range" means an area designed and used for archery, skeet and

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2 trap shooting or other similar shooting sports and the shooting
3 of rifles, shotguns and pistols.

4 2. Limitation. A municipal noise control ordinance may not
5 require or be applied so as to require a sport shooting range to
6 limit or eliminate shooting activities that have occurred on a
7 regular basis at the range prior to the enactment date of the
8 ordinance.

10 3. Expansion of activity. Nothing in this section limits
11 the ability of a municipality to regulate noise produced by the
12 expansion of activity at a sport shooting range.'

14 Further amend the bill by inserting at the end before the
15 statement of fact the following:

18 **FISCAL NOTE**

20 This bill may reduce the number of civil suits and civil
21 violations filed in the court system. The Judicial Department
22 may realize some minor savings from reductions of workload and
23 administrative costs associated with the minimal number of cases
24 that will no longer be filed. Reductions in the collection of
25 fines and filing fees may decrease General Fund revenue by minor
26 amounts.'

28 **STATEMENT OF FACT**

30 The amendment replaces the bill. It prohibits a person from
31 suing a sport shooting range for nuisance unless there has been a
32 substantial change in the use of the range. The amendment also
33 limits the effect of municipal noise control ordinances to allow
34 sport shooting ranges to continue their regular level of activity
35 regardless of newly enacted municipal noise control ordinances.
36 This would not prevent the municipality from controlling noise
37 created by an expansion of activity at the range. The amendment
38 also adds a fiscal note to the bill.