# MAINE STATE LEGISLATURE

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## 119th MAINE LEGISLATURE

### FIRST REGULAR SESSION-1999

Legislative Document

No. 99

H.P. 86

House of Representatives, January 11, 1999

An Act to Require Auctions for Confiscated Firearms.

Reference to the Committee on Criminal Justice suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative POVICH of Ellsworth. Cosponsored by Senator MURRAY of Penobscot and Representative MUSE of South Portland.

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

Sec. 1. 25 MRSA §3503-A, as enacted by PL 1983, c. 254, §2, is amended to read:

### §3503-A. Disposal of firearms and ammunition

Notwithstanding any other provision of this chapter, a police department or other law enforcement agency retaining firearms and ammunition covered by this chapter, Title 15, section 3314 or chapter 517, or Title 17-A, section 1158 may shall annually auction the firearms to federally-licensed firearms'-dealers the public, use the firearms-and ammunition for training purposes or destroy the firearms-and ammunition. The law enforcement agency may contract with a private entity to conduct the auction. The law enforcement agency may retain the proceeds of an auction conducted under this section.

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The Attorney General may adopt or amend rules pursuant to the Maine Administrative Procedure Act governing the sale, use and disposal of firearms and ammunition under this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

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#### 26 SUMMARY

28 This bill applies to abandoned, lost or stolen firearms retained by law enforcement agencies and to firearms retained by 30 law enforcement agencies under forfeiture statutes. The bill requires law enforcement agencies to publicly auction such 32 firearms each year and permits them to contract with private entities to conduct these auctions. It eliminates a related provision of current law that permits the retention of firearms 34 for training purposes and the destruction of firearms. permits law enforcement agencies to retain the proceeds of 36 firearm auctions. Finally, the bill permits the Attorney 38 General, in accordance with these provisions, to adopt or amend rules pertaining to the sale, use and disposal of firearms and 40 ammunition.