

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 681

H.P. 526

House of Representatives, February 13, 2001

**An Act to Amend the Law Concerning Possession of Firearms by
Persons Convicted in Other States.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative CARR of Lincoln.
Cosponsored by Representative JODREY of Bethel, Senator WOODCOCK of Franklin,
Senator KILKELLY of Lincoln and
Representatives: CLARK of Millinocket, DUNLAP of Old Town, McGLOCKLIN of
Emden, MUSE of South Portland, MUSE of Fryeburg, SAVAGE of Buxton, USHER of
Westbrook, Senator: DAVIS of Piscataquis.

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

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Sec. 1. 15 MRSA §393, sub-§1, ¶A, as enacted by PL 1993, c. 368, §1, is amended to read:

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A. Has been convicted of a crime, under the laws of the United States, this State or any other state, that is punishable by imprisonment for one year or more if that crime is punishable in this State as murder or a Class A, B or C crime;

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Sec. 2. 15 MRSA §393, sub-§1, ¶B, as amended by PL 1997, c. 334, §1, is further amended to read:

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B. Has been convicted of a crime, under the laws of the United States, this State or any other state, that was committed with the use of a dangerous weapon or a firearm against a person if that crime is punishable in this State as murder or a Class A, B or C crime, except for a violation of former Title 12, chapter 319, subchapter III;

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SUMMARY

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Current law prohibits persons convicted of a crime punishable by a term of imprisonment for one year or more from carrying a firearm. Under federal law, a crime punishable by more than a year in prison is considered a felony. In this State, crimes are not classified as a felony or misdemeanor; instead, crimes are classified by the severity of the punishment that may be imposed. For example, conviction of a Class D or Class E crime is punishable by a definite term of imprisonment less than one year. In some other states, however, a crime is considered a misdemeanor but carries a possible punishment of more than a year in prison. Under the current law, a person convicted of a crime in another state that is punishable by a year or more is prohibited from carrying a firearm in this State, even if the same crime in this State is a Class D or E crime.

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This bill addresses that inconsistency by clarifying that the prohibition against carrying a firearm applies to a person convicted of a crime in another state that is punishable in this State as murder or a Class A, B or C crime.

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