

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 121st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2004

---

Legislative Document

No. 1660

H.P. 1236

House of Representatives, December 19, 2003

### **An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 16, 2003. Referred to the Committee on Inland Fisheries and Wildlife pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative TRAHAN of Waldoboro.  
Cosponsored by Senator HALL of Lincoln and  
Representatives: BLANCHETTE of Bangor, EARLE of Damariscotta, HATCH of Skowhegan,  
Senator: HATCH of Somerset.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA §11209**, as enacted by PL 2003, c. 414, Pt. A,  
5 §2 and affected by Pt. D, §7, is amended to read:

6 **§11209. Discharge of firearm near dwelling**

7 **1. Prohibition.** A person may not:

8  
9  
10 A. Unless a relevant municipal ordinance provides otherwise  
11 and except as provided in sections 12401 and 12402,  
12 discharge a firearm within 100 yards of a residential  
13 dwelling without the permission of the owner or, in the  
14 owner's absence, of an adult occupant of that dwelling; or

15 B. Possess a wild animal or wild bird taken in violation of  
16 this subsection, except as otherwise provided in this Part.

17  
18 This subsection may not be construed to prohibit a person from  
19 killing or taking a wild animal in accordance with sections 12401  
20 and 12402.

21  
22 As used in this subsection, "residential dwelling" includes  
23 livestock barns.

24  
25 A person who violates this subsection commits a Class E crime.

26  
27  
28 **SUMMARY**

29  
30 This bill clarifies that residential dwellings include  
31 livestock barns in the law that prohibits the discharging of a  
32 firearm within 100 yards of a dwelling.