

MAINE STATE LEGISLATURE

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L.D. 1938

DATE: 4-12-06

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 739, L.D. 1938, Bill, "An Act To Protect Victims of Domestic Violence"

Amend the amendment by inserting before section 1 the following:

'Sec. 1. 14 MRSA §8104-A, sub-§5 is enacted to read:

5. Firearm seized pursuant to protection from abuse proceeding. A law enforcement agency seizing, confiscating or receiving a firearm pursuant to Title 19-A, section 4006, subsection 2-A or section 4007, subsection 1, paragraph A-1 is liable for any loss, damage or reduction in value of that firearm due to the lack of reasonable care by that law enforcement agency. For the purposes of this subsection, "firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A and includes a scope, sight, bipod, sling, light, magazine, clip, ammunition or other firearm accessory attached to or seized, confiscated or relinquished with a firearm.'

Further amend the amendment by inserting after section 2 the following:

'Sec. 3. 19-A MRSA §4012, sub-§11 is enacted to read:

11. Receipt of firearms; procedure; liability. A law enforcement agency seizing, confiscating or receiving a firearm pursuant to section 4006, subsection 2-A or 4007, subsection 1, paragraph A-1 shall provide the owner of that firearm with a signed and dated receipt. The receipt must include the serial number of the firearm, the condition of the firearm and any other firearm accessories seized, confiscated or received with the firearm.

The law enforcement agency may not engrave or permanently mark in any manner the firearm. Unless reasonable suspicion exists to believe that a particular firearm has been used in the commission of a crime, the firearm may not be test fired.

H. 013

2 A law enforcement agency seizing, confiscating or receiving a
3 firearm pursuant to section 4006, subsection 2-A or section 4007,
4 subsection 1, paragraph A-1 is liable for damage to the firearm
5 that results in a reduction in value of the firearm, including,
6 without limitation, engraving, permanently marking or test firing
7 the firearm.'

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9 Further amend the amendment by relettering or renumbering
10 any nonconsecutive Part letter or section number to read
11 consecutively.

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SUMMARY

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This amendment does the following:

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1. It amends the provision of law granting immunity from
civil suit to governmental entities to hold a law enforcement
agency liable for damage or loss of firearms seized, confiscated
or received by that law enforcement agency pursuant to an order
of the court in a protection from abuse proceeding;

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2. It requires a law enforcement agency seizing,
confiscating or receiving a firearm pursuant to an order of a
court in a protection from abuse proceeding to provide the owner
of the firearm with a signed and dated receipt, which must
include the serial number and condition of the firearm and any
firearm accessories obtained with the firearm; and

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3. It prohibits a law enforcement agency seizing,
confiscating or receiving a firearm pursuant to an order of a
court in a protection from abuse proceeding from engraving,
permanently marking or, unless reasonable suspicion exists to
believe the firearm was used in the commission of a crime, test
firing the firearm. A law enforcement agency that violates this
prohibition is liable for any reduction in value of the firearm.

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SPONSORED BY: 
(Representative TARDY)

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TOWN: Newport

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