

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2116

S.P. 860

In Senate, May 22, 2006

An Act To Provide Protection for Victims of Domestic Violence

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator STRIMLING of Cumberland.
Cosponsored by Representative SIMPSON of Auburn.

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

2 **Sec. 1. 19-A MRSA §4012, sub-§9** is enacted to read:

3 **9. Notification of attempted purchase of firearm.** When the Department of Public
4 Safety receives notification from a federal agency that a background criminal records
5 check conducted under the system established pursuant to 18 United States Code, Section
6 922(t) indicates that a potential buyer or transferee is prohibited from receipt or
7 possession of a firearm pursuant to a temporary or final protection from abuse order, the
8 department shall make every reasonable effort to notify as quickly as practicable both the
9 individual intended to be protected by the protection from abuse order and another law
10 enforcement agency with jurisdiction in the municipality in which that individual resides
11 of the information received from the federal agency.

12 For the purposes of this subsection, notification may be made by the Department of
13 Public Safety to the individual intended to be protected by the protection from abuse
14 order through a law enforcement agency within the county in which the individual
15 resides. When the department makes notification through such a law enforcement
16 agency, that agency then must make reasonable effort to notify as quickly as practicable
17 the individual intended to be protected by the protection from abuse order. If, when
18 notifying a law enforcement agency, the department is informed by that agency that it
19 cannot notify the individual intended to be protected by the protection from abuse order,
20 the department must continue to make a reasonable effort to notify that individual as
21 quickly as practicable, including through a different law enforcement agency within the
22 county in which the individual resides.

23 **Sec. 2. 19-A MRSA §4012, sub-§10** is enacted to read:

24 **10. Liability for damages.** The State, a political subdivision of the State or a law
25 enforcement officer is not liable for damage that may be caused by the failure or inability
26 to inform an individual who is the subject of a protection from abuse order in accordance
27 with subsection 9. This subsection does not prohibit the State or a political subdivision of
28 the State from pursuing legally authorized disciplinary action.

29 **SUMMARY**

30 This bill specifies that, upon receiving information from a federal agency that through
31 a criminal background check an individual subject to a protection from abuse order has
32 illegally attempted to purchase a firearm, the Department of Public Safety shall share that
33 information with the individual who is intended to be protected by the order and with
34 another law enforcement agency with jurisdiction in the municipality in which that
35 individual resides as quickly as practicable.

36 The bill also specifies that the Department of Public Safety may accomplish the
37 notification process by notifying another law enforcement agency within the county in
38 which the individual intended to be protected by the protection from abuse order resides.
39 When the department makes notification through such a law enforcement agency, that
40 agency then must make reasonable effort to notify as quickly as practicable the individual
41 intended to be protected by the protection from abuse order. If, when notifying another
42 law enforcement agency, the department is informed by that agency that it cannot notify

1 the individual intended to be protected by the protection from abuse order, the department
2 must continue to make its own reasonable effort to notify that individual as quickly as
3 practicable, and this may be accomplished through a different law enforcement agency
4 within the county in which the individual resides.

5 The bill also clarifies that the immunity provision does not prohibit the State or a
6 political subdivision of the State from pursuing legally authorized disciplinary action.

FISCAL NOTE REQUIRED
(See attached)



Approved: 05/18/06 *MAC*

122nd MAINE LEGISLATURE

LD

LR 3296(01)

An Act To Provide Protection for Victims of Domestic Violence

Fiscal Note for Original Bill

Sponsor: Sen. Strimling

Committee: Not referred

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Highway Fund