

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2118

H.P. 1507

House of Representatives, May 22, 2006

### **An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order**

(AFTER DEADLINE)

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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.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative MILLS of Farmington.

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

2 **Sec. 1. 25 MRSA §2804-C, sub-§2-C** is enacted to read:

3 **2-C. Receipt of firearms; training; procedure; liability.** The Maine Criminal  
4 Justice Academy shall provide training for municipal, county and state law enforcement  
5 officers regarding the proper handling, storage, safekeeping and return of firearms and  
6 firearm accessories received pursuant to a court order under Title 19-A, section 4006,  
7 subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1. Such training  
8 must include education concerning the prohibitions on the purchase or possession of a  
9 firearm when a protection order has been obtained and communication with parties to  
10 protection orders concerning such prohibitions.

11 In developing materials for training in domestic violence issues, the Maine Criminal  
12 Justice Academy may consult with a statewide organization involved in advocacy for  
13 victims of domestic violence and with an organization having statewide membership  
14 representing the interests of firearms owners.

15 A law enforcement officer who receives custody of a firearm pursuant to Title 19-A,  
16 section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1  
17 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm  
18 and may not permanently mark the firearm or fire the firearm unless there is reasonable  
19 suspicion that the firearm has been used in the commission of a crime. Any liability for  
20 damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

21 **SUMMARY**

22 This amendment directs the Maine Criminal Justice Academy to provide training for  
23 municipal, county and state law enforcement officers regarding the proper handling,  
24 storage, safekeeping and return of firearms and firearm accessories received pursuant to a  
25 protection from abuse order.

26 The amendment provides that in developing materials for training in domestic  
27 violence issues, the Maine Criminal Justice Academy may consult with a statewide  
28 organization involved in advocacy for victims of domestic violence and with an  
29 organization having statewide membership representing the interests of firearms owners.

30 The amendment also provides that a law enforcement officer who receives custody of  
31 a firearm pursuant to a protection from abuse order shall exercise reasonable care to avoid  
32 loss, damage or reduction in value of such firearm and may not permanently mark the  
33 firearm or fire the firearm unless there is reasonable suspicion that the firearm has been  
34 used in the commission of a crime. Any liability for damage or reduction in value to such  
35 a firearm is governed by the Maine Tort Claims Act.

**FISCAL NOTE REQUIRED**  
(See attached)



Approved: 05/18/06 *MAC*

# 122nd MAINE LEGISLATURE

LD 2118

LR 3295(01)

**An Act Relating to the Handling of Firearms Confiscated by Law Enforcement Officers Pursuant to a Court Order**

**Fiscal Note for Original Bill**

**Sponsor: Rep. Mills**

**Committee: Not Referred**

**Fiscal Note Required: Yes**

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## **Fiscal Note**

Minor cost increase - General Fund