

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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Legislative Document

No. 146

H.P. 128

House of Representatives, January 12, 2007

An Act To Enhance Self-defense

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Representatives: DUPREY of Hampden, HAMPER of Oxford, LANSLEY of Sabattus, ROBINSON of Raymond, SAVIELLO of Wilton, Senators: COURTNEY of York, SNOWE-MELLO of Androscoggin.

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

2 **Sec. 1. 12 MRSA §11212, sub-§1**, as amended by PL 2005, c. 477, §9, is further
3 amended to read:

4 **1. Prohibition.** The following provisions apply to shooting from a motor vehicle or
5 motorboat ~~or possessing a loaded firearm or a crossbow in a motor vehicle.~~

6 A. A person may not shoot while in or on a motor vehicle or motorboat or while in
7 or on a trailer or other type of vehicle being hauled by a motor vehicle except:

8 (1) A person may hunt migratory waterfowl from a motorboat in accordance
9 with federal regulations;

10 (2) Paraplegics and single or double amputees of the legs may shoot from motor
11 vehicles that are not in motion; and

12 (3) A person may shoot from a motorboat if that boat is not being propelled by
13 its motor.

14 ~~B. A person may not, while in or on a motor vehicle or in or on a trailer or other~~
15 ~~type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow~~
16 ~~or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip~~
17 ~~or cylinder or a muzzle loading firearm charged with powder, lead and a primed~~
18 ~~ignition device or mechanism, except that a person who has a valid Maine permit to~~
19 ~~carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol~~
20 ~~or revolver covered by that permit.~~

21 C. A person may not possess a wild animal or wild bird taken in violation of
22 paragraph A ~~or B~~, except as otherwise provided in this Part.

23 **Sec. 2. 17-A MRSA §1057, sub-§6, ¶A**, as enacted by PL 1989, c. 917, §2, is
24 amended to read:

25 A. Revoke any permit to carry a concealed firearm issued to the person so
26 convicted; ~~and.~~

27 **Sec. 3. 17-A MRSA §1057, sub-§6, ¶B**, as enacted by PL 1989, c. 917, §2, is
28 repealed.

29 **Sec. 4. 17-A MRSA §1252, sub-§4**, as amended by PL 2005, c. 527, §17, is
30 further amended to read:

31 4. If the State pleads and proves that a Class B, C, D or E crime was committed
32 with the use of a dangerous weapon then the sentencing class for such crime is one class
33 higher than it would otherwise be. In the case of a Class A crime committed with the use
34 of a dangerous weapon, such use should be given serious consideration by the court in
35 exercising its sentencing discretion. This subsection does not apply to a violation or an
36 attempted violation of section 208, ~~to any other offenses to which use of a dangerous~~
37 ~~weapon serves as an element~~ or to any offense for which the sentencing class is otherwise
38 increased because the actor or an accomplice to that actor's or accomplice's knowledge is
39 armed with a firearm or other dangerous weapon. An additional 10 years must be added

1 to the maximum allowable sentence for the crimes of aggravated assault, elevated
2 aggravated assault and elevated aggravated assault on a pregnant person under sections
3 208, 208-B and 208-C if the dangerous weapon used in the crime is a firearm, slungshot,
4 knuckles, bowie knife, dirk or stiletto.

5 **Sec. 5. 25 MRSA §2001-A, sub-§1, ¶A**, as enacted by PL 2003, c. 452, Pt. N, §2
6 and affected by Pt. X, §2, is amended to read:

7 A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife,
8 dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on
9 or defense of a person; ~~or.~~

10 **Sec. 6. 25 MRSA §2001-A, sub-§1, ¶B**, as enacted by PL 2003, c. 452, Pt. N, §2
11 and affected by Pt. X, §2, is repealed.

12 **Sec. 7. 25 MRSA §2001-A, sub-§2**, as amended by PL 2005, c. 488, §7, is
13 repealed.

14 **Sec. 8. 25 MRSA §2003, sub-§11**, as enacted by PL 1985, c. 478, §2, is repealed.

15 **Sec. 9. 25 MRSA §2004, sub-§3**, as enacted by PL 2003, c. 452, Pt. N, §3 and
16 affected by Pt. X, §2, is repealed.

17 **SUMMARY**

18 This bill:

19 1. Removes the prohibition on having a loaded firearm or crossbow in a motor
20 vehicle for a person other than a holder of a concealed weapons permit;

21 2. Removes the provision of law that suspends the license of a private investigator
22 for 5 years if convicted of possession of a firearm in an establishment licensed for the on-
23 premises consumption of liquor;

24 3. Increases by 10 years the maximum allowable sentence of a person convicted of
25 aggravated assault, elevated aggravated assault and elevated aggravated assault on a
26 pregnant person if a firearm, slungshot, knuckles, bowie knife, dirk or stiletto was used in
27 the offense;

28 4. Removes the prohibition on concealing a dangerous weapon except by a holder of
29 a concealed weapons permit;

30 5. Removes exceptions to the law prohibiting the carrying of a concealed dangerous
31 weapon; and

32 6. Removes the requirement that a holder of a concealed weapons permit possess the
33 permit in person while carrying a concealed weapon.