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L.D. 1705 (Filing No. H- 76)

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT " \mathcal{H} " to H.P. 1206, L.D. 1705, Bill, "An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties"

Amend the bill in section 1 in subsection 9-A in paragraph B in subparagraph (1) in the last line (page 1, line 19 in L.D.) by striking out the following: "district" and inserting in its place the following: 'district school board and for which the school board has adopted appropriate safeguards to ensure student safety'

Amend the bill by striking out all of section 2 and inserting the following:

18 'Sec. 2. 20-A MRSA §6552, sub-§1, as amended by PL 2007, c. 67, §1, is further
 amended to read:

1. Prohibition. A person may not possess a firearm on public school property <u>or the</u> <u>property of an approved private school</u> or discharge a firearm within 500 feet of <u>public</u> school property <u>or the property of an approved private school</u>. For purposes of this subsection, public school property includes property of a community college that adopts a policy imposing such a prohibition.

Sec. 3. 20-A MRSA §6552, sub-§2, as enacted by PL 1981, c. 693, §§ 5 and 8, is repealed and the following enacted in its place:

- 2. Exceptions. The provisions under subsection 1 do not apply to the following.
- A. The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.
- B. The prohibition on the possession of a firearm does not apply to the following
 persons, if the possession is authorized by a written policy adopted by the school
 board:
- A person who possesses an unloaded firearm for use in a supervised
 educational program approved and authorized by the school board and for which
 the school board has adopted appropriate safeguards to ensure student safety; and

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT " μ " to H.P. 1206, L.D. 1705

(2) A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:

(a) Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or wild animal;

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(b) Takes place outside of regular school hours; and

(c) Is authorized by the school board.

SUMMARY

This amendment clarifies the provision in current law that permits a school board to offer instructional activities related to firearms or allow firearms to be brought on school property for instructional purposes by requiring that the school board has adopted appropriate safeguards to ensure student safety.

The amendment makes the following changes to the school safety provisions in current law that prohibit the possession of firearms on school property and the discharge of firearms within 500 feet of school property.

It clarifies that the prohibitions on the possession of a firearm and on the discharge
 of a firearm apply to both public school property and to the school property of approved
 private schools under the Maine Revised Statutes, Title 20-A, chapter 117.

19 2. It provides an exception to the prohibition on possessing firearms on school 20 property for a person who possesses an unloaded firearm that is stored inside a locked 21 vehicle in a closed container, a zipped case or a locked firearms rack while the person is 22 attending a hunter's breakfast or similar event that is held during a legal open firearm 23 season and when the event is held outside of regular school hours and is authorized by the 24 school board.

3. It eliminates the inclusion of school property of a community college from the
 prohibitions because the provisions of Title 20-A, section 10009 provide the Maine
 Community College System with the power to regulate the possession of firearms on
 community college property.

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FISCAL NOTE REQUIRED

(See attached)

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COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1705

LR 2403(02)

An Act To Align the Duties of School Boards Concerning Student Safety with the Requirements of the Federal Gun-Free Schools Act and To Prohibit the Discharge of Firearms within 500 Feet of Public and Private School Properties

> Fiscal Note for Bill as Amended by Committee Amendment "" Committee: Education and Cultural Affairs Fiscal Note Required: Yes

Fiscal Note

Local government costs not a mandate

Fiscal Detail and Notes

Additional costs to local school administrative units to adopt a policy for expelling a student who is determined to have possessed a firearm at school are not expected to be significant. Pursuant to Title 30-A, §5685, requirements to local units of government to comply with federal law or regulation are not state mandates.