

# MAINE STATE LEGISLATURE

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1  
SMY  
ROFS

Date: 5/23/11

L.D. 386

(Filing No. H-330)

Minority

3 CRIMINAL JUSTICE AND PUBLIC SAFETY

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

5 STATE OF MAINE  
6 HOUSE OF REPRESENTATIVES  
7 125TH LEGISLATURE  
8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 312, L.D. 386, Bill, "An Act To  
10 Implement the Recommendations of the Working Group Concerning Domestic Violence  
11 and Firearms"

12 Amend the bill by striking out all of section 1 (page 1, lines 2 to 11 in L.D.) and  
13 inserting in its place the following:

14 'Sec. 1. 15 MRSA §1023, sub-§4-A is enacted to read:

15 4-A. Firearms; bail condition upon arrest for certain crimes of domestic  
16 violence. When a person is charged with an offense under Title 17-A, section 15,  
17 subsection 1, paragraph A, subparagraph (5-A) or (5-B), the bail commissioner shall  
18 require, as a condition of bail, that the person refrain from possessing a firearm or other  
19 specified dangerous weapons until further order of a court. Upon request of the  
20 defendant, any motion to amend a bail condition imposed pursuant to this subsection  
21 must be heard by the court as expeditiously as possible.'

22 Amend the bill in section 2 in paragraph A by striking out all of subparagraph (8)  
23 (page 2, lines 8 and 9 in L.D.) and inserting in its place the following:

24 '(8) Refrain from possessing a firearm or other dangerous weapon;

25 (8-A) If a condition is imposed pursuant to section 1023, subsection 4-A, refrain  
26 from possessing a firearm or other specified dangerous weapons until further  
27 order of a court;'

28 Amend the bill by striking out all of sections 3 to 7.

29 SUMMARY

30 This amendment is the minority report and implements some of the  
31 recommendations, with changes, proposed by the working group concerning domestic  
32 violence and firearms established under Resolve 2009, chapter 86. Specifically, the  
33 amendment requires bail commissioners to impose a bail condition in all domestic  
34 violence cases that the person on bail refrain from possessing firearms or other specified

**COMMITTEE AMENDMENT**

1 dangerous weapons. The amendment deletes from the bill changes to the Maine Revised  
2 Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (8), leaving the  
3 current law in place that allows bail commissioners to continue to impose conditions  
4 banning the possession of all dangerous weapons. The amendment adds a new Title 15,  
5 section 1026, subsection 3, paragraph A, subparagraph (8-A) that states that if a condition  
6 is imposed under bail pursuant to Title 15, section 1023, subsection 4-A, the bail  
7 commissioner may impose the condition of refraining from possessing a firearm or other  
8 specified dangerous weapon until further order of the court.

9 The amendment also deletes from the bill provisions that mandate that a law  
10 enforcement officer seize all firearms in certain warrantless arrest situations and in arrest  
11 situations where the officer has probable cause to believe that there has been a criminal  
12 violation of a protection order and provisions that require law enforcement agencies to  
13 adopt and implement new minimum policy standards for seizure and storage of firearms.

**FISCAL NOTE REQUIRED**  
**(See attached)**



Approved: 05/15/11 *MAC*

# 125th MAINE LEGISLATURE

LD 386

LR 1130(02)

**An Act To Implement the Recommendations of the Working Group Concerning Domestic Violence  
and Firearms**

**Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Correctional and Judicial Impact Statements

Increases case-loads with no effect on fines or fees