

# MAINE STATE LEGISLATURE

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BMS  
R.O.P.S  
2

Date: 5/20/13 Majority

L.D. 380  
(Filing No. H-204)

3 CRIMINAL JUSTICE AND PUBLIC SAFETY

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5 STATE OF MAINE  
6 HOUSE OF REPRESENTATIVES  
7 126TH LEGISLATURE  
8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 255, L.D. 380, Bill, "An Act To  
10 Clarify the Law Concerning the Threatening Display of Dangerous Weapons"

11 Amend the bill by striking out everything after the enacting clause and before the  
12 summary and inserting the following:

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

15 1. **Display or carrying prohibited.** A person may not, unless excepted by a  
16 provision of law:

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

20 B. ~~Wear under the person's clothes or conceal~~ Conceal about the person's person a  
21 firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly  
22 weapon usually employed in the attack on or defense of a person. As used in this  
23 paragraph, "conceal" means to carry hidden from the detection and view of another  
24 person, either upon or about the person, in a purse or other container belonging to the  
25 person or in a vehicle that is operated by the person or in which the person is a  
26 passenger; or

27 C. While in possession of a dangerous or deadly weapon in a public place, refuse to  
28 provide that person's name, address and date of birth at the request of a uniformed  
29 law enforcement officer or a properly identified law enforcement officer not in  
30 uniform, if the totality of circumstances is such as to lead the officer to reasonably  
31 believe that the protection of public safety requires such identification.

32 As used in this subsection, "dangerous or deadly weapon" has the same meaning as  
33 "dangerous weapon" in Title 17-A, section 2, subsection 9, paragraph C and "public  
34 place" has the same meaning as in Title 17-A, section 501-A, subsection 2, paragraph A.

**COMMITTEE AMENDMENT**

**R.O.F.S**

1 Nothing in this subsection may be construed to prohibit a person in this State not  
2 otherwise prohibited by law from carrying a loaded or unloaded firearm openly upon the  
3 person or in a belt or shoulder holster that is wholly or partially visible.'

4 **SUMMARY**

5 This amendment replaces the bill and is the majority report of the committee. The  
6 amendment clarifies that, except as prohibited by law, a person has the right to carry an  
7 unconcealed firearm in this State. The amendment prohibits a person, unless excepted by  
8 law, from refusing to provide that person's name, address and date of birth at the request  
9 of a law enforcement officer if the person possesses a dangerous and deadly weapon in a  
10 public place if the totality of the circumstances is such as to lead the officer to reasonably  
11 believe that the protection of the public requires identification.

12 **FISCAL NOTE REQUIRED**

13 **(See attached)**



# 126th MAINE LEGISLATURE

LD 380

LR 1028(02)

**An Act To Clarify the Law Concerning the Threatening Display of Dangerous Weapons**

**Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-204)**  
**Committee: Criminal Justice and Public Safety**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new Class D crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.