

MAINE STATE LEGISLATURE

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Date: 3/28/16 Majority

L.D. 1500
(Filing No. H-612)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1023, L.D. 1500, Bill, "An Act To Protect and Promote Access to Sport Shooting Ranges"

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

Sec. 1. 17 MRSA §2806, sub-§§1 and 2, as enacted by PL 1995, c. 231, §1, are amended to read:

1. Acquisition of property near existing range. Except as provided in this subsection, a person may not maintain a nuisance action, including for noise, against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within 3 years from the beginning of the substantial change.

2. Establishment of shooting range near existing property. A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action, including for noise, against that shooting range only if the action is brought within 5 years after establishment of the range or 3 years after a substantial change in use of the range.

Sec. 2. 17 MRSA §2806, sub-§4, as enacted by PL 1995, c. 231, §1, is amended to read:

4. Application. This section does not limit nuisance actions against shooting ranges established on or after the effective date of this section September 1, 2016.

Sec. 3. 30-A MRSA §3011, sub-§§2 and 3, as enacted by PL 1995, c. 231, §2, are amended to read:

2. Limitation. A municipal noise control or other ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance,

COMMITTEE AMENDMENT

1 as long as the range conforms to generally accepted gun safety and shooting range
2 operation practices or is constructed in a manner not reasonably expected to allow a
3 projectile to cross the boundary of the range.

4 **3. Expansion of activity.** Nothing in this section limits the ability of a municipality
5 to regulate ~~noise produced by the expansion of activity at a~~ the location and construction
6 of a new sport shooting range or a substantial change in use of an existing range on or
7 after September 1, 2016.

8 **Sec. 4. 30-A MRSA §3011, sub-§4** is enacted to read:

9 **4. Maintenance and improvements.** A municipality may not restrict a sport
10 shooting range established prior to September 1, 2016 from performing maintenance or
11 otherwise making improvements to the sport shooting range and its buildings, structures
12 and grounds with regard to:

- 13 A. Enhancing public safety and shot containment;
- 14 B. Providing access for persons with disabilities and providing rest room facilities;
- 15 C. Otherwise maintaining or improving the habitability of buildings and grounds, if
16 such maintenance or improvements are otherwise in compliance with the
17 municipality's generally applicable building codes and zoning ordinances; and
- 18 D. Repairing or rebuilding a building or structure damaged by fire, collapse,
19 explosion or an act of God, if such repairs or rebuilding is otherwise in compliance
20 with the municipality's generally applicable building codes and is completed within 2
21 years of the loss or damage.'

SUMMARY

22 This amendment, which is the majority report, strikes the bill and replaces it with
23 changes to current law concerning sport shooting ranges. It does the following.

- 24 1. It expands sport shooting range immunity from nuisance lawsuits filed against the
25 shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
- 26 2. It prohibits municipal ordinances from being applied to limit or eliminate shooting
27 activities that have occurred on a regular basis at a sport shooting range prior to the
28 enactment date of the ordinance. Current law exempts the applicability of ordinances
29 only with regard to noise control.
- 30 3. It requires a sport shooting range to meet general gun safety and shooting range
31 operation practices or be constructed in a manner not reasonably expected to allow a
32 projectile to cross the boundary of the range in order to be exempted from municipal
33 ordinances applied to limit or eliminate its current shooting activities.
- 34 4. It provides that a municipality may not restrict a sport shooting range established
35 prior to September 1, 2016 from performing maintenance or making improvements to
36 enhance public safety and shot containment, provide access for persons with disabilities
37 and provide rest room facilities. Other maintenance or improvements must be done in
38 compliance with generally applicable municipal building codes and zoning ordinances.
39 Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an
40

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1023, L.D. 1500

1 act of God must be done in compliance with generally applicable municipal building
2 codes and be completed within 2 years.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



127th MAINE LEGISLATURE

LD 1500

LR 2498(02)

An Act To Protect and Promote Access to Sport Shooting Ranges

Fiscal Note for Bill as Amended by Committee Amendment *A(H-612)*
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund
Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Decreases the number of civil suits.

A reduction in filing fees will decrease General Fund revenue by minor amounts.