

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 516

H.P. 373

House of Representatives, January 31, 2019

**An Act To Establish a Statewide Voluntary Firearm Collection Day
and Ongoing Program**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BROOKS of Lewiston.
Cosponsored by Representative: CARDONE of Bangor.

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

2 **Sec. 1. 25 MRSA §2015** is enacted to read:

3 **§2015. Statewide voluntary firearm collection day and ongoing program**

4 The Commissioner of Public Safety, referred to in this section as "the commissioner,"
5 in accordance with the provisions of this section shall design, implement and administer
6 an annual statewide voluntary firearm collection day, referred to in this section as the
7 "collection day," and a statewide voluntary firearm collection program, referred to in this
8 section as the "collection program."

9 **1. Implementation date; notice.** The collection day required under this section
10 must be the 3rd Saturday of each July, beginning July 18, 2020. The commissioner shall
11 annually ensure that the general public is notified as to date, purpose, collection locations
12 and other parameters of the collection day. The notification required under this
13 subsection may involve, but is not limited to, print, radio, television and Internet
14 advertising; the distribution of written materials; and the offering or facilitation of public
15 events.

16 **2. Purpose.** The collection day required under this section must be designed to
17 provide to any person in the State an annual, one-day opportunity to voluntarily turn over
18 firearms or ammunition in the person's possession to a law enforcement officer at a
19 number of sites conveniently located throughout the State. The commissioner shall
20 require the Bureau of State Police to participate in the collection day and shall coordinate
21 with municipal and county law enforcement agencies, as necessary, to ensure the
22 achievement of the purpose of this section, including, but not limited to, providing
23 technical assistance and, as necessary and as resources allow, financial assistance to any
24 municipal or county law enforcement agency that elects to participate in the collection
25 day within its area of jurisdiction.

26 **3. Fees prohibited; incentives.** A person may not be charged a fee to turn over a
27 firearm or ammunition to a law enforcement officer during the collection day or through a
28 collection program established pursuant to this section. The commissioner may accept
29 private donations that may be used to provide monetary payment or other incentives to
30 persons turning over firearms or ammunition during the collection day or through a
31 collection program under subsection 5 or 6.

32 **4. Information required; disposition of collected firearms and ammunition.** A
33 person who voluntarily turns over a firearm or ammunition to a law enforcement officer
34 during the collection day or through a collection program established pursuant to this
35 section shall provide to the law enforcement officer accepting the firearm or ammunition
36 the person's name, mailing address and telephone number and may not be required by the
37 law enforcement officer to provide any additional information. A law enforcement
38 officer who collects a firearm during the collection day or through a collection program
39 shall check the serial number of the firearm to ensure that the firearm is not stolen, was
40 not used in the commission of a criminal act and is not otherwise sought as evidence in a
41 criminal investigation or prosecution. If, after running such a check, the law enforcement
42 officer does not have reason to believe that the firearm is stolen, was used in the

1 commission of a criminal act or is otherwise sought as evidence in a criminal
2 investigation or prosecution, the officer shall ensure that the firearm is promptly
3 destroyed. A law enforcement officer who collects ammunition during the collection day
4 or through a collection program shall ensure that the ammunition is promptly destroyed.

5 **5. Establishment of collection program.** The commissioner shall ensure that, no
6 later than August 1, 2020, a year-round collection program, administered by the Bureau
7 of State Police, is established that, at a minimum, is designed to provide to any person the
8 opportunity to voluntarily turn over any firearm or ammunition in the person's possession
9 to a state police officer at any facility or function of the Bureau of State Police to which
10 members of the public are regularly allowed admission. The commissioner shall provide
11 notice of the collection program in the same manner as is provided under subsection 1.

12 **6. Local ongoing voluntary firearm collection programs.** The commissioner shall
13 provide technical assistance and, as necessary and as resources allow, financial assistance
14 to any municipal or county law enforcement agency that elects to establish an ongoing
15 voluntary firearm collection program within its area of jurisdiction.

16 **7. Report.** Beginning January 15, 2021, and annually thereafter, the commissioner
17 shall submit a report to the joint standing committee of the Legislature having jurisdiction
18 over criminal justice and public safety matters that includes:

19 A. The number of firearms and, if available, the amount of ammunition collected by
20 municipal, county and state law enforcement agencies during the prior year's
21 collection day;

22 B. A list of the municipal, county and state law enforcement agencies that
23 participated in and the collection locations made available during the prior year's
24 collection day;

25 C. If available, the number of firearms collected during the prior year's collection
26 day that were retained by a law enforcement agency as stolen or due to their use in
27 the commission of a criminal act or as otherwise sought as evidence in a criminal
28 investigation or prosecution;

29 D. The number of firearms and, if available, the amount of ammunition collected by
30 the Bureau of State Police during the prior calendar year through the collection
31 program required under subsection 5;

32 E. A list of the ongoing voluntary firearm collection programs established by
33 municipal and county law enforcement agencies pursuant to subsection 6 and, if
34 available, the number of firearms and the amount of ammunition collected through
35 such programs during the prior calendar year; and

36 F. Any recommendations, including proposed legislation, for changes to the
37 collection day or collection program required under this section.

38 After reviewing the report required under this subsection, the joint standing committee of
39 the Legislature having jurisdiction over criminal justice and public safety matters may
40 report out a bill relating to the report.

1

SUMMARY

2 This bill directs the Commissioner of Public Safety to design, implement and
3 administer a statewide voluntary firearm collection day, the purpose of which is to
4 provide to any person an annual, one-day opportunity to voluntarily turn over any firearm
5 or ammunition in the person's possession to a law enforcement officer at a number of
6 sites conveniently located throughout the State.

7 The commissioner is also required to facilitate the establishment of a year-round
8 voluntary firearm collection program administered by the Bureau of State Police that, at a
9 minimum, is designed to provide to any person the opportunity to voluntarily turn over
10 any firearm or ammunition in the person's possession to a state police officer at any
11 facility or function of the Bureau of State Police to which members of the public are
12 regularly allowed admission.

13 The commissioner is directed to provide technical assistance and, as necessary and as
14 resources allow, financial assistance to municipal and county law enforcement agencies
15 that elect to participate in the voluntary firearm collection day or elect to establish an
16 ongoing local voluntary firearm collection program. A person may not be charged a fee
17 to turn over a firearm or ammunition to a law enforcement officer during the collection
18 day or through a collection program and is required only to provide the law enforcement
19 officer the person's name, mailing address and telephone number. Firearms and
20 ammunition collected are to be destroyed, except for those firearms determined to have
21 been stolen or used in the commission of a criminal act or that are otherwise sought as
22 evidence in a criminal investigation or prosecution.