

MAINE STATE LEGISLATURE

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SAC
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L.D. 1315

Date: 6-14-21

(Filing No. H-583)

MINORITY
CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 971, L.D. 1315, "An Act To Protect Firearm Use and Possession Rights during a State of Emergency and Require a Two-thirds Vote by the Legislative Council To Declare or Extend a State of Emergency"

Amend the bill in section 3 in paragraph A-2 in the last 11 lines (page 2, lines 24 to 34 in L.D.) by striking out the following: "A law enforcement officer who is acting in the lawful discharge of the officer's official duties without a warrant may disarm a lawfully detained individual only temporarily and only if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. Before releasing the detained individual, the law enforcement officer shall return to the individual any seized firearm, ammunition or component of a firearm or ammunition, firearm accessory, ammunition reloading equipment and supplies and any personal weapon other than a firearm taken from the individual, unless the officer takes the individual into physical custody for engaging in suspected criminal activity or for observation pursuant to Title 34-B, section 3862 or seizes the item as evidence pursuant to an investigation of the commission of a crime."

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the committee. This amendment strikes the provisions in the bill regarding the circumstances under which a law enforcement officer, acting without a warrant, may temporarily disarm a lawfully detained person.

FISCAL NOTE REQUIRED

(See attached)



Approved: 06/10/21 *MAC*

130th MAINE LEGISLATURE

LD 1315

LR 1584(02)

An Act To Protect Firearm Use and Possession Rights during a State of Emergency and Require a Two-thirds Vote by the Legislative Council To Declare or Extend a State of Emergency

Fiscal Note for Bill as Amended by Committee Amendment *ACH-583*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

This bill requires certain actions taken by the Governor related to a state of emergency to be approved by a 2/3 vote of the Legislative Council. The Legislature's baseline budget for 2022-2023 includes funds for the Legislative Council¹ to meet throughout the year. Whether or not there are sufficient funds will depend on the number of times the Legislative Council is required to meet.