

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1315

H.P. 971

House of Representatives, March 30, 2021

**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**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.

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

2 **Sec. 1. 25 MRSA §2011, sub-§5, ¶A**, as enacted by PL 2011, c. 626, §1, is
3 repealed.

4 **Sec. 2. 25 MRSA §2011, sub-§5, ¶A-1** is enacted to read:

5 A-1. The transport, storage, transfer, sale, import and export, distribution, repair,
6 maintenance and manufacture of and commerce in firearms, ammunition and related
7 accessories and components, shooting ranges and other goods and services directly
8 related to lawful firearm possession, use, storage, maintenance, sale or transfer and
9 training in the use of firearms are life-sustaining essential businesses and services for
10 the purposes of safety and security during a state of emergency and any other statutorily
11 authorized responses to disaster, war, acts of terrorism, riot or civil disorder, public
12 health crises or emergencies of whatever kind or nature.

13 **Sec. 3. 25 MRSA §2011, sub-§5, ¶A-2** is enacted to read:

14 A-2. Notwithstanding any provision of law to the contrary, a state agency or political
15 subdivision or any elected or appointed official or employee of the State or political
16 subdivision may not, under any governmental authority or color of law, including any
17 statutorily authorized responses to disaster, war, acts of terrorism or emergency:

18 (1) Prohibit, regulate or curtail the otherwise lawful possession, carrying, sale,
19 transportation, transfer, defensive use or other lawful use of any:

20 (a) Firearm, including any component or accessory of a firearm;

21 (b) Ammunition, including any component or accessory of ammunition;

22 (c) Ammunition reloading equipment and supplies; or

23 (d) Personal weapon other than a firearm;

24 (2) Seize, commandeer or confiscate any:

25 (a) Firearm, including any component or accessory of a firearm;

26 (b) Ammunition, including any component or accessory of ammunition;

27 (c) Ammunition reloading equipment and supplies; or

28 (d) Personal weapon other than a firearm;

29 (3) Suspend or revoke a permit to carry a concealed handgun issued pursuant to
30 Title 25, chapter 252, except as expressly authorized in that chapter;

31 (4) Refuse to accept an application for a permit to carry a concealed handgun for
32 which an application has been properly completed pursuant to Title 25, chapter
33 252;

34 (5) Close or limit the operating hours of any entity engaged in the lawful sale or
35 servicing of firearms, including components or accessories of firearms,
36 ammunition, including any components or accessories of ammunition, ammunition
37 reloading equipment and supplies or personal weapons other than firearms, unless
38 the closing or limitation of hours applies equally to all forms of commerce within
39 the jurisdiction;

1 (6) Close or limit the operating hours of any indoor or outdoor shooting range that
2 is located on state property or other property or any entity engaged in providing
3 firearms safety, firearms training, firearms license qualification or requalification,
4 firearms safety instructor courses or any similar classes, courses or programs;

5 (7) Place restrictions or quantity limitations on an entity regarding the lawful sale
6 or servicing of any:

7 (a) Firearm, including any component or accessory of a firearm;

8 (b) Ammunition, including any component or accessory of ammunition;

9 (c) Ammunition reloading equipment and supplies; or

10 (d) Personal weapon other than a firearm;

11 (8) Require registration of a firearm, ammunition or any component or accessory
12 of a firearm or ammunition; or

13 (9) Suspend, restrict or prohibit otherwise lawful hunting, fishing or trapping
14 activities, including the business operations of any entity engaged in facilitating
15 lawful hunting, fishing or trapping conducted on state or other lands and waters,
16 unless the suspension, restriction or prohibition is consistent with travel restrictions
17 applicable to the general public as a whole or, for restrictions on state lands or
18 waters, restrictions apply equally to all travel or public access to state lands or
19 waters or, with private hunting, fishing or trapping operations, the suspension,
20 restriction or prohibition applies equally to all forms of commerce within the
21 jurisdiction.

22 The provisions of subparagraphs (1) and (2) do not limit the authority of a law
23 enforcement officer to remove a firearm or ammunition from a person pursuant to other
24 lawful authority. A law enforcement officer who is acting in the lawful discharge of
25 the officer's official duties without a warrant may disarm a lawfully detained individual
26 only temporarily and only if the officer reasonably believes it is immediately necessary
27 for the protection of the officer or another individual. Before releasing the detained
28 individual, the law enforcement officer shall return to the individual any seized firearm,
29 ammunition or component of a firearm or ammunition, firearm accessory, ammunition
30 reloading equipment and supplies and any personal weapon other than a firearm taken
31 from the individual, unless the officer takes the individual into physical custody for
32 engaging in suspected criminal activity or for observation pursuant to Title 34-B,
33 section 3862 or seizes the item as evidence pursuant to an investigation of the
34 commission of a crime.

35 **Sec. 4. 25 MRSA §2011, sub-§5, ¶A-3** is enacted to read:

36 A-3. If the Governor declares by executive order a state of emergency, the term of a
37 concealed handgun permit with a scheduled expiration date from 60 days immediately
38 preceding the executive order to during the period of the state of emergency is extended
39 until 120 days after the permit's scheduled expiration date or 90 days after the
40 expiration of the state of emergency, whichever is later. During the period from the
41 scheduled expiration date of the permit to the extended expiration date of the permit
42 under this paragraph:

