

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 52

H.P. 27

House of Representatives, January 4, 2023

An Act to Allow Certain School Employees to Carry Firearms on School Property

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative FOSTER of Dexter.
Cosponsored by Senator HARRINGTON of York and
Representatives: COSTAIN of Plymouth, PERKINS of Dover-Foxcroft.

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

2 **Sec. 1. 20-A MRSA §6552, sub-§2**, as repealed and replaced by PL 2009, c. 614,
3 §3, is amended to read:

4 **2. Exceptions.** The provisions under subsection 1 do not apply to ~~the following~~:

5 ~~A. The prohibition on the possession and discharge of a firearm does not apply to law~~
6 Law enforcement officials;

7 ~~B. The prohibition on the possession of a firearm does not apply to the following~~
8 persons, if the possession is authorized by a written policy adopted by the school board:

9 (1) A person who possesses an unloaded firearm for use in a supervised
10 educational program approved and authorized by the school board and for which
11 the school board has adopted appropriate safeguards to ensure student safety; and

12 (2) A person who possesses an unloaded firearm that is stored inside a locked
13 vehicle in a closed container, a zipped case or a locked firearms rack while the
14 person is attending a hunter's breakfast or similar event that:

15 (a) Is held during an open firearm season established under Title 12, Part 13
16 for any species of wild bird or wild animal;

17 (b) Takes place outside of regular school hours; and

18 (c) Is authorized by the school board;

19 ~~C. The prohibition on possession and discharge of a firearm does not apply to a~~ A
20 person possessing a firearm at a school-operated gun range or a person discharging a
21 firearm as part of a school-sanctioned program at a school-operated gun range if the
22 gun range and the program are authorized by a written policy adopted by the school's
23 governing body; and

24 D. A school employee who has successfully completed certification and training
25 prescribed by the Board of Trustees of the Maine Criminal Justice Academy under
26 Title 25, section 2803-A, subsection 8-E and has been authorized by the school board
27 to possess or discharge a firearm for the purpose of enhancing the safety and security
28 of the school and in defense of students, staff and members of the public on the school
29 premises. A school employee is not authorized to exercise law enforcement powers as
30 described in Title 34-A, section 3011.

31 For purposes of this paragraph, a school board may establish a certification standard
32 and a training program to arm and supervise certain school employees in a manner and
33 according to protocols as the school board determines. A school board in implementing
34 the provisions of this paragraph may not arm a school employee without the school
35 employee's voluntary consent. A school employee may not be censured, criticized or
36 discriminated against for unwillingness or refusal to carry a firearm pursuant to this
37 paragraph.

38 **Sec. 2. 25 MRSA §2803-A, sub-§8-E** is enacted to read:

39 **8-E. Training of school employees.** To establish certification standards and a training
40 program for school employees authorized to possess a firearm on public school property or
41 the property of an approved private school or discharge a firearm within 500 feet of public

1 school property or the property of an approved private school pursuant to Title 20-A,
2 section 6552, subsection 2, paragraph D. The training program must include:

3 A. A firearms training component prescribed by the Maine Criminal Justice Academy
4 that is equivalent to a firearms training program required for preservice law
5 enforcement certification; and

6 B. A basic school crisis management training component developed by the Department
7 of Education and approved by the board that is specific to the duties of a school
8 employee authorized to possess and discharge a firearm under Title 20-A, section 6552,
9 subsection 2, paragraph D.

10 A school employee shall satisfactorily maintain competency in firearm use as determined
11 by the board and participate in regular school crisis management training as determined by
12 the Department of Education as conditions of continued certification under this subsection.

13 For purposes of this subsection, "approved private school" has the same meaning as in Title
14 20-A, section 1, subsection 2;

15 **SUMMARY**

16 This bill exempts a school employee from the prohibition on possessing a firearm on
17 public school property or the property of an approved private school or discharging a
18 firearm within 500 feet of public school property or the property of an approved private
19 school if the school employee has successfully completed certification and training
20 prescribed by the Board of Trustees of the Maine Criminal Justice Academy and has been
21 authorized by the school board to possess or discharge a firearm for the purpose of
22 enhancing the safety and security of the school and in defense of students, staff and
23 members of the public on the school premises. The bill provides that the school employee
24 is not authorized to exercise law enforcement powers.

25 The bill allows a school board to establish a certification standard and a training
26 program to arm and supervise certain school employees in a manner and according to
27 protocols as the school board determines. The bill specifies that a school board may not
28 arm a school employee without the employee's voluntary consent and a school employee
29 may not be censured or discriminated against for unwillingness or refusal to carry a firearm.