

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

## CHAPTER 188

## S.P. 141 - L.D. 404

## An Act To Limit the Transfer of Handguns to Minors

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

**Sec. 1.** 17-A MRSA §554-A, sub-§2, as enacted by PL 1995, c. 263, §3, is amended to read:

2. ~~A~~ Except as provided in section 554-B, a person is guilty of unlawfully transferring a firearm to a minor if that person, who is not the parent, foster parent or guardian of the minor, knowingly transfers a firearm to a minor.

**Sec. 2.** 17-A MRSA §554-B is enacted to read:

**§554-B. Unlawful transfer of handgun to minor**

1. As used in this section, the following terms have the following meanings.

A. "Handgun" means a firearm that has a short stock and is designed to be held and fired by the use of a single hand, or any combination of parts from which a handgun can be assembled.

B. "Minor" means a person under 18 years of age.

C. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

2. A person is guilty of unlawfully transferring a handgun to a minor if that person knowingly transfers a handgun to a person who the transferor knows or has reasonable cause to believe is a minor.

3. This section does not apply to:

A. A temporary transfer of a handgun to a minor:

(1) With the prior written consent of the minor's parent or guardian and that parent or guardian is not prohibited by federal, state or local law from possessing a firearm; or

(2) In the course of employment, target practice, hunting or instruction in the safe and lawful use of a handgun.

The minor may transport an unloaded handgun in a locked container directly from the place of transfer to a place at which an

activity described in this subparagraph is to take place and directly from the place at which such an activity took place to the transferor;

B. A minor who is a member of the United States Armed Forces or the National Guard who possesses or is armed with a handgun in the line of duty;

C. A transfer by inheritance of title to, but not possession of, a handgun to a minor; or

D. The transfer of a handgun to a minor when the minor takes the handgun in self-defense or in defense of another person against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

4. The State may not permanently confiscate a handgun that is transferred to a minor in circumstances in which the transferor is not in violation of this section and if the possession of the handgun by the minor subsequently becomes unlawful because of the conduct of the minor. When that handgun is no longer required by the State for the purposes of investigation or prosecution, the handgun must be returned to the lawful owner.

5. The following penalties apply.

A. A person who violates this section commits a Class D crime, except as provided in paragraph B.

B. A person who violates this section and, at the time of the offense, has a prior conviction for unlawfully transferring a handgun to a minor commits a Class C crime. Section 9-A governs the use of prior convictions when determining a sentence.

See title page for effective date.

## CHAPTER 189

## H.P. 279 - L.D. 359

## An Act Relating to ATV Registration

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in order for the special registration fees imposed in this legislation to take effect in time to be implemented for the coming ATV registration period beginning July 1, 2003 and produce needed revenue for the ATV Recreational Management Fund, this legislation needs to take effect immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §7854, sub-§3-A** is enacted to read:

**3-A. Temporary fee.** Notwithstanding any other provision of this section, and in addition to any other special assessments that may be imposed, an additional, temporary \$3 fee is imposed on all ATV registrations for the registration periods beginning July 1, 2003 and July 1, 2004. The temporary fee must be collected at the time a registration is issued and credited in full to the ATV Recreational Management Fund of the Department of Conservation.

This subsection is repealed June 30, 2005.

**Sec. 2. 12 MRSA §7854, sub-§4, ¶A**, as amended by PL 2001, c. 690, Pt. A, §14 and affected by §18, is further amended to read:

A. After administrative costs, revenues received under this subchapter are credited as undedicated revenue to the General Fund except that 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Conservation. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those administrative costs must be verified by the Department of Conservation and the Department of Administrative and Financial Services.

~~The department shall use a portion of the revenue dedicated to the ATV Recreational Management Fund for develop and implement an ATV law enforcement grant-in-aid program to assist law enforcement agencies other than the Bureau of Warden Service.~~

**Sec. 3. 12 MRSA §7854, sub-§9**, as enacted by PL 1983, c. 297, §§1 and 3, is repealed.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF  
Savings Fund

Initiative: Appropriates funds to be used only to avoid future fee increases.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$73,950	\$73,950
General Fund Total	\$73,950	\$73,950

**Division of Public Information and Education**

Initiative: Appropriates funds to restore funding for operational costs.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$50,000	\$50,000
General Fund Total	\$50,000	\$50,000

**INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
	\$123,950	\$123,950
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	\$123,950	\$123,950

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 16, 2003.

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**CHAPTER 190**

**S.P. 145 - L.D. 427**

**An Act To Clarify That the Maine Juvenile Code Does Not Preclude Sharing Information with School Administrators for Purposes of School Safety**

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

**Sec. 1. 15 MRSA §3301-A** is enacted to read:

**§3301-A. School safety**

**1. Sharing information.** Nothing in this Part precludes a law enforcement officer or criminal justice agency from sharing information with a school superintendent or principal, whether or not the information is contained in records, pertaining to a juvenile when the information is credible and indicates an imminent danger to the safety of students or school personnel on school grounds or at a school function. The superintendent or principal may disseminate this information only to the extent necessary to protect students and school personnel and as governed by subsection 2.