



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

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Legislative Document

No. 1052

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H.P. 781

House of Representatives, March 11, 2021

**An Act To Protect the Firearm Use and Possession Rights of Maine  
Citizens during an Emergency**

(EMERGENCY)

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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 ANDREWS of Paris.

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

3           **Whereas,** the rights of citizens of the State regarding firearms, ammunition and  
4 related components are necessary for the citizens' security and safety; and

5           **Whereas,** during times of emergency, firearms, ammunition and related components  
6 are even more necessary for citizens' security and safety; and

7           **Whereas,** in these times of an extended state of emergency, citizens' security and  
8 safety is compromised without the protections of this legislation; and

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

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

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15 repealed.

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

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

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

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

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

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

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

34                   (c) Ammunition reloading equipment and supplies;

35                   (d) Personal weapon other than a firearm; or

36           (2) Seize, commandeer or confiscate any:

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

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

39                   (c) Ammunition reloading equipment and supplies; or

- 1                   (d) Personal weapon other than a firearm;
- 2                   (3) Suspend or revoke a permit to carry a concealed handgun issued pursuant to  
3                   Title 25, chapter 252, except as expressly authorized in that chapter;
- 4                   (4) Refuse to accept an application for a permit to carry a concealed handgun for  
5                   which an application has been properly completed pursuant to Title 25, chapter  
6                   252;
- 7                   (5) Close or limit the operating hours of any entity engaged in the lawful selling or  
8                   servicing of firearms, including components or accessories of firearms,  
9                   ammunition, including any components or accessories of ammunition, ammunition  
10                   reloading equipment and supplies or personal weapons other than firearms, unless  
11                   the closing or limitation of hours applies equally to all forms of commerce within  
12                   the jurisdiction;
- 13                   (6) Close or limit the operating hours of any indoor or outdoor shooting range that  
14                   is located on state property or other property or any entity engaged in providing  
15                   firearms safety, firearms training, firearms license qualification or requalification,  
16                   firearms safety instructor courses or any similar classes, courses or programs;
- 17                   (7) Place restrictions or quantity limitations on an entity regarding the lawful sale  
18                   or servicing of any:
- 19                   (a) Firearm, including any component or accessory of a firearm;
- 20                   (b) Ammunition, including any component or accessory of ammunition;
- 21                   (c) Ammunition reloading equipment and supplies; or
- 22                   (d) Personal weapon other than a firearm;
- 23                   (8) Require registration of a firearm, ammunition or any component or accessory  
24                   of a firearm or ammunition; or
- 25                   (9) Suspend, restrict or prohibit otherwise lawful hunting, fishing or trapping  
26                   activities, including the business operations of any entity engaged in facilitating  
27                   lawful hunting or fishing conducted on state or other lands and waters unless the  
28                   suspension, restriction or prohibition is consistent with travel restrictions  
29                   applicable to the general public as a whole, or, for restrictions on state lands or  
30                   waters, restrictions apply equally to all travel or public access to state lands or  
31                   waters or, with private hunting or fishing operations, the suspension, restriction or  
32                   prohibition applies equally to all forms of commerce within the jurisdiction.

33                   The provisions of subparagraphs (1) and (2) do not limit the authority of a law  
34                   enforcement officer to remove a firearm or ammunition from a person pursuant to other  
35                   lawful authority. A law enforcement officer who is acting in the lawful discharge of  
36                   the officer's official duties without a warrant may disarm a lawfully detained individual  
37                   only temporarily and only if the officer reasonably believes it is immediately necessary  
38                   for the protection of the officer or another individual. Before releasing the detained  
39                   individual, the law enforcement officer shall return to the individual any seized firearm,  
40                   ammunition or component of a firearm or ammunition, firearm accessory, ammunition  
41                   reloading equipment and supplies and any personal weapon other than a firearm taken  
42                   from the individual, unless the officer takes the individual into physical custody for  
43                   engaging in suspected criminal activity or for observation pursuant to Title 34-B,

1 section 3862 or seizes the item as evidence pursuant to an investigation of the  
2 commission of a crime.

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

4 A-3. If the Governor declares by executive order a state of emergency, the term of a  
5 concealed handgun permit with a scheduled expiration date from 60 days immediately  
6 preceding the executive order to during the period of the state of emergency is extended  
7 until 120 days after the permit's scheduled expiration date or 90 days after the  
8 expiration of the state of emergency, whichever is later. During the period from the  
9 scheduled expiration date of the permit to the extended expiration date of the permit  
10 under this paragraph:

11 (1) The permit is valid for all purposes under the laws of the State and the permit  
12 holder is considered for all purposes under the laws of the State the holder of a  
13 valid permit to carry a concealed handgun;

14 (2) The permit remains subject to the revocation and suspension provisions of  
15 sections 2005 and 2005-A; and

16 (3) All other conditions and restrictions otherwise applicable to the permit and the  
17 permit holder continue to apply.

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

20 **SUMMARY**

21 This bill declares that the transport, storage, sale and transfer and other activities  
22 involving firearms, ammunition and components and accessories are considered essential  
23 businesses and services during a state of emergency declared by the Governor and prohibits  
24 the regulation, curtailment, seizure or other actions to restrict otherwise lawfully owned  
25 and possessed firearms, ammunition and related components and accessories and related  
26 activities during a state of emergency. This bill excepts from the provisions a law  
27 enforcement officer's seizing a firearm, ammunition or accessories or components while  
28 detaining an individual for suspected criminal activity pursuant to a warrantless arrest. This  
29 bill also suspends the expiration date for concealed handgun permits for a state of  
30 emergency.