



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1451

S.P. 569

In Senate, March 30, 2023

An Act to Prohibit State and Local Enforcement of Federal Firearms Laws

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative PERKINS of Dover-Foxcroft and
Representatives: ANDREWS of Paris, BAGSHAW of Windham, BOYER of Poland,
GIFFORD of Lincoln, GUERRETTE of Caribou, LAVIGNE of Berwick, QUINT of Hodgdon,
SMITH of Palermo.

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

2 **Sec. 1. 25 MRSA §2015** is enacted to read:

3 **§2015. Prohibition on state and local enforcement of federal laws related to firearms**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

7 B. "Government entity" means a state government entity, state government entity
8 official, local government entity, local government entity official, law enforcement
9 agency or law enforcement agency official.

10 C. "Law enforcement agency" means an agency in the State charged with enforcement
11 of state, county, municipal or federal laws or with managing custody of detained
12 persons in the State and includes, but is not limited to, municipal police departments,
13 sheriff's departments, organized police departments of colleges and universities, the
14 Department of Public Safety and the Department of Corrections.

15 D. "Law enforcement agency official" means a person having official duties as a
16 representative, agent or employee of a law enforcement agency.

17 E. "Local government entity" means a county, municipality or other political
18 subdivision of the State.

19 F. "Local government entity official" means a person having official duties as a
20 representative, agent or employee of a local government entity.

21 G. "State government entity" means a department, agency, bureau, commission,
22 council or other entity established under the laws of the State.

23 H. "State government entity official" means a person having official duties as a
24 representative, agent or employee of a state government entity.

25 **2. Prohibition.** Notwithstanding any provision of law to the contrary, a government
26 entity may not take any action to enforce or assist in the enforcement of federal laws that
27 restrict a person's right to own, possess and purchase firearms. This subsection may not be
28 interpreted to prohibit a government entity from enforcing a state law restricting a person's
29 right to own, possess and purchase firearms.

30 **Sec. 2. 25 MRSA §2016** is enacted to read:

31 **§2016. Prohibition on restricting firearm rights based on cannabis use**

32 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
33 following terms have the following meanings.

34 A. "Federal agency" means any department, independent establishment, government
35 corporation or any other agency of the executive branch of the Federal Government.

36 B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

37 C. "Government entity" has the same meaning as in section 2015, subsection 1,
38 paragraph B.

1 **2. Prohibition.** Notwithstanding any provision of law to the contrary, a government
2 entity may not take any of the following actions against a person based solely on the
3 person's purchase, possession or use of cannabis:

4 A. Restrict, revoke, suspend or otherwise infringe on the person's right to own,
5 purchase or possess a firearm or firearm ammunition or obtain any related firearms
6 certification; or

7 B. Provide information to a federal agency or official of a federal agency related to the
8 person's ownership, possession or purchase of a firearm or firearm ammunition or the
9 person's obtaining of any related firearms certification.

10 **SUMMARY**

11 This bill prohibits all state and local government entities, the employees of these
12 entities and all other state and local government officials from:

13 1. Enforcing or assisting federal agencies in the enforcement of federal laws that
14 restrict a person's right to own, possess and purchase a firearm or firearm ammunition or
15 obtain a related firearms certification without prohibiting these state and local government
16 officials from enforcing state laws that do the same;

17 2. Restricting, revoking, suspending or otherwise infringing on a person's right to own,
18 purchase or possess a firearm or firearm ammunition or to obtain any related firearms
19 certification based on the person's purchase, possession or use of cannabis; and

20 3. Providing information to a federal agency or official of a federal agency relating to
21 a person's ownership, possession or purchase of a firearm or firearm ammunition or the
22 person's obtaining of any related firearms certification based solely on the person's
23 purchase, possession or use of cannabis.