

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Exempt Firearms Manufactured in this State from Federal Regulation**

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

**Sec. 1. 25 MRSA §2013** is enacted to read:

### **§ 2013. Firearms; exemption from federal regulation**

**1. Findings.** The Legislature finds the following:

A. The United States Constitution, Amendment II reserves the right of the people to keep and bear arms and provides that this right "shall not be infringed";

B. The United States Constitution, Amendment X, which states that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," defines the total scope of federal power as being that which has been delegated by the people of the several states to the Federal Government in the United States Constitution;

C. The United States Constitution, Amendment IX guarantees to the people rights not granted in the Constitution and reserves to the people certain rights;

D. The United States Constitution, Amendments IX and X determine that the regulation of intrastate commerce is vested in the states, particularly if not expressly preempted by federal law. Congress has not expressly preempted state regulation of intrastate commerce pertaining to the manufacture on an intrastate basis of firearms, firearm accessories and ammunition; and

E. The Constitution of Maine, Article I, Section 16 secures the citizens of Maine the right to keep and bear arms and provides that this right "shall never be questioned."

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

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

B. "Firearm accessory" means an item that is used in conjunction with or mounted upon a firearm but is not essential to the basic function of the firearm, including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, folding or aftermarket stocks and grips, speedloaders, ammunition carriers and lights for target illumination.

C. "Machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, that is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

**3. Federal regulation; exempt.** A firearm, a firearm accessory or ammunition that is manufactured commercially or privately in the State after October 1, 2009 and remains in the State is not subject to federal regulation. The firearm, firearm accessory or ammunition must be clearly stamped "Made in Maine" on a central metallic part. A firearm, a firearm accessory or ammunition that is purchased in the State and is stamped with "Made in Maine" is exempt from registration, background checks and dealer licensing requirements.

**4. Exception.** Subsection 3 does not apply to:

A. A firearm that cannot be carried and used by one person;

B. A firearm that has a bore diameter greater than 1 1/2 inches and that uses smokeless powder as a propellant;

C. Ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or

D. A machine gun.

## SUMMARY

This bill exempts from federal regulation firearms, firearm accessories and ammunition that are made in the State and that remain in the State.