



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1183

H.P. 827

House of Representatives, March 26, 2013

An Act To Prohibit the Enforcement of Federal Law Placing Restrictions on Firearms or Ammunition

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOHNSON of Eddington.
Cosponsored by Representative LIBBY of Waterboro and
Representatives: GUERIN of Glenburn, TURNER of Burlington, TYLER of Windham,
WILLETTE of Mapleton, WILSON of Augusta, WOOD of Sabattus, Senator:
YOUNGBLOOD of Penobscot.

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

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

3 **§2013. Firearms; exemption from federal regulation**

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

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

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

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

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

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

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

24 A. "Firearm" means any weapon that will or is designed to expel a projectile by the
25 action of an explosive. "Firearm" does not include a fully automatic weapon or any
26 weapon designed to fire a rocket-propelled grenade or any explosive projectile.

27 B. "Firearm accessory" means an item that is used in conjunction with or mounted
28 upon a firearm but is not essential to the basic function of a firearm, including, but
29 not limited to, a telescopic or laser sight, magazine, folding or aftermarket stock and
30 grip, speedloader, ammunition carrier, optic for target identification and light for
31 target illumination.

32 C. "Government" includes any branch, department or agency of the State or any
33 political subdivision of the State, including a city, town, county or school district.

34 D. "Manufactured" means that a firearm, a firearm accessory or ammunition has
35 been created from basic materials for functional usefulness by any process, including,
36 but not limited to, forging, casting, machining, molding or other processes for
37 working materials.

