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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 686, L.D. 1728, Bill, “An Act To Prohibit Possession of a Replica or Simulated Firearm on or near School Property”

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Possession of a Replica or Simulated Firearm on School Property'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §6555 is enacted to read:

§6555. Replica or simulated firearm

1. Definition. For the purposes of this section, "replica or simulated firearm" means an object that:

A. Is similar in size, color and general appearance to a firearm, excluding objects that meet the marking requirements provided in 15 United States Code, Section 5001(b)(1);

B. Is not capable of expelling a projectile or is capable of expelling a projectile other than by the action of an explosive; and

C. Could reasonably be mistaken for an actual firearm.

2. Prohibition. A person may not possess a replica or simulated firearm on public school property or the property of an approved private school.

3. Exception. The prohibition on possession of a replica or simulated firearm under subsection 2 does not apply to law enforcement officials or to a person possessing a replica or simulated firearm as part of a school-sanctioned program if the program is authorized by a written policy adopted by the school's governing body.

4. Penalty. A person who violates this section commits a civil violation for which a fine of not more than \$500 may be adjudged.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is the minority report of the Joint Standing Committee on Education and Cultural Affairs, clarifies provisions proposed in the bill that prohibit the possession of a replica or simulated firearm on or near public or private school property. The amendment includes the following changes to the bill.

1. It clarifies the definition of "replica or simulated firearm" to provide that the object is not capable of expelling a projectile or is capable of expelling a projectile other than by the action of an explosive.
2. It clarifies the definition of "replica or simulated firearm" to provide that the object could reasonably be mistaken for an actual firearm.
3. It provides an exemption from the law for toys, look-alikes and imitation firearms that meet the marking conditions established under federal law.
4. It provides an exception for law enforcement officials.
5. It removes the provision that prohibits the possession of a replica or simulated firearm within 500 feet of public or private school property.
6. It changes the provision that makes the possession of a replica or simulated firearm on public or private school property a Class E crime by making that possession a civil violation.

FISCAL NOTE REQUIRED
(See attached)