

ANNOTATED LISTING OF CJPS COMMITTEE FIREARMS BILLS, 129<sup>TH</sup> LEGISLATURE, 1<sup>ST</sup> REGULAR SESSION

9am	LD	Bill	Sponsor	Information requests from committee members and suggested amendments
379		<p><b>An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms</b></p> <p><b>Creates Class E crime</b> of unlawful storage of a loaded firearm applicable if a person knows or reasonably should have known that a child is likely to gain access without permission and the child uses the loaded firearm in a reckless or threatening manner, in the commission of a crime or recklessly or negligently discharges the firearm.</p> <p><b>Provides affirmative defenses and bars prosecution</b> of parent or guardian if the child is injured or dies unless the parent or guardian intentionally, knowingly, recklessly or with criminal negligence failed to secure the firearm.</p> <p><b>Creates a civil violation</b> for a firearms dealer to fail to post: "IT IS IMPORTANT THAT THE OWNER OF A FIREARM SEEK FIREARM SAFETY INSTRUCTIONS FROM A CERTIFIED FIREARMS INSTRUCTOR AND KEEP FIREARMS SECURED FROM UNAUTHORIZED USE."</p>	<p>Rep. Doudera</p>	<ol style="list-style-type: none"> <li>Information requested on self-defense fact patterns in Eric Brakey's testimony. The book <i>The Bias Against Guns</i> by John Lott recites both fact patterns.</li> <li><i>Heller v. District of Columbia</i>, US SCt, 6/26/09. Invalidated DC ban on possession in home of firearms and firearms that are not disassembled or disabled via a trigger lock as a violation of 2<sup>nd</sup> Amendment right to possess and use firearms for traditionally lawful purpose of self-defense.</li> <li><i>Duncan v. Becerra</i>, 9<sup>th</sup> Circuit Court of Appeals, 7/17/18. Found that District Court did not abuse its discretion in granting preliminary injunction based on 2<sup>nd</sup> Amendment and finding that ban on ammunition magazines is not a presumptively legal prohibition; applying intermediate scrutiny test, infringed on core 2<sup>nd</sup> Amendment rights; possession ban as applied to a current owner is an unconstitutional taking under 5<sup>th</sup> Amendment.</li> <li><i>Worman v. Massachusetts</i>, 1<sup>st</sup> Circuit Court of Appeals, 4/26/19. Upheld Mass. ban on sale, transfer and possession of semi-automatic assault weapons and large-capacity magazines finding the ban a close and reasonable restriction on personal interests using compelling state interest test.</li> <li>Maine Constitution, Article I, Section 16. "To keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned."</li> </ol>



1033

**An Act To Protect Children from Accidental Injury Due to Unsafe Storage of Firearms**

Creates civil violation for storage or keeping a firearm unless it is secured in a locked container or equipped with a tamper-resistant mechanical lock or other safety device so that the firearm is inoperable except by owner or authorized person. Exemption for certain ignition systems and older firearms. Violation is evidence of wanton or reckless conduct if a child under 18 resided in the location or was a recipient of child care there, with exceptions. First violation: \$200 to \$500; subsequent violations: \$500 to \$1000.

Rep. Perry

1. Maine Youth Camping Association asked that proposed Title 25, section 2015, sub-§1 be amended to read: "is secured in a locked container or compartment or equipped..." in order to agree with DHHS youth camp regulation 10-144, chapter 208, sec. 7(E)(1)(B).
2. Michael Whalley questioned the exemption for antique firearms and suggested that the Bureau of Alcohol, Tobacco, Firearms and Explosives definition of antique firearm be used. See attached information with definition from ATF.
3. Lauren LePage, NRA, noted that mandatory firearm storage applies to owner and any person who has custody and control; that storage requirements apply to a place where child care is provided although no children may be present; and that workable definitions are needed for "lawfully authorized user," "secured in a locked container," "safety device," and "firearm" since definition of firearm includes a weapon that can be repaired or made into a firearm in some way.

747	<p><b>An Act To Promote the Safe Use and Sale of Firearms</b></p> <p><b>Prohibits sale or transfer</b> of a firearm to a prohibited person, with affirmative defense if requested a check from NICS prior to sale and the check indicated he person was not a prohibited person. First offense is civil violation; subsequent offenses are Class E strict liability crimes.</p> <p><b>Creates Class D crime</b> of selling or transferring to a prohibited person if knew or believed the person to be a prohibited person.</p> <p><b>Increases penalty for civil violation of giving a false or fictitious name to a firearms dealer</b> from \$50 to \$1000. Sponsor requested removal of this section from the bill.</p> <p><b>Creates study of Maine's blue paper emergency involuntary mental health hospitalization</b> and prohibited person status. Sponsor requested removal of this section from the bill.</p>	Rep. Cardone	<p>1. Sponsor asked at public hearing that sections 2 and 3 be removed from the bill.</p> <p>2. Lauren LePage, NRA, noted there is no definition of "firearm" in the bill or in Title 15, chapter 15, that the general definition in Title 17-A, §2, sub-§12-A would apply, and that that definition conflicts with the definition in 18 US Code §921(a)(3) and (16), which provide exclusions for certain antique and replica weapons. See attached definitions and information sheet from ATF.</p>
810	<p><b>An Act To Require Background Checks for All Private Firearm Sales or Transfers Except between Family Members</b></p> <p><b>Creates crime of illegally knowingly delivering or receiving a firearm</b> if unlicensed person transfers a firearm to another unlicensed person unless the transferee submits to and passes a background check facilitated by a firearms dealer, with exceptions for: family; curios, relics, antique firearms; temporary transfer to prevent imminent death or great bodily harm law enforcement, corrections armed forces, security personnel; certain temporary transfers; transfer after death of owner and transferee is executor, administrator, trustee or personal representative. Class D crime for first offense; Class C for subsequent offenses.</p>	Sen. Miramant	<p>1. Jonathan Martell suggested that the definition of "intimate partner" on page 1, line 16 is unclear. Note that it is the last type of family member included in the definition of "family member" on page 1, line 7. "Family" definitions: Ferdico and Chase, pages 350 in domestic abuse laws and 353 in protection from abuse laws.</p> <p>2. Lauren LePage, NRA, questioned (a) requiring the transferee in a temporary transfer to be in the actual presence of the transferor and (b) conflict with federal law in allowing private sale seller to remove the firearm from the licensed dealer's premises if buyer fails the background check.</p>
1276	<p><b>An Act to Better Enforce the Prohibition against Dangerous Persons Possessing Firearms</b></p> <p><b>Requires firearm transaction</b> between unlicensed seller and buyer to be facilitated by federally licensed firearms dealer who must perform the check and may charge a fee if the transaction is at certain gun shows, events or functions or pursuant to an ad, posting, display or listing on Internet or in a publication that indicates that the seller offers or intends to sell or transfer.</p>	Sen. Sanborn	

<p><b>1071</b></p>	<p><b>An Act To Prohibit the Sale of High-capacity Magazines</b></p> <p><b>Creates Class D</b> crime of sale of high-capacity magazines for knowingly selling or supplying a firearm magazine, belt, drum, feed strip or similar device used to insert ammunition into a chamber of a firearm with capacity or that can be readily converted to capacity of more than 10 rounds.</p>	<p>Rep. Cardone</p>	<p>1. Bill Harwood, Maine Gun Safety Coalition, was asked to provide information on other states with bans or limitations on high-capacity magazines.</p> <p>2. Information requested on meanings of "sale" and "supply."</p>
<p><b>1569</b></p>	<p><b>An Act to Prohibit Untraceable and Undetectable Firearms</b></p> <p><b>With regard to untraceable firearms, creates Class D</b> crime of knowing possession, manufacture, assembly, causing manufacture or assembly, importation, or offer or exposes for sale, or sells or transfers.</p> <p><b>With regard to downloadable guns, creates Class D</b> crime of manufacture, causing to manufacture, import, offer, expose for sale, sell or transfer, providing exception for federal license to manufacture, name of manufacturer and serial number conspicuously appear on frame or receiver and records are kept as required by federal law and regulation.</p> <p><b>With regard to unfinished frame or receiver, creates Class D</b> crime of import, expose for sale, sell or transfer, providing exception for federal licensed firearms dealer, name of manufacturer and serial number conspicuously appear on unfinished frame or receiver, person applies for certification from law enforcement officer as required by law and records are kept as required by federal law and regulation.</p> <p><b>With regard to unfinished frame or receiver that is not serialized, creates Class D</b> crime, providing exception for federally licensed to manufacture and unfinished frame or receiver is an unfinished part within a manufacturing process that includes serialization.</p> <p><b>With regard to distribution or making available to download of downloadable gun code, creates Class D</b> crime, providing exception for distribution to a specific individual, person requests certification by a law enforcement officer as provided by law, distributor maintains records and the firearm is not prohibited by state or federal law.</p> <p><b>Statement of legislative findings</b> that undetectable and untraceable guns are a danger to residents of the State; that the restrictions of the bill are necessary to ensure that such firearms are prohibited except as specifically allowed; that restrictions are necessary to discourage and prevent dissemination of such firearms; and that restrictions are necessary to prevent widespread possession of these dangerous weapons before they become a prevalent problem in the State and a threat to the health and well-being of residents of the State.</p>	<p>Rep. Reckitt</p>	<p>1. Lauren LePage, NRA, noted conflicts between the bill's definitions of "undetectable" and "untraceable" and federal firearms laws, that federal law already bans manufacture, possession and transfer of a firearm that could thwart commonly used x-ray and metal detection technology and that "downloadable gun codes" are information protected as speech, raising constitutional and civil liberty concerns.</p>

3pm

<p><b>516</b></p>	<p><b>An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program</b></p> <p><b>Requires Commissioner of Public Safety to design, implement and administer an annual statewide voluntary firearm collection day and a statewide voluntary firearm collection program.</b> Collection day on 3<sup>rd</sup> Saturday of July beginning in 2020, with broad publicity, State Police participation, coordination with municipal and county law enforcement, technical assistance and financial assistance as resources allow. Free of cost, donations accepted. Person provides only name, mailing address and phone number. Law enforcement officer destroys ammunition and checks that firearm is not stolen or used in a criminal act or sought as evidence, then destroys the firearm.</p> <p>Commissioner required to establish year-round voluntary firearm collection by State Police.</p> <p>Commissioner provides technical and financial, as resources permit, assistance to municipal and county law enforcement to establish year-round voluntary collection program.</p> <p><b>Commissioner required to report annually beginning 1/1/21 on firearms and ammunition collected in voluntary programs.</b> CJPS Committee may report out a bill related to the report.</p>	<p>Rep. Brooks</p>	<p>1. Suggestion made that bill be amended to allow law enforcement agency that takes in firearms to sell them and retain the proceeds for use by the agency.</p>
<p><b>533</b></p>	<p><b>An Act to Eliminate the Statutory Duty to Retreat and Affirm the Right of Self-defense</b></p> <p>Current law allows a person to use deadly force in certain situations. Current law does not allow the use of deadly force if a person knows that the person or a 3<sup>rd</sup> person can with complete safety retreat form the encounter. <b>This bill repeals from current law the requirement that a person retreat from an encounter if the person or a 3<sup>rd</sup> person can retreat with complete safety.</b> See Title 17-A, §108, sub-§2.</p>	<p>Rep. Andrews</p>	<p>1. Information requested from Geoff Bickford on the psychological effect on soldiers of the use of deadly force.</p> <p>2. Eric Brakey was asked to provide examples of other states' laws allowing use of deadly force.</p>
<p><b>869</b></p>	<p><b>An Act Regarding Gun Control (Concept draft)</b></p>	<p>Rep. Daughtry</p>	<p>1. Sponsor requested leave to withdraw.</p>
<p><b>1099</b></p>	<p><b>An Act To Reduce Suicide and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm</b></p> <p><b>Requires seller of a firearm to withhold delivery for 72 hours after agreement to sell.</b> First violation is a civil violation punishable by fine of \$200 to \$500; subsequent violation fines are \$500 to \$1000. Exceptions if buyer is a firearms dealer or if seller knows the buyer is a law enforcement officer or security guard and firearm will be used in promoting the public interest incidentally to employment.</p>	<p>Sen. Carson</p>	<p>1. Information requested on Maine eligibility for and amount of funding for Maine IF&amp;W under the federal Pittman-Robertson Wildlife Restoration Act and whether this bill will decrease that funding.</p>



**18 US Code, section 922(p)(1) Ban on undetectable firearms**

(p)

(1) It shall be unlawful for any person to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm—

(A)

that, after removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar; or

(B)

any major component of which, when subjected to inspection by the types of x-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(2) For purposes of this subsection—

(A)

the term "firearm" does not include the frame or receiver of any such weapon;

(B)

the term "major component" means, with respect to a firearm, the barrel, the slide or cylinder, or the frame or receiver of the firearm; and

(C) the term "Security Exemplar" means an object, to be fabricated at the direction of the Attorney General, that is—

(i)

constructed of, during the 12-month period beginning on the date of the enactment of this subsection, 3.7 ounces of material type 17–4 PH stainless steel in a shape resembling a handgun; and

(ii)

suitable for testing and calibrating metal detectors:

*Provided, however,* That at the close of such 12-month period, and at appropriate times thereafter the Attorney General shall promulgate regulations to permit the manufacture, importation, sale, shipment, delivery, possession, transfer, or receipt of firearms previously prohibited under this subparagraph that are as detectable as a "Security Exemplar" which contains 3.7 ounces of material type 17–4 PH stainless steel, in a shape resembling a handgun, or such lesser amount as is detectable in view of advances in state-of-the-art developments in weapons detection technology.

(3)

Under such rules and regulations as the Attorney General shall prescribe, this subsection shall not apply to the manufacture, possession, transfer, receipt, shipment, or delivery of a firearm by a licensed manufacturer or any person acting pursuant to a contract with a licensed manufacturer, for the purpose of examining and testing such firearm to determine whether paragraph (1) applies to such firearm. The Attorney General shall ensure that rules and regulations adopted pursuant to this paragraph do not impair the manufacture of prototype firearms or the development of new technology.

(4)

The Attorney General shall permit the conditional importation of a firearm by a licensed importer or licensed manufacturer, for examination and testing to determine whether or not the unconditional importation of such firearm would violate this subsection.

(5) This subsection shall not apply to any firearm which—

(A)

has been certified by the Secretary of Defense or the Director of Central Intelligence, after consultation with the Attorney General and the Administrator of the Federal Aviation Administration, as necessary for military or intelligence applications; and

(B)

is manufactured for and sold exclusively to military or intelligence agencies of the United States.

(6)

This subsection shall not apply with respect to any firearm manufactured in, imported into, or possessed in the United States before the date of the enactment of the Undetectable Firearms Act of 1988.





## 18 U.S. Code § 921. Definitions

U.S. Code   Notes   Authorities (CFR)

**(a)** As used in this chapter—

**(1)** The term "person" and the term "whoever" include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

**(2)** The term "interstate or foreign commerce" includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

**(3)** The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

**(4)** The term "destructive device" means—

**(A)** any explosive, incendiary, or poison gas—

**(i)** bomb,

**(ii)** grenade,

**(iii)** rocket having a propellant charge of more than four ounces,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses;

(B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 7684(2), 7685, or 7686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

(5) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The term "short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.

(7) The term "rifle" means a weapon designed or redesigned, made or

fire only a single projectile through a rifled bore for each single pull of the trigger.

**(8)** The term "short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

**(9)** The term "importer" means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term "licensed importer" means any such person licensed under the provisions of this chapter.

**(10)** The term "manufacturer" means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this chapter.

**(11)** The term "dealer" means (A) any person engaged in the business of selling firearms at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term "licensed dealer" means any dealer who is licensed under the provisions of this chapter.

**(12)** The term "pawnbroker" means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm as security for the payment or repayment of money.

**(13)** The term "collector" means any person who acquires, holds, or disposes of firearms as curios or relics, as the Attorney General shall by regulation define, and the term "licensed collector" means any such person licensed under the provisions of this chapter.

**(14)** The term "indictment" includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

**(15)** The term "fugitive from justice" means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

**(16)** The term "antique firearm" means—

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**(A)** any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

**(B)** any replica of any firearm described in subparagraph (A) if such replica—

**(i)** is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

**(ii)** uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

**(C)** any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term "antique firearm" shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

**(17)**

**(A)** The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

**(B)** The term "armor piercing ammunition" means—

**(i)** a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or

**(ii)** a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.

**(C)** The term "armor piercing ammunition" does not include

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## Firearms Verification

### National Firearms Act Definitions

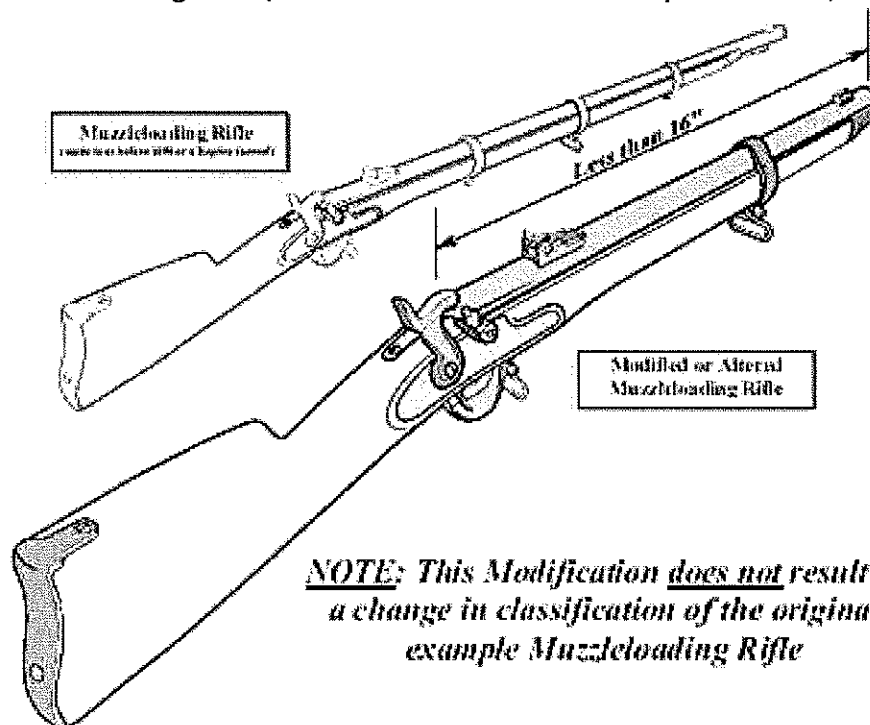
#### Antique Firearm

26 U.S.C. § 5845(G)

For the purposes of the National Firearms Act, the term “**Antique Firearms**” means any firearm not intended or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

#### Examples of “Antique Firearms” include:

**Muzzleloading Rifle (made in or before 1898 or a Replica thereof)**

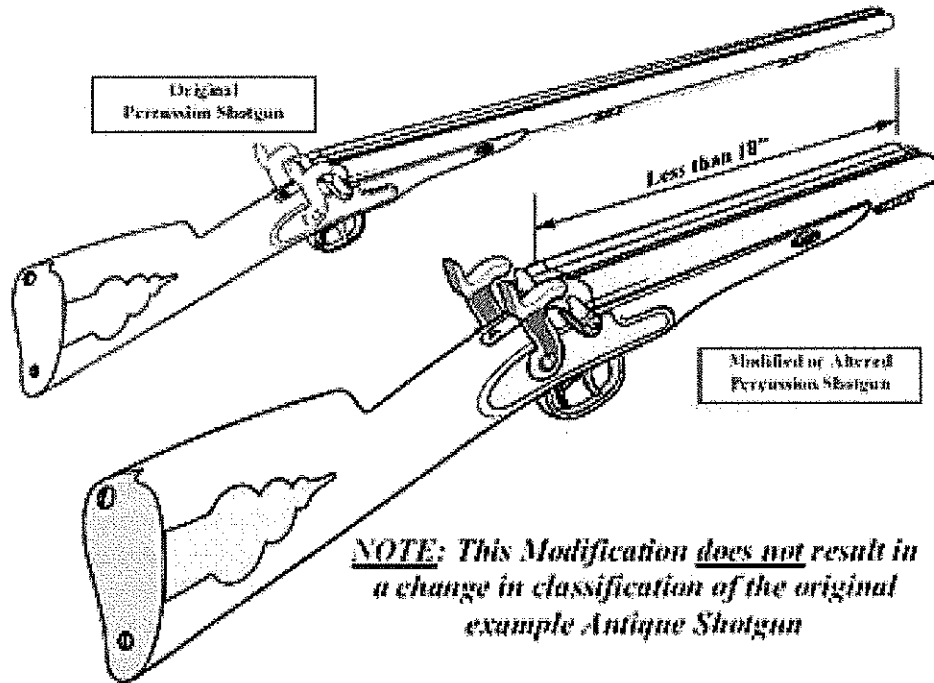


- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches and/or an overall length less than 26 inches, it is not subject to NFA

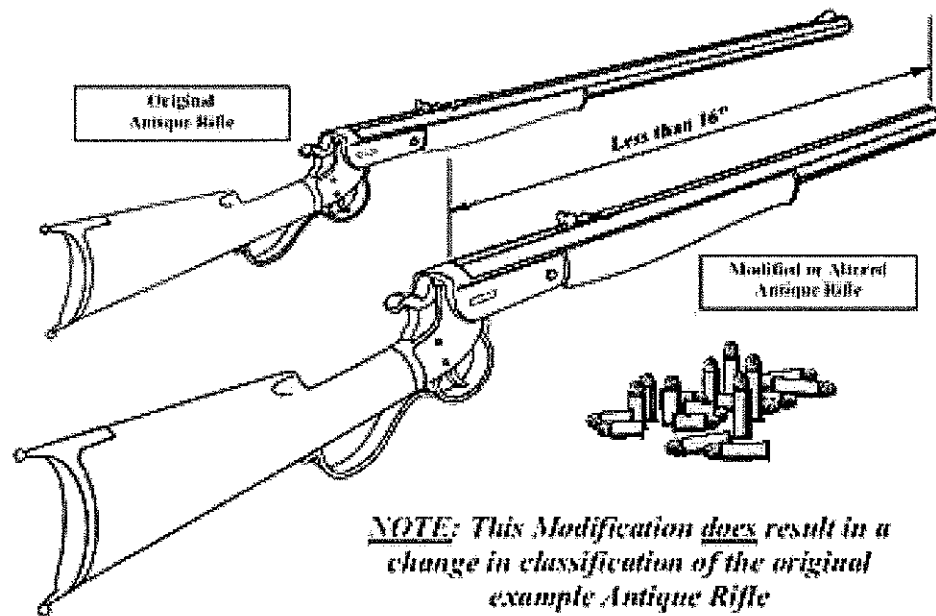
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regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.

### Original Percussion Shotgun



- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 18 inches and/or an overall length less than 26 inches, it is not subject to NFA regulations governing those dimensions because it employs a primitive ignition system identified as an exempting characteristic.



### Original Antique Rifle

- **Determinants for Classification:** Even though this weapon may exhibit a barrel shorter than 16 inches, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available

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*through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Short-barreled Rifle" and therefore all NFA regulations apply.*

#### **Original Antique Shotgun**

- **Determinants for Classification:** *Even though this weapon may exhibit a barrel shorter than 18 inches and is less than 26 inches in overall length, it is subject to NFA regulations governing those dimensions because it employs a conventional ignition system and uses fixed ammunition that is readily available through ordinary channels of commercial trade. Consequently, this weapon would be classified as a "Weapon made from a Shotgun" and therefore all NFA regulations apply.*

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*Last Reviewed April 26, 2018*

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# Title 15 MRSA

## §393. Possession of firearms prohibited for certain persons

1. **Possession prohibited.** A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A. A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

- (1) A crime in this State that is punishable by imprisonment for a term of one year or more;
- (2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;
- (3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;
- (4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or
- (5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:
  - (a) A firearm against a person; or
  - (b) Any other dangerous weapon.

Violation of this paragraph is a Class C crime;

B. C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

- (1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or
- (3) Under paragraph A-1, subparagraph (5).

Violation of this paragraph is a Class C crime;

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

- (1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or
- (2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

Violation of this paragraph is a Class D crime;

E. Has been:

- (1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious

## Title 15 MRSA

harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge;  
or

(3) Found not competent to stand trial with respect to a criminal charge.

Violation of this paragraph is a Class D crime;

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D crime;

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D crime;

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D crime;

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D crime; or

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D crime.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not possess a firearm during the deferred disposition period. Violation of this paragraph is a Class C crime.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

**1-A. Limited prohibition for nonviolent juvenile offenses.** A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.

**1-B. Prohibition for domestic violence offenses.** A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).



**QUICK REFERENCE TO  
FEDERAL FIREARMS LAWS**

**I. POSSESSION OR RECEIPT OF A FIREARM OR AMMUNITION BY A PROHIBITED PERSON**

18 U.S.C. § 922(g) & (n). Punishable by up to 10 years imprisonment. May receive minimum sentence of 15 years without parole if the felon has 3 or more prior convictions for a felony crime of violence (e.g. burglary, robbery, assault, possession of offensive weapons) and/or drug trafficking felony (18 U.S.C. § 924(e)).

**Elements**

- A. Possession or receipt of a firearm or ammunition;
- B. By a person who falls in one of the following categories:
  - Convicted of a crime punishable by imprisonment for a term exceeding one year (persons under indictment or information for such a crime are prohibited from receiving firearms or ammunition);
  - Fugitive from Justice (requires interstate flight to avoid prosecution or testimony in a criminal case);
  - Drug Users or Addicts (may be shown by recent conviction for use, recent possession of drugs, or recent arrest for use of drugs, or positive drug tests);
  - Aliens illegally or unlawfully within the US or those lawfully admitted in non-immigrant status (i.e. aliens without permanent residence status);
  - Mental defectives or persons committed to a mental institution;
  - Formally renounced US citizenship;
  - Dishonorably discharged from the military;
  - Subject to a court order prohibiting harassing, stalking, or threatening of an intimate partner or child of an intimate partner, or placing such persons in reasonable fear of bodily injury. (The order must have been issued after a hearing for which the person had notice and an opportunity to participate, and the order must either find a credible threat to the intimate partner or child, or by explicit terms prohibit the use, attempted use or threatened use of physical force.)
  - Convicted of a misdemeanor crime of domestic violence (need not be classified as "domestic" crime as long as offense involves the use or attempted use of physical force, or the threatened use of a deadly weapon committed by a current or former spouse, parent, or guardian. The subject must have had counsel and a jury trial (if applicable) unless those rights were waived.)
- C. The firearm or ammunition was transported at any time across a State line or from a foreign country.

**II. KNOWINGLY SELL, GIVE, OR OTHERWISE DISPOSE OF ANY FIREARM OR AMMUNITION TO ANY PERSON WHO FALLS WITHIN ONE OF THE ABOVE CATEGORIES**

18 U.S.C. § 922(d). Punishable by up to 10 years imprisonment.

**III. USE OR CARRY A FIREARM DURING OR IN RELATION TO, OR POSSESS A FIREARM IN FURTHERANCE OF, A DRUG TRAFFICKING CRIME OR FEDERAL CRIME OF VIOLENCE**

18 U.S.C. § 924(c). Punishment ranges from a minimum of 5 years to life imprisonment, without parole, or death if death results from the use of a firearm. Sentence must be served consecutive to any other sentence. Mandatory minimum sentence increases depending on the type of firearm involved (e.g. machinegun), whether the gun was possessed, brandished, or discharged, and prior convictions under this section.

**IV. STOLEN FIREARMS AND AMMUNITION**

18 U.S.C. § 922(j). Prohibits the receipt, possession, concealment, storage, bartering, selling, or disposing of stolen firearms and ammunition, knowing or having reason to believe the firearm or ammunition is stolen. Punishable by up to 10 years.

18 U.S.C. § 922(o). Prohibits stealing or unlawfully taking away firearms from the business inventory of a Federal Firearms licensee. Punishable by up to 5 years.

18 U.S.C. § 924(i). Prohibits stealing a firearm which has moved in commerce. Punishable by up to 10 years.

**V. FIREARM IN A SCHOOL ZONE**

18 U.S.C. § 922(g). Except as authorized, may not possess or discharge a firearm in a school zone. Punishable by up to 5 years imprisonment.

**VI. UNLAWFUL POSSESSION MANUFACTURE OR TRANSFER OF CERTAIN FIREARMS AND DEVICES**

18 U.S.C. § 922(h) makes it unlawful to transport, ship, receive or possess a firearm with the manufacturer's serial number obliterated, removed or altered. Punishable by up to 5 years imprisonment.

18 U.S.C. § 922(e) makes it unlawful to possess or transfer a machinegun. Punishable by up to 10 years imprisonment.

18 U.S.C. § 922(v) makes it unlawful to manufacture, transfer or possess a semi-automatic assault weapon manufactured after September 13, 1994. Punishable by up to 5 years imprisonment.

18 U.S.C. § 922(w) makes it unlawful to transfer or possess a large capacity ammunition feeding device (holding more than 10 rounds) manufactured after September 13, 1994. Punishable by up to 5 years.

26 U.S.C. §§ 5861(d) and (f) make it unlawful to possess or make a machinegun, sawed-off shotgun, saved-off rifle, silencer or destructive device without registration. Punishable by up to 10 years.

**VII. SELL, DELIVER OR TRANSFER TO JUVENILE**

18 U.S.C. § 922(b)(3) prohibits a Federal Firearms licensee from selling or delivering a firearm or ammunition to a person under 18, and prohibits selling or delivering a firearm other than a shotgun or rifle, or ammunition other than for a shotgun or rifle, to any person under 21. Punishable by up to 5 years.

18 U.S.C. § 922(x) makes it unlawful, with exceptions, to sell, deliver or transfer a handgun, or ammunition suitable for handguns only, to a juvenile (person less than 18 years of age). Punishable by up to 1 year imprisonment.

**VIII. FORFEITURE OF FIREARMS AND AMMUNITION**

18 U.S.C. § 924(d) authorizes the seizure and forfeiture of firearms and ammunition involved in or used in a violation of Federal criminal law. However, strict time limitations are imposed upon the forfeiture of firearms and ammunition.

**FOR ADDITIONAL INFORMATION, QUESTIONS,  
OR TO MAKE A REFERRAL, PLEASE CONTACT:**

**BUREAU OF ALCOHOL, TOBACCO AND FIREARMS**

Contact your local ATF office. Specific offices and telephone numbers can be obtained at the ATF WebSite at [www.atf.treas.gov](http://www.atf.treas.gov)

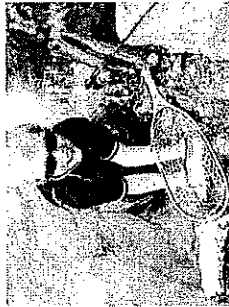


### Hunter Education and Safety Program

The Hunter Education and Safety (HE) Program was created in 1970, when Congress amended P.R. to allow a portion of the funding to be used for hunter education and safety programs. Projects must have objectives related to one or more of the following: hunter and sporting firearm safety programs; hunter development programs; the enhancement of interstate coordination and development of hunter education and shooting range programs; archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges. In 2000, Congress approved the Enhanced Hunter Education program that directs additional resources to this effort.

### Sport Fish Restoration

The DJ program is a cooperative effort involving Federal and State government agencies, the sport fishing industry, anglers and boaters. The program increases sport fishing and boating opportunities through wise investment of excise tax dollars in sport fishery development and management projects. Funds are derived from a 10 percent Federal excise tax on selected fishing tackle and equipment. The Wallop-Breaux Amendment of 1984 expanded the program by adding more tackle and sport fishing equipment under the excise tax and included the Federal fuel taxes attributable to motor boats and small engines. The program has helped State wildlife agencies restore and better manage America's fisheries resources. As of 2014 the SFR Program provided about \$8 billion in funds utilized by the States for a variety of eligible activities.



*Unquestionably, the Sport Fish Restoration program is a cornerstone of excellence for anglers, boaters and fisheries resources.*

### Aquatic Resource Education

The Aquatic Resource Education Program is authorized in the DJ Act. Up to 15 percent of the State's total DJ funding may be used for aquatic resource education. The Program provides grant funds to States for angler education, including stewardship and conservation to enhance public understanding and conservation of the nation's water resources and associated aquatic life forms.



### Boating Access

The Boating Access (BA) Program funds projects that provide recreational boaters with access to America's waterways by developing new access facilities and renovating or improving existing facilities. The program mandates that States use 15 percent of DJ funding on recreational boating access projects. In addition, the BA program funds fish cleaning stations, parking areas, and restrooms, among other boating amenities.

### Boating Infrastructure Grant Program

The Boating Infrastructure Grant (BIG) Program was established through the Sport Fishing and Boating Safety Act of 1998. BIG provides grant funds for facilities to support transient boaters in vessels 26 feet or more in length. BIG also funds information and educational materials about the program. Two percent of the Sport Fish Restoration and Boating Trust Fund comprises the annual funding for this competitive program.

### Clean Vessel Act Program

The Clean Vessel Act (CVA) Program was authorized by the Clean Vessel Act of 1992. Two percent of the Sport Fish Restoration and Boating Trust Fund comprises the annual funding for the CVA Program. CVA provides nationally competitive grant funds to States to construct, renovate, operate, and maintain pumpout stations and waste facilities for recreational boaters. Also funded are educational programs that inform boaters of the importance of proper sewage disposal.

### What's in a logo?

When you see these logos on outdoor sports equipment, the manufacturer has paid an excise tax on the product. Proceeds go to support fish and wildlife management and conservation to enhance and expand access to recreational resources.

Look for these logos at a shooting range, hunter education class, wildlife management area, fish hatchery, boat ramp or a project site. These logos say WSFR funds are at work!

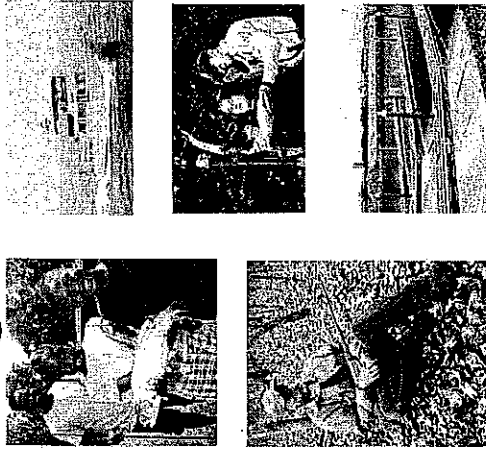


**U.S. Fish and Wildlife Service**  
Wildlife and Sport Fish Restoration Program  
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October 2014

U.S. Fish & Wildlife Service

# Wildlife and Sport Fish Restoration Program



*This program and the partnerships it fosters are among the most successful conservation efforts in the nation's rich history of fish and wildlife management.*

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### Program Overview

The Wildlife and Sport Fish Restoration (WSFR) Program addresses the challenges of managing America's natural resources with effective, targeted grant programs designed to benefit fish and wildlife while capitalizing on recreational opportunities across the country. The Pittman-Robertson Wildlife Restoration Act (PR), passed in 1937, and the Dingell-Johnson Sport Fish Restoration Act (DJ), passed in 1950, authorized grant programs that provide funding to States and territories for on-the-ground wildlife and fisheries conservation. The majority of PR funds are spent on acquisition, development, and operation of wildlife management and public use areas involving about 68 million acres. The PR Hunter Education Program trains students on conservation values and safe, responsible use of firearms. Various DJ funded programs address conservation and public recreation needs in fresh, estuarine and marine waters. DJ funds support projects that improve and manage aquatic habitats and fisheries resources, protect coastal wetlands, and provide critical infrastructure for recreational boaters. The DJ funded Aquatic Resources Education Program reaches into classrooms and other environments to teach aquatic conservation principles.

The WSFR Program also administers the State Wildlife Grant Program which supports a strategic national conservation framework through individual State Wildlife Action Plans. These plans, developed in coordination with government agencies, conservation organizations and the public, are integral to national efforts to effectively address threats to priority habitats and species of greatest conservation need. The core value of all WSFR Programs is fostering cooperative partnerships between Federal and State agencies, working alongside hunters, anglers, and other outdoor interests, to enhance recreational opportunities while advancing sustainable resource goals. This publication elaborates on the PR and DJ grant programs and their primacy as stalwart national funding sources for state efforts.

### How does PR and DJ Work?

Collecting the funds  
Industry partners pay excise taxes and import duties on equipment and gear manufactured for purchase by hunters, anglers, boaters, archers, and recreational shooters. Federal taxes on motorboat and small engine fuels are also a source of DJ funding. Federal tax collection agencies are responsible for collecting the excise taxes. The Alcohol and Tobacco Tax and Trade Bureau collects taxes on firearms, and ammunition. The U.S. Customs and Border Protection collects taxes on goods imported for sport fishing and boating. The Internal Revenue Service collects excise taxes from fishing and archery items. The collecting agencies deposit PR and DJ funds into the Wildlife Restoration Account, and the Sport Fish Restoration and Boating Trust Fund, respectively.

### Eligible Recipients

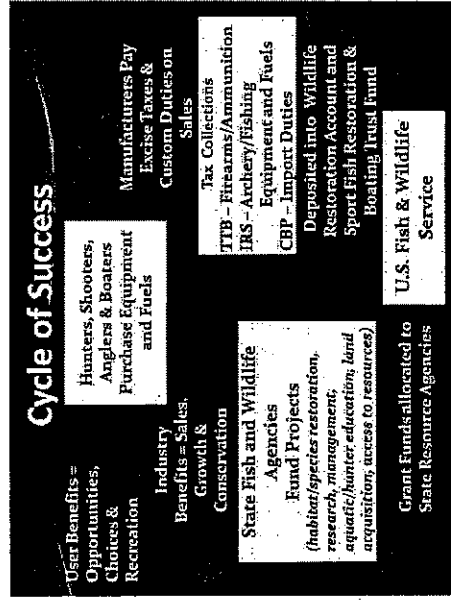
The PR and DJ Acts authorize funding for fish and wildlife agencies in the States, Commonwealths of Puerto Rico, the Northern Mariana Islands, the District of Columbia, and the territories of Guam, U.S. Virgin Islands and American Samoa, collectively referred to as the States. To be eligible, States must have passed laws that include a prohibition against the diversion of license fees paid by hunters and anglers for any other purpose than the administration of the State fish and wildlife agency.

### Distributing the Funds

Eligible States receive PR and DJ funds through formula-based permanent appropriations. The distribution formulas are based primarily on land and water area and the number of paid recreational hunting and fishing license holders in each State. The State fish and wildlife agencies make their own management decisions as to how the funds are utilized. State agencies can use funds for a variety of purposes, as long as they accomplish program goals and are eligible under the Acts. Grants typically fund up to 75 percent of the project costs. Most States must provide a matching share of up to 25 percent. Usually the matching share comes from State hunting and fishing license revenues.

*No other single conservation effort in the United States can claim a greater contribution to fish and wildlife conservation than the excise tax-funded portion of the WSFR Program.*

### Your Excise Taxes at Work



### Who benefits from the Program?

The American public benefits from the PR and DJ programs. Outdoor enthusiasts get more and better places to hunt, fish and recreate; the industry gets a growing base of hunters, shooters, anglers, boaters, archers, and other recreational users who purchase more supplies and equipment; and State and Federal agencies get more funds to meet on-the-ground conservation needs. The general public benefits from better stewardship of the nation's natural resources.

*With your help, we create better fishing, hunting, recreational shooting and boating opportunities for the future.*



### How are the funds used?

The funds are used for activities such as: fish and wildlife population management, habitat management; research; surveys and inventories; land acquisition; construction and maintenance of wildlife management areas and hatcheries; facilities construction; technical guidance; aquatic resource education; construction and maintenance of public shooting and archery ranges; hunter education and safety training; fishing and hunting opportunities and access; and boating access facilities, including ramps, piers and parking. As of 2014, the WSFR Program Federal/State partnership has resulted in about \$16 billion of Federal funds, matched with approximately \$5.3 billion provided by the States.

*Land acquisition is an investment for the future, providing for conservation of species and habitat in perpetuity.*

### What are the Core Grant Programs?

**Wildlife Restoration**  
The PR Act authorizes a grant program for State fish and wildlife agencies to carry out projects to restore, conserve, manage and enhance wild birds and mammals and their habitats. PR funded activities also include wildlife-related recreation, hunter education and development, and the construction and operations of shooting ranges. Funds are derived from an 11 percent Federal excise tax on sporting arms, ammunition, and archery equipment, and a 10 percent tax on handguns. As of 2014, this program has provided about \$8 billion in funds to the State fish and wildlife agencies.

*The Wildlife Restoration Program is the oldest and most successful wildlife management program in the nation's history.*