

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 Enhance Self-defense

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

Sec. 1. 12 MRSA §11212, sub-§1, as amended by PL 2005, c. 477, §9, is further amended to read:

1. Prohibition. The following provisions apply to shooting from a motor vehicle or motorboat or possessing a loaded firearm or a crossbow in a motor vehicle.

A. A person may not shoot while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle except:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and

(3) A person may shoot from a motorboat if that boat is not being propelled by its motor.

~~B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit.~~

~~C. A person may not possess a wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.~~

Sec. 2. 17-A MRSA §1057, sub-§6, ¶A, as enacted by PL 1989, c. 917, §2, is amended to read:

A. Revoke any permit to carry a concealed firearm issued to the person so convicted; and

Sec. 3. 17-A MRSA §1057, sub-§6, ¶B, as enacted by PL 1989, c. 917, §2, is repealed.

Sec. 4. 17-A MRSA §1252, sub-§4, as amended by PL 2005, c. 527, §17, is further amended to read:

4. If the State pleads and proves that a Class B, C, D or E crime was committed with the use of a dangerous weapon then the sentencing class for such crime is one class higher than it would otherwise be. In the case of a Class A crime committed with the use of a dangerous weapon, such use should be given serious consideration by the court in exercising its sentencing discretion. This subsection does not apply to a violation or an attempted violation of section 208, ~~to any other offenses to which use of a dangerous weapon serves as an element~~ or to any offense for which the sentencing class is otherwise increased because the actor or an accomplice to that actor's or accomplice's knowledge is armed with a firearm or other dangerous weapon. An additional 10 years must be added to the maximum allowable sentence for the crimes of aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person under sections 208, 208-B and 208-C if the dangerous weapon used in the crime is a firearm, slungshot, knuckles, bowie knife, dirk or stiletto.

Sec. 5. 25 MRSA §2001-A, sub-§1, ¶A, as enacted by PL 2003, c. 452, Pt. N, §2 and affected by Pt. X, §2, is amended to read:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; ~~or.~~

Sec. 6. 25 MRSA §2001-A, sub-§1, ¶B, as enacted by PL 2003, c. 452, Pt. N, §2 and affected by Pt. X, §2, is repealed.

Sec. 7. 25 MRSA §2001-A, sub-§2, as amended by PL 2005, c. 488, §7, is repealed.

Sec. 8. 25 MRSA §2003, sub-§11, as enacted by PL 1985, c. 478, §2, is repealed.

Sec. 9. 25 MRSA §2004, sub-§3, as enacted by PL 2003, c. 452, Pt. N, §3 and affected by Pt. X, §2, is repealed.

SUMMARY

This bill:

1. Removes the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit;

2. Removes the provision of law that suspends the license of a private investigator for 5 years if convicted of possession of a firearm in an establishment licensed for the on-premises consumption of liquor;

3. Increases by 10 years the maximum allowable sentence of a person convicted of aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person if a firearm, slungshot, knuckles, bowie knife, dirk or stiletto was used in the offense;

4. Removes the prohibition on concealing a dangerous weapon except by a holder of a concealed weapons permit;

5. Removes exceptions to the law prohibiting the carrying of a concealed dangerous weapon; and

6. Removes the requirement that a holder of a concealed weapons permit possess the permit in person while carrying a concealed weapon.