

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIFTEEN

S.P. 333 - L.D. 942

**An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting
and To Provide for a Chief Law Enforcement Officer's Certification for
Certain Firearms**

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

Sec. 1. 12 MRSA §11161 is enacted to read:

§11161. Noise suppression devices

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

A. "Hunting crime" means any criminal offense under this chapter or any criminal offense under any other provision of this Part involving the use of a firearm.

B. "Serious hunting violation" means any act by a person for which the person's hunting license is subject to revocation under this section or section 10902, subsection 4, 5, 6, 7 or 7-A.

C. "Noise suppression device" means a device used to suppress or deaden the sound or natural report of a firearm.

2. Permit. In accordance with this subsection, the commissioner may issue a permit to a person allowing that person to use a noise suppression device with a firearm when hunting any wild animals or wild birds the person is licensed to hunt under this chapter and for which use of the firearm is allowed or for the purpose of killing a wild animal or wild turkey under section 12401 or 12402.

A. A person applying for a permit:

(1) Shall show proof of lawful possession of the noise suppression device; and

(2) May not have had a hunting license revoked as a result of a serious hunting violation.

B. A permit is valid until August 1, 2018, unless revoked under this section.

The commissioner may not issue a permit under this section after July 31, 2018.

3. Violation; aggravating factor. Except as provided in subsection 4, a person who commits a hunting crime while in possession of a firearm with a noise suppression device is subject to the following penalties in addition to any penalties otherwise applicable:

A. A \$1,000 mandatory fine; and

B. Mandatory revocation of the person's hunting license, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction.

4. Serious hunting violation; permanent loss of license. A person who commits a serious hunting violation while in possession of a firearm with a noise suppression device is subject to the following provisions in addition to any penalties otherwise applicable:

A. Notwithstanding section 10902, the commissioner shall permanently revoke the person's current hunting license and the privilege to obtain a hunting license; and

B. Notwithstanding any exemption under section 10502, the firearm and noise suppression device must be seized and, subject to libel proceedings, disposed of pursuant to section 10503.

5. Revocation of permit. The commissioner shall permanently revoke a permit issued under this section to a person whose hunting license is revoked as a result of a serious hunting violation.

Sec. 2. 12 MRSA §11214, sub-§1, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

C. Use Except as allowed under section 11161, use for hunting or possess for hunting any firearm fitted or contrived with a device for deadening the sound of explosion. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty;

Sec. 3. 25 MRSA §2013 is enacted to read:

§2013. Chief law enforcement officer's certification; certain firearms

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

A. "Certification" means the participation and assent of a chief law enforcement officer necessary under federal law for the approval of an application to transfer or make a firearm.

B. "Chief law enforcement officer" means an official or the official's designee who the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives or successor agency identifies as eligible to provide certification.

C. "Firearm" has the same meaning as in the National Firearms Act, 26 United States Code, Section 5845(a).

2. Chief law enforcement officer's certification. Within 15 days of receipt of an application for certification, the chief law enforcement officer shall provide the certification unless the chief law enforcement officer has information that prevents the chief law enforcement officer from providing the certification.

A. If the chief law enforcement officer denies an application for certification under this section, the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial, which may not be based upon a generalized objection to a private person's possessing, making or transferring a firearm or to a certain type of firearm that is otherwise lawful.

B. The denial of an application for certification or a failure or refusal to provide a certification in accordance with this section by a chief law enforcement officer may be appealed by an applicant in the following manner:

(1) If the chief law enforcement officer is employed by a state agency, the denial may be appealed pursuant to Title 5, section 11001 and the Maine Rules of Civil Procedure, Rule 80C; and

(2) If the chief law enforcement officer is not employed by a state agency, the denial may be appealed pursuant to the Maine Rules of Civil Procedure, Rule 80B.

3. Criminal history record check; search of premises. In making a certification required by subsection 2, a chief law enforcement officer may require the applicant to provide only such information as required by federal or state law to identify the applicant and conduct a criminal history record check or to determine the disposition of an arrest or proceeding relevant to the applicant's eligibility to lawfully possess or receive a firearm. A chief law enforcement officer may not require access to or consent for an inspection of any private premises as a condition of making a certification under this section.