

Resolve 3-10/11

Postponed on 11/1/10

Public Hearing and Passed on 11/15/10 6-1 (Leeman opposed; Donoghue gone and Duson absent)

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
NICHOLAS M. MAVODONES (A/L)

**RESOLUTION SUPPORTING LEGISLATION PROHIBITING GUNS
IN PUBLICLY OWNED OR CONTROLLED BUILDINGS OR FACILITIES
THAT HOST LARGE PUBLIC GATHERINGS**

WHEREAS, State law pre-empts local authority to prohibit guns in publicly owned or controlled buildings or facilities; and

WHEREAS, the right to bear arms is protected by the Federal and State Constitution but that right is subject to reasonable time, place and manner restrictions; and

WHEREAS, in the exercise of its legislative authority to prohibit guns in certain places, the Maine Legislature has prohibited guns in a number of places, including court houses, jails, on school grounds, in the broadly defined Capitol area in Augusta, at labor demonstrations, and in establishments licensed for the on-premise consumption of alcohol if a prohibition or restriction is posted on the premises; and

WHEREAS, consistent with these existing prohibitions, the State Legislature could prohibit firearms in public facilities that host large mass gatherings such as City and Town Halls, recreational facilities, entertainment facilities, civic centers, convention facilities, or similar facilities; and

WHEREAS, states take two different approaches to prohibiting firearms in certain public places: (A) the state legislature decides where and when guns are prohibited on a statewide basis (Maine's current approach); or (B) the legislature passes enabling legislation that allows municipalities to pass restrictions applicable to public buildings or recreational areas; and

WHEREAS, the Public Safety Committee held public hearings on September 14, 2010 and October 12, 2010 to consider proposed legislation; and

WHEREAS, on October 12th the Committee voted 2-0 to support the following action: "The City of Portland calls on the Maine Legislature to enact legislation prohibiting any firearm in a publicly owned facility where mass gatherings regularly occur"; and

WHEREAS, the Committee supports either a statewide prohibition or enabling legislature that would allow municipalities to enact such a prohibition on a municipality by municipality basis;

NOW THEREFORE BE IT RESOLVED, that the City of Portland calls on the Maine Legislature to enact statewide legislation prohibiting any firearm in a publicly owned facility where mass gatherings regularly occur, or enabling legislation that allows municipalities to impose such a restriction on a municipality by municipality basis.