

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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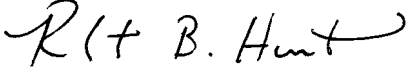
H.P. 739

House of Representatives, March 18, 2025

### An Act to Promote the Secure Storage of Firearms

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Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative SAYRE of Kennebunk.  
Cosponsored by Senator CARNEY of Cumberland and  
Representatives: ABDI of Lewiston, ANKELES of Brunswick, CLOUTIER of Lewiston,  
DOUDERA of Camden, GRAMLICH of Old Orchard Beach, ROEDER of Bangor.

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

2 **Sec. 1. 15 MRSA §455-A, sub-§1-A**, as enacted by PL 1991, c. 450, §2, is  
3 amended to read:

4 **1-A. Posting of warnings at gun shows.** The warning sign as described in subsection  
5 1 or 3 must be posted at all entrances of an organized gun show.

6 **Sec. 2. 15 MRSA §455-A, sub-§2**, as enacted by PL 1989, c. 809, is amended to  
7 read:

8 **2. Violation.** Any person who fails to post the warning in compliance with subsection  
9 1; or 3 commits a civil violation for which a civil forfeiture of not more than \$200 may be  
10 adjudged.

11 **Sec. 3. 15 MRSA §455-A, sub-§3** is enacted to read:

12 **3. Posted notice required.** At any location where a licensed dealer conducts firearm  
13 sales or transfers, the licensed dealer shall conspicuously display a notice in any area where  
14 sales or transfers occur. The notice must be posted so that it can be easily viewed by persons  
15 purchasing or receiving firearms, and the notice may not be removed, obscured or rendered  
16 illegible. If the location where sales or transfers occur is the premises listed on the dealer's  
17 federal firearms license, as required by 18 United States Code, Section 923(d)(1), an  
18 additional notice must be placed at or near the entrance to the premises. For the purposes  
19 of this subsection, "licensed dealer" means a person issued a license as a dealer in firearms  
20 pursuant to 18 United States Code, Section 923(a)(3). The notice must meet the following  
21 requirements.

22 A. The notice must be at least 8 1/2 inches high by 11 inches long and must contain  
23 black text at least 1/2 inch high against a white background.

24 B. The notice must contain the following text and no other statements or markings:

25 "WARNING: Access to a firearm in the home significantly increases the risk of  
26 suicide; death during domestic violence disputes; and the unintentional death of  
27 children, household members and others. If you or a loved one is experiencing distress  
28 or depression, call [insert telephone number provided by the Department of Health and  
29 Human Services for a hotline for suicide and crisis services].

30 Failure to securely store firearms may result in criminal prosecution. It is important  
31 that the owner of a firearm seek firearm safety instructions from a certified firearms  
32 instructor and keep firearms secured from unauthorized use."

33 **Sec. 4. 17-A MRSA §554, sub-§1, ¶B-3**, as amended by PL 2021, c. 388, §1, is  
34 further amended to read:

35 B-3. Being the parent, foster parent, guardian or other person having the care and  
36 custody of a child, knowingly deprives the child of necessary health care, with a result  
37 that the child is placed in danger of serious harm. Violation of this paragraph is a Class  
38 D crime; or

39 **Sec. 5. 17-A MRSA §554, sub-§1, ¶B-4**, as enacted by PL 2021, c. 388, §2, is  
40 repealed.

1           **Sec. 6. 17-A MRSA §554, sub-§4**, as enacted by PL 2021, c. 388, §3, is amended  
2 to read:

3           **4.** It is an affirmative defense to prosecution under ~~subsection 1, paragraph B-4 Title~~  
4 25, section 2017, subsection 2 that:

5           A. The loaded firearm is:

6                 (1) Stored in a locked box, locked gun safe or other secure, locked space;

7                 (2) Stored or left in a location that a reasonable person would believe to be secure;  
8                 or

9                 (3) Secured with a trigger lock or similar device that prevents the firearm from  
10                 discharging;

11           B. The loaded firearm is carried on the person or within such close proximity to the  
12 person that the person can readily retrieve and use the firearm as if the firearm were  
13 carried on the person;

14           C. A child who in fact gains access to the loaded firearm gains access in order to  
15 defend the child or a 3rd person under the circumstances enumerated in section 108,  
16 subsection 2, paragraph A or B;

17           D. The person has no reasonable expectation, based on objective facts and  
18 circumstances, that a child is likely to be present on the premises where the person  
19 stores or leaves the loaded firearm;

20           E. A child in fact gains access to the loaded firearm as the result of a criminal trespass  
21 by any person on the premises where the firearm is stored or left; or

22           F. A child in fact gains access to the loaded firearm as the result of a theft of the firearm  
23 by any person from the premises where the firearm is stored or left.

24           **Sec. 7. 25 MRSA §2017** is enacted to read:

25           **§2017. Negligent firearm storage**

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

28           A. "Authorized user" means a person who is 18 years of age or older who is not a  
29 prohibited person and who has been authorized by the owner to carry or use the firearm.

30           B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

31           C. "Locked container" means a box, case, chest, locker, safe or other similar receptacle  
32 equipped with a tamper-resistant lock.

33           D. "Minor" means a person who has not attained 18 years of age.

34           E. "Prohibited person" means a person who is prohibited from possessing a firearm by  
35 state or federal law or by court order.

36           F. "Serious bodily injury" has the same meaning as in Title 17-A, section 2, subsection  
37 23.

38           **2. Negligent storage of firearm.** A person is guilty of negligently storing a firearm if  
39 that person stores or keeps a firearm on any premises that are under the person's custody or

1 control and the person knows or has reason to know that a minor or prohibited person is  
2 likely to gain access to the firearm and:

3 A. A minor or prohibited person gains access to the firearm and either uses it in the  
4 commission of a crime or displays it in a threatening manner. Violation of this  
5 paragraph is a Class D crime; or

6 B. A minor or prohibited person gains access to the firearm and uses it to cause the  
7 death of or serious bodily injury to any person. Violation of this paragraph is a Class C  
8 crime.

9 **3. Exceptions.** This section does not apply if:

10 A. The firearm is carried by or within such close proximity that it can be readily  
11 retrieved and used by the owner or another authorized user;

12 B. The minor or prohibited person gains access to the firearm as a result of an illegal  
13 entry;

14 C. The minor or prohibited person gains access to and uses the firearm during the  
15 course of a lawful act of self-defense or defense of another person as described in Title  
16 17-A, section 108; or

17 D. A person stores or keeps the firearm in a locked container or the firearm is equipped  
18 with a tamper-resistant mechanical lock or other safety device.

### 19 SUMMARY

20 Under current law, it is a Class D crime to negligently store a loaded firearm in a  
21 manner that allows a child under 16 years of age to gain access to the loaded firearm without  
22 the permission of the child's parent. This bill repeals that law and makes it a Class D crime  
23 to negligently store a firearm so that a minor or person who is prohibited from possessing  
24 a firearm may gain access to the firearm and either use it in the commission of a crime or  
25 display it in a threatening manner. The bill also makes it a Class C crime to negligently  
26 store a firearm in a way so that a minor or prohibited person may gain access to the firearm  
27 and use it to cause the death of or serious bodily injury to any person. The bill also requires  
28 licensed firearms dealers to post a notice in any area where sales or transfers occur  
29 informing purchasers that access to a firearm in the home significantly increases the risk of  
30 suicide, death during domestic violence disputes and unintentional death of children.