

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

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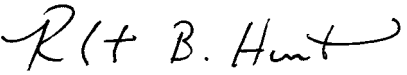
No. 1821

H.P. 1219

House of Representatives, April 29, 2025

An Act to Ensure Responsible Business Practices by Licensed Firearms Dealers

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative KUHN of Falmouth.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: DOUDERA of Camden, GRAMLICH of Old Orchard Beach, LEE of
Auburn, MOONEN of Portland.

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

2 Sec. 1. 15 MRSA c. 19 is enacted to read:

3 **CHAPTER 19**

4 **FIREARM DEALER RESPONSIBLE BUSINESS PRACTICES ACT**

5 **§501. Short title**

6 This chapter may be known and cited as "the Firearm Dealer Responsible Business
7 Practices Act."

8 **§502. Definitions**

9 As used in this chapter, unless the context otherwise indicates, the following terms
10 have the following meanings.

11 **1. ATF.** "ATF" means the federal Department of Justice, Bureau of Alcohol, Tobacco,
12 Firearms and Explosives or its successor agency.

13 **2. Dealer.** "Dealer" has the same meaning as in section 395, subsection 1, paragraph
14 E.

15 **3. Department.** "Department" means the Department of Public Safety.

16 **4. Firearm.** "Firearm" has the same meaning as in Title 17-A, section 2, subsection
17 12-A.

18 **5. Gun show.** "Gun show" has the same meaning as in section 395, subsection 1,
19 paragraph G.

20 **6. Law enforcement officer.** "Law enforcement officer" has the same meaning as in
21 Title 25, section 2801-A, subsection 5.

22 **7. Office of Violence Prevention.** "Office of Violence Prevention" means the office
23 established in Title 22, section 1427, subsection 1.

24 **8. Straw purchase.** "Straw purchase" means the purchase or attempted purchase by a
25 person of a firearm or ammunition for a firearm on behalf of or for the use of another person
26 known or unknown. "Straw purchase" does not include a purchase or attempted purchase
27 for the purposes of making a bona fide gift to a person who is not prohibited from
28 possessing or receiving the firearm or ammunition. For purposes of this subsection, a gift
29 is not a bona fide gift if the person offers or gives the purchaser a service or thing of value
30 to acquire the firearm for the person.

31 **9. Transaction.** "Transaction" means the transfer of ownership of a firearm from a
32 seller to a buyer.

33 **§503. Security**

34 **1. Security measures required for firearm dealer.** The department shall, by rule,
35 adopt standards specifying the minimum security requirements for dealers. Beginning July
36 1, 2026, a dealer shall comply with the standards. The standards may require dealers to
37 employ the following security measures:

1 A. An alarm system certified by a federal or state agency, a not-for-profit organization
2 or another entity specializing in security alarm standards approved by the department
3 for the purposes of this chapter. The rules must specify when the alarm system must be
4 capable of being monitored by a central station as well as provide monitoring of all
5 accessible openings and partial motion and sound detection at all other areas of the
6 premises;

7 B. Site hardening, including locks on doors and windows;

8 C. Video surveillance, including video recording devices at each point of sale and each
9 entrance and exit to the premises. The rules must require that any video surveillance
10 system allow recordings from both indoor and outdoor vantage points and must require
11 the maintenance of such recordings for a period of not less than 2 years; and

12 D. Other reasonable and effective security measures designed to reduce the risk of
13 theft at a dealer's business establishment.

14 **2. Gun show applicability.** The department shall specify, by rule, which of the
15 security measures in subsection 1 apply to gun shows.

16 **§504. Employee vetting and training**

17 **1. Background checks on employees required.** A dealer may not employ any person
18 to handle, sell or deliver firearms unless the person is 18 years of age or older and is not
19 prohibited from possessing a firearm under state or federal law as determined by a
20 background check using the Federal Bureau of Investigation National Instant Criminal
21 Background Check System.

22 **2. Employee training required.** A dealer shall provide the training developed by the
23 department pursuant to subsection 3 to all new employees within 30 days of employment,
24 to all existing employees within 90 days of the effective date of this chapter and to all
25 employees annually thereafter.

26 **3. Department to develop firearm dealer employee training.** The department, with
27 assistance from the Office of Violence Prevention, shall develop and make available to
28 each dealer a training course on safe firearm transactions, including at a minimum the
29 following:

30 A. Federal and state laws governing firearm transactions;

31 B. How to recognize, identify, respond to and report straw purchases, illegal purchases
32 and fraudulent activity;

33 C. How to recognize, identify, respond to and report individuals who intend to use
34 firearms for unlawful purposes, including self-harm;

35 D. How to prevent, respond to and report theft or burglary of firearms and ammunition;

36 E. How to educate customers on gun safety practices, including but not limited to the
37 safe handling and storage of firearms and ammunition; and

38 F. Any other responsible business practice identified by the department.

39 **4. Prohibition.** A dealer and a dealer's employee may not participate in the sale or
40 disposition of firearms unless the dealer and dealer's employee have first received the
41 training required by this section.

1 **5. Rulemaking.** The department shall adopt rules setting forth minimum requirements
2 for the maintenance of records of the training required by this section.

3 **§505. Maintenance of records**

4 **1. Record of purchase.** A dealer shall establish and maintain a written or electronic
5 record of purchases, sales, acquisitions and dispositions, as required by 27 Code of Federal
6 Regulations, Section 478.125. The records must, at a minimum, include the make, model,
7 caliber or gauge, manufacturer's name and serial number of all firearms that the dealer
8 acquires or disposes of no later than one business day after the acquisition or disposal.
9 Physical copies of written records must be created at least monthly and stored in a secure
10 container designed to prevent loss by fire, theft or flood. Electronic records must be backed
11 up on an external server or over the Internet at the close of each business day.

12 **2. Federal form required.** A dealer shall retain all ATF Form 4473 records on their
13 premises for a minimum of 20 years, as required by 27 Code of Federal Regulations,
14 Section 478.124. The records must be stored in a secure container designed to prevent loss
15 by fire, theft or flood.

16 **3. Record of inventory.** A dealer shall account for all firearms acquired but not yet
17 disposed of in a monthly inventory check and shall maintain records of such checks in a
18 secure location.

19 **4. Record of criminal firearm trace.** A dealer shall maintain records of all criminal
20 firearm traces initiated by the ATF.

21 **5. Records confidential.** Notwithstanding any provision of law to the contrary,
22 information contained in the records maintained under this section is confidential and may
23 not be disclosed to any person other than a law enforcement officer acting in the
24 performance of the officer's duties.

25 **6. Inspection of records.** A dealer shall permit law enforcement officers to inspect
26 the records required to be maintained under this section during regular business hours.

27 **§506. Reporting**

28 **1. Transactions involving more than one firearm.** A dealer shall report a transaction
29 involving more than one pistol or revolver to a law enforcement agency, as required by 27
30 Code of Federal Regulations, Section 478.126a.

31 **2. Thefts and losses.** A dealer shall report a theft or loss within 48 hours of discovery
32 to a law enforcement agency, as required by 27 Code of Federal Regulations, Section
33 478.39a.

34 **§507. Compliance**

35 **1. Certification.** A dealer shall, at least annually, certify to the department in a form
36 designed by the department by rule that the dealer is in compliance with the requirements
37 of this chapter.

38 **2. Inspections.** A dealer shall provide the department with full access to the dealer's
39 premises for an inspection. The department shall adopt rules authorizing an inspection by
40 the department of a dealer during regular business hours of the premises of the dealer to
41 determine compliance by the dealer with the requirements of this chapter.

1 **3. Report.** The department shall, beginning January 15, 2026, prepare and publish on
2 its publicly accessible website an annual report providing information on the number of
3 dealers inspected annually, the number of dealers in compliance with requirements of this
4 chapter, the number of dealers failing to comply with the requirements of this chapter and
5 other information that the department considers necessary and appropriate.

6 **4. False certification; penalty.** A dealer may not falsify information or contents in
7 the compliance report required by subsection 1. A person who violates this subsection
8 commits a Class C crime.

9 **§508. Violations**

10 **1. Violation.** Except as otherwise specified, a person may not violate this chapter or a
11 rule adopted pursuant to this chapter.

12 **2. Penalties.** The following penalties apply to violations of this section.

13 A. A dealer who violates any provisions in this chapter commits a civil violation for
14 which a fine of no less than \$100 and no more than \$500 may be adjudged.

15 B. A dealer who violates any provision of this chapter after having been adjudicated
16 as having committed one or more civil violations or for engaging in substantially
17 similar conduct to that contained in this subsection in another jurisdiction within the
18 previous 5-year period commits a civil violation for which a fine of no less than \$500
19 and no more than \$1,000 may be adjudged.

20 **§509. Notice to purchasers upon sale of firearm**

21 **1. Notice required.** Except as provided in subsection 2, a dealer shall conspicuously
22 post at each firearm point of sale a sign in a format to be prescribed by the department
23 containing the following notices:

24 A. "ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE
25 A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU
26 MAY BE SUBJECT TO A FINE, IMPRISONMENT OR BOTH.

27 KEEP FIREARMS AND AMMUNITION SEPARATE.

28 KEEP FIREARMS AND AMMUNITION LOCKED UP.

29 USE TRIGGER LOCKS, CABLE LOCKS, A LOCKBOX OR A SAFE.

30 PER STATE LAW, STORE STAFF MUST OFFER TO DEMONSTRATE THE USE
31 OF THESE SAFETY DEVICES.";

32 B. A notice prescribed by the department that informs purchasers of the background
33 check requirements of section 395 and the waiting period requirements of Title 25,
34 section 2016;

35 C. "Firearm suicide is the most common type of gun fatality. If you or a loved one is
36 experiencing distress or depression or is contemplating suicide, please call [insert the
37 telephone number for mental health assistance] to find your nearest Maine Crisis
38 Receiving Center or call the National Suicide Prevention Lifeline at [insert the
39 telephone number for lifeline]."; and

40 D. The names, addresses and phone numbers of businesses or instructors that offer
41 firearm safety courses.

2. Gun shows. The sign required by this section must be posted at all entrances of a gun show.

3. Violation. A dealer or gun show operator who fails to post the notices required by this section commits a civil violation for which a fine of no more than \$200 may be adjudged.

§510. Rulemaking

The department may adopt rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2012, sub-§2, ¶B, as enacted by PL 1991, c. 127, is amended to read:

B. Offer to demonstrate to the purchaser the use of a trigger locking device, cable lock, gun safe or lockbox; and

SUMMARY

This bill requires the Department of Public Safety to adopt rules specifying the minimum security requirements for firearm dealers including the requirement of alarm systems, record retention and site hardening. The bill also designates as a Class C crime falsifying a certification that a firearm dealer is in compliance with department minimum security rules. The bill also creates a civil violation for failure to comply with the minimum security requirements outlined in the bill. Finally, the bill requires firearm dealers and gun shows to post signs informing customers of the crime of endangering the welfare of a child, background check requirements, suicide prevention resources and firearm safety course information.