

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1867

S.P. 737

In Senate, May 5, 2025

**An Act to Prohibit Financial Institutions from Using Merchant
Category Codes to Identify or Track Firearm Purchases or Disclose
Firearm Purchase Records**

Received by the Secretary of the Senate on May 1, 2025. Referred to the Committee on
Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in dark ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HARRINGTON of York.
Cosponsored by Senators: BENNETT of Oxford, HAGGAN of Penobscot, STEWART of
Aroostook.

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

2 Sec. 1. 10 MRSA c. 239 is enacted to read:

3 CHAPTER 239

4 IDENTIFYING AND TRACKING FIREARM PURCHASES

5 §1500-X. Identifying and tracking firearm purchases

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Ammunition" means ammunition or a cartridge case, primer, bullet or propellant
9 powder designed for use in a firearm.

10 B. "Assign" or "assignment," with respect to a financial institution's or payment
11 network's policy, process or practice, means that the policy, process or practice labels,
12 links or otherwise associates a firearms code with a merchant or payment card
13 transaction in a manner that allows the financial institution, payment network or any
14 other entity facilitating or processing the payment card transaction to identify whether
15 a merchant is a firearms dealer or whether a transaction involves the sale of firearms
16 or ammunition.

17 C. "Customer" means a person engaged in a payment card transaction that a financial
18 institution facilitates or processes and any person or the person's duly authorized
19 representative who has transacted business with or has used the services of a financial
20 institution or for whom a financial institution has acted as a fiduciary in relation to an
21 account maintained in that person's name.

22 D. "Disclosure" means the transfer, publication or distribution of protected financial
23 information to another person for any purpose other than to process or facilitate a
24 payment card transaction.

25 E. "Financial institution" means:

26 (1) A bank, savings and loan association, trust company or credit union chartered
27 pursuant to any state or federal law, regulated consumer lender, money services
28 business, payment card issuer or other institution that is by law under the
29 jurisdiction and supervision of the Department of Professional and Financial
30 Regulation, Bureau of Financial Institutions or the Federal Deposit Insurance
31 Corporation; or

32 (2) An entity involved in facilitating or processing a payment card transaction,
33 including a bank, payment network or payment card issuer.

34 F. "Financial record" means:

35 (1) The original or a copy of any record or document held by a payment network
36 pertaining to a customer of a financial institution using the payment network,
37 including any record of a transaction conducted by means of a customer bank
38 communication terminal or other electronic device;

1 (2) A financial record held by a payment network related to a payment card
2 transaction that the financial institution has processed or facilitated; or
3 (3) Any information derived from such records or documents.
4 G. "Firearm" means any weapon that will, is designed to or may readily be converted
5 to expel a projectile by the action of an explosive.
6 H. "Firearm accessory or component" means:
7 (1) A device specifically adapted to enable the wearing or carrying or the storage
8 or mounting in or on any conveyance of a firearm and any attachment or device
9 specifically adapted to be inserted into or affixed onto any firearm to enable, alter
10 or improve the functioning or capabilities of the firearm;
11 (2) An item that is used in conjunction with or mounted upon a firearm, including
12 a telescopic or laser sight, a magazine, a flash or sound suppressor, a folding or
13 aftermarket stock or grip, a speedloader, a brace, an ammunition carrier or a light
14 for target illumination; or
15 (3) A component for making ammunition, reloading materials and equipment,
16 machinery or a tool for manufacturing ammunition.
17 I. "Firearms code" means a code or other indicator a payment network assigns to a
18 merchant or to a payment card transaction that identifies whether a merchant is a
19 firearms dealer or whether the payment card transaction involves the purchase of a
20 firearm, firearm accessories or components or ammunition. "Firearms code" includes
21 a merchant category code assigned to a retailer by a payment network or other financial
22 institution.
23 J. "Firearms dealer" means a person engaged in the lawful business of selling or trading
24 firearms or antique firearms, as defined in 18 United States Code, Section 921, or
25 ammunition to be used in a firearm or an antique firearm.
26 K. "Government entity" means any state or local government agency or instrumentality
27 located in the State.
28 L. "Merchant" means a person or entity that accepts payment cards from customers
29 for the purchase of goods or services. "Merchant" includes a firearms dealer that
30 accepts payment cards for the lawful purchase of firearms, firearm accessories or
31 components or ammunition.
32 M. "Money services business" means a money services business as defined in 31 Code
33 of Federal Regulations, Section 1010.100.
34 N. "Payment card" means a credit card, charge card, debit card or any other card that
35 is issued to an authorized card user and that allows the user to purchase goods or
36 services from a merchant.
37 O. "Payment network" means a debit or credit network through which funds may be
38 transferred, such as a credit card association, an electronic funds transfer network or
39 another organization or association that issues or sponsors a financial transaction
40 device.
41 P. "Protected financial information" means a record of a sale, purchase, return or
42 refund involving a payment card that is retrieved, characterized, generated, labeled,

1 sorted or grouped based on the assignment of a firearms code. A customer's protected
2 financial information refers to protected financial information appearing in the
3 financial records of that customer.

4 **2. Prohibition on keeping or using firearms records.** Except for a record kept
5 during the regular course of a criminal investigation and prosecution or as otherwise
6 required by law, a government entity or official, agent or employee of a government entity
7 or any other person, other than the owner or owner's representative, may not knowingly
8 and willfully keep or cause to be kept a list, record or registry of a privately owned firearm
9 or any list, record or registry of the owners of that firearm.

10 **3. Financial institutions.** A financial institution or its agent may not:

11 A. Require the use of a firearms code in a way that distinguishes a firearms dealer
12 located in the State from general merchandise retailers or sporting goods retailers
13 located in the State;

14 B. Discriminate against a firearms dealer by:

15 (1) Declining a lawful payment card transaction based solely on the assignment or
16 nonassignment of a firearms code to the merchant or transaction;

17 (2) Limiting business or declining to do business with a customer, potential
18 customer or merchant based on the assignment or nonassignment of a firearms
19 code to a previous lawful transaction involving the customer, potential customer
20 or merchant;

21 (3) Charging a higher transaction or interchange fee to any merchant or for a lawful
22 transaction based on the assignment or nonassignment of a firearms code; or

23 (4) Otherwise taking an action against a customer or merchant that is intended to
24 suppress lawful commerce involving a firearm, a firearm accessory or component
25 or ammunition, if the action is based solely or in part on the customer's or
26 merchant's business involving a firearm, a firearm accessory or component or
27 ammunition; or

28 C. Except as otherwise required by law, disclose a financial record, including a
29 firearms code that was collected in violation of this section.

30 **4. Written notice to cease by Attorney General.** The Attorney General may
31 investigate an alleged violation of this section and, upon finding a violation, shall provide
32 written notice to a person believed to be in violation of this section giving the person 30
33 days to cease the violation. Written notice to a commercial entity must be made to the
34 entity's corporate clerk or registered agent or, if there is no corporate clerk or registered
35 agent, a person authorized to accept service of process for the entity. At the Attorney
36 General's discretion, a person may be granted up to an additional 120 days to cease the
37 violation of this section.

38 **5. Complaint by firearms dealer or customer.** A firearms dealer located within the
39 State whose business is the subject of an alleged violation of this section or a customer who
40 transacted at a firearms dealer located in the State whose business is the subject of an
41 alleged violation of this section may petition the Attorney General to investigate the alleged
42 violation. If the Attorney General does not commence an action within 90 days of receiving
43 a petition pursuant to this subsection, the firearms dealer or customer may file an action in

1 a court of competent jurisdiction to enjoin the person allegedly in violation of this section
2 from violating this section.

3 **6. Violation.** If a person is found to be in violation of this section and fails to comply
4 with this section after the expiration of the period for compliance determined by the
5 Attorney General under subsection 4, the Attorney General shall pursue an injunction
6 against the person. The Attorney General shall pursue the injunction in a court of competent
7 jurisdiction in the judicial district where the alleged violation occurred against the person
8 alleged to be in violation of this section.

9 A. If a court finds that a person continues to be in violation of this section after the
10 expiration of the period for compliance determined by the Attorney General under
11 subsection 4 or after a finding by the court of a violation of this section, the court shall
12 enjoin the person from continuing to violate this section.

13 B. If a person knowingly and willfully fails to comply with an injunction under this
14 section within 30 days after being served with the injunction, the court shall impose a
15 penalty in an amount not to exceed \$10,000 per violation. In assessing a penalty under
16 this paragraph, the court shall consider factors including the financial resources of the
17 violation and the harm or risk of harm to another person's rights under the United States
18 Constitution, Amendment II resulting from the violation. An order assessing a penalty
19 for a violation of this section must be stayed pending appeal of the order.

20 C. In addition to the remedies provided in this section, the Attorney General or a
21 petitioner who prevails in an action under this section is entitled to costs, reasonable
22 attorney's fees and any other remedy the court determines appropriate.

23 **7. Disclosure of information to federal government entity.** It is not a defense to an
24 action filed pursuant to this section that a disclosure of information or other action in
25 violation of this section was made to a federal government entity unless the disclosure or
26 action was based on a good faith conclusion that the disclosure or action was required by
27 federal law or regulation.

28 SUMMARY

29 This bill prohibits keeping or using a list, record or registry of firearms purchases or
30 firearms owners or distinguishing a firearms dealer or discriminating against a firearms
31 dealer by using a product code for firearms or firearms purchases separate from general
32 merchandise or sporting goods retailers in the State. The bill allows the Attorney General
33 or a complainant if the Attorney General fails to act to seek an injunction against a person
34 in violation of the bill's provisions or a penalty up to \$10,000 if the injunction is not
35 followed.