

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 427

S. P. 151

In Senate, January 17, 1963

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Cyr of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Requiring State License to Sell Firearms.

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

Sec. 1. R. S., c. 144, § 13, repealed. Section 13 of chapter 144 of the Revised Statutes is repealed.

Sec. 2. R. S., c. 144, §§ 13-A - 13-E, additional. Chapter 144 of the Revised Statutes is amended by adding 5 new sections, to be numbered 13-A to 13-E to read as follows:

'Sale of Firearms.

Sec. 13-A. License for sale of firearms. No person shall advertise, sell, deliver or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any firearm, either at wholesale or retail, without having a license therefor. The Chief of the State Police may, upon the application of any person, issue a license in such form as he may prescribe for the sale, either at wholesale or retail, of firearms within the State. The fee for each license issued under this section shall be \$10 which shall be paid at the time of making application for such license. The license shall expire one year from the date of issuance. Fees received by the Chief of State Police from the issuance of licenses under this section shall be forwarded to the Treasurer of State within 30 days of receipt and shall be credited to the General Fund.

Sec. 13-B. Appeal from refusal of license. Any person who is aggrieved by any refusal to issue or renew a license under section 13-A, may, within 30 days after the receipt of notice of such refusal, and without prejudice to any other course of action open to him at law, appeal to the Superior Court for the county within which he resides or has a place of business. On such appeal, the court

shall inquire into and determine the facts, *de novo*, and, unless it finds that such a refusal would be for just and proper cause, it shall order such license to be issued or renewed, as the case may be.

Sec. 13-C. Display of license to sell. No sale of any firearm shall be made except in the room, store or place described in the license for the sale of firearms under section 13-A, and such license or a copy thereof issued by the Chief of the State Police shall be exposed to view within the room, store or place where the firearm is sold or offered or exposed for sale.

Sec. 13-D. Record kept of firearms sold. No person shall sell, deliver, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, also the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, and shall be open to the inspection of any sheriff, deputy sheriff, police officer, constable, game warden or prosecuting attorney. Any dealer who fails to keep such record or refuses to show the same to any officer named above shall be punished as provided in section 13-E. This section shall not apply to wholesalers who sell only to other dealers or to manufacturers who sell only at wholesale.

Sec. 13-E. Penalty. Any person violating sections 13-A to 13-D shall be punished by a fine of not more than \$200.'

Sec. 3. Appropriation. There is appropriated from the General Fund to the Department of State Police the sum of \$2,500 for the fiscal year ending June 30, 1964 and the sum of \$2,500 for the fiscal year ending June 30, 1965 to carry out the purposes of this act.