

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1829

H. P. 1512 House of Representatives, April 17, 1975
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EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Regulating the Sale of Handguns.

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

30 MRSA c. 215, sub-c. IV-A, is enacted to read:

SUBCHAPTER IV-A

HANDGUNS

§ 2661. Definitions

As used in this subchapter, unless the context indicates otherwise, the following words shall have the following meanings:

1. Handgun. "Handgun" means a firearm having a barrel length of less than 15 inches and designed and intended to be fired with one hand using fixed ammunition.

2. Person. "Person" includes any individual, corporation, company, association, firm, partnership, society or joint stock company.

3. Sell. "Sell" includes to transfer, sell, trade, give, transport, mail or deliver.

§ 2662. Certificate

Any person seeking to sell a handgun shall require the person seeking to purchase such handgun to sign a certificate containing the following information.

Name Driver's License No.
Date of Birth Social Security No.
..... (optional; information not required)
Address How long at such address
Occupation Present Employer
Sex Ht. Wgt. Color Hair Color Eyes
Distinguishing Marks
Have you ever been convicted of a felony?
If so, description thereof
Are you now under complaint or indictment for a felony?
If so, description thereof
Signature
Date Time

§ 2663. Examination of records

1. Initiation by seller. The seller shall send the completed certificate by delivery or registered mail to the Chief of the State Police or to his duly authorized representative within 24 hours of the time marked on the certificate. The Chief of the State Police or his duly authorized representative shall have 3 days, excluding Saturdays, Sundays and holidays, after receiving the certificate in which to make an examination of the records in State Police headquarters to determine whether or not the person signing the certificate has been convicted of, or is under complaint or indictment for, a felony and to send notification of the results of the examination, by delivery or registered mail, to the seller.

2. Initiation by purchaser. A purchaser may initiate an examination of the records by sending a completed certificate by delivery or registered mail to the Chief of the State Police or his duly authorized representative. If, after examination of the records, the Chief of the State Police or his duly authorized representative determines that the certificate should be approved, he shall certify his approval on the certificate and return it to the purchaser by delivery or registered mail. Such certificate shall be valid for 365 days from the date it is issued.

3. Examination by municipal police chief. A municipality may require the certificate to be delivered to the chief of police of the municipality where the sale or transfer involves a seller who resides in that municipality. An examination of the records by such chief of police shall include an examination of the records contained in the police department of the municipality and the records contained in State Police headquarters. Examination and notification shall be as provided in subsections 1 and 2.

§ 2664. Application

This subchapter shall not apply to:

1. Licensed gun dealers. Transactions between licensed gun dealers;
2. Law enforcement agencies or military use. Sales or transfers to law enforcement agencies or for military use;
3. Antique firearms. Antique firearms as defined in 18 United States Code Annotated 921.

§ 2665. Penalties

1. Buying or selling handgun prior to expiration of 7 days after delivery of certificate. Any person who sells or purchases any handgun before the expiration of 7 business days from the date a certificate required by section 2662 is either delivered in hand or mailed to the Chief of the State Police, or his authorized representative, and any person who sells or purchases any handgun after the seller has received notification from the Chief of the State Police, or his authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for a felony, whether such notification is received by the seller before or after the expiration of 7 business days from the date a certificate has been delivered or mailed by the seller pursuant to section 2663, subsection 1, shall, on conviction, be punished by a fine of not more than \$500 or by imprisonment for 90 days, or by both.

2. False information. Any person who knowingly signs a certificate containing false information for the purpose of complying with this subchapter shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.

3. Use of certificate while convicted of, or under complaint or indictment for, a felony. Any person, who uses an unexpired certificate which has been obtained by that person under the provisions of section 2663, subsection 2, for the purpose of purchasing any handgun when, since the date of issuance of said certificate, the person has been convicted of, or is under complaint or indictment for, a felony, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than 180 days, or by both.

Referendum; effective date. This Act shall take effect 90 days after adjournment of the Legislature only for the purpose of presenting it to the legal voters of the State of Maine at a special state-wide election to be held on the Tuesday following the first Monday of November following the passage of this Act.

The aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at a special state-wide election on the Tuesday following the first Monday of November following the passage of this Act, to give in their votes upon the acceptance or rejection of the foregoing Act, and the question shall be:

“Shall ‘An Act Regulating the Sale of Handguns,’ as enacted by the 107th Legislature, be accepted?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the Act, the Governor shall forthwith make known the fact by his proclamation, and the Act shall become effective in 30 days after the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities and towns and plantations ballots and blank returns in conformity with the foregoing Act, accompanied by a copy thereof.