

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1588

H. P. 1315

House of Representatives, April 12, 1977

On motion of Mr. Bennett of Caribou, referred to the Committee on Judiciary. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Talbot of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

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 of 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; and
3. Antique firearms. Antique firearms as defined in 18 United States Code Annotated 921.

§ 2665. Penalties

1. Buying or selling handguns 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 that 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.

STATEMENT OF FACT

The purpose of this bill is to provide a procedure for the regulation of the sale of handguns.