

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 538

7 H.P. 445

House of Representatives, February 2, 1983

8 Received by the Clerk of the House on February 2, 1983. Referred to the
9 Committee on Legal Affairs, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Pouliot of Lewiston.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide a 3-day Waiting Period
18 on the Sale of Handguns.
19

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

22 Sec. 1. 25 MRSA c. 254, first 2 lines, as
23 enacted by PL 1969, c. 239, are repealed and the fol-
24 lowing enacted in their place:

25 CHAPTER 254

26 PURCHASE OF WEAPONS

27 SUBCHAPTER I

28 GENERAL PROVISIONS

1 Sec. 2. 25 MRSA c. 254, sub-c. II is enacted to
2 read:

3 SUBCHAPTER II

4 SALE OF HANDGUNS

5 §2043. Handgun defined

6 For the purpose of this subchapter, a handgun
7 means a firearm having a barrel length of less than
8 15 inches and designed and intended to be fired with
9 one hand, using fixed ammunition, except antique
10 handguns as defined by federal gun law.

11 §2044. Applicability

12 Nothing contained in this subchapter may prohibit
13 the selling, renting or exchanging of handguns by and
14 between members of organized sporting, outdoor or
15 fish and game-type clubs at organized outdoor events
16 sponsored by such a club, at regular club meetings or
17 at field days or field trials. No application or
18 waiting period as set out in this section may be re-
19 quired under the circumstances of this section, pro-
20 vided that that privilege shall not extend to any
21 organization or club which includes within its
22 membership any person declared ineligible to purchase
23 a gun under the provisions of this subchapter.

24 Nothing in this subchapter may be deemed to
25 supersede any municipal ordinance meeting or exceed-
26 ing the requirements of this subchapter.

27 §2045. Conveyance to conform to requirements of sub-
28 chapter

29 No person in this State may sell, rent or
30 exchange to any person any handgun, except in accor-
31 dance with the provisions of this subchapter.

32 §2046. Purchaser to sign application; contents of
33 application

34 1. Application. Any person desiring to sell,
35 rent or exchange a handgun shall require the person
36 seeking to purchase or obtain that handgun to sign an
37 application containing the following information.

1 2. False statements prohibited. No person may
2 sign an application containing false information for
3 the purpose of complying with the provisions of this
4 section.

5 §2047. Police to examine purchaser's record

6 The person proposing to sell, rent or exchange a
7 handgun shall deliver to the police department the
8 completed application required by this subchapter,
9 upon which shall be endorsed the time of receipt by
10 the officer receiving the application. Upon receipt
11 of the application, the police department shall, as
12 soon as possible, but within 72 hours, make an exami-
13 nation of its records, the records of the State
14 Police and the records of any other law enforcement
15 agencies as necessary to determine whether the person
16 signing the application has been convicted of, or is
17 under complaint or indictment for, assault,
18 terrorizing with a firearm, carrying a concealed
19 firearm or weapon, or a felony or a Class A, B or C
20 crime; has been convicted of the sale, use or posses-
21 sion of marijuana or any other depressant, stimulant
22 or other narcotic drug; or has ever been adjudged by
23 a court to be mentally defective or has been volun-
24 tarily or involuntarily committed to a mental insti-
25 tution.

26 §2048. Disposition prohibited pending investigation
27 and after notification of bad record; noti-
28 fication procedure

29 No person may sell, rent or exchange any handgun
30 to an applicant during the period of investigation
31 required by this subchapter or thereafter if notified
32 during that period by the police department that the
33 applicant has been convicted of, or is under indict-
34 ment or complaint for assault, terrorizing with a
35 firearm, carrying a concealed firearm or weapon, or a
36 felony or a Class A, B or C crime; has been convicted
37 of the sale, use or possession of marijuana or any
38 other depressant, stimulant or other narcotic drug;
39 or has ever been adjudged by a court to be mentally
40 defective or has been voluntarily or involuntarily
41 committed to a mental institution. The notification
42 shall be delivered to the person proposing to sell,
43 rent or exchange the handgun by an officer of the

1 police department, obtaining at the time of delivery
2 a receipt or acknowledgment of the notification and
3 the time and date received, whenever possible.

4 §2049. Appeal provided; waiver of regulations per-
5 mitted, restricted

6 Any person aggrieved by the application of this
7 subchapter because of any finding by the police
8 department, may appeal to the Chief of the Bureau of
9 State Police who shall, hold a hearing on the appeal.
10 After the hearing, the chief may waive the provisions
11 of this subchapter with respect to those persons whom
12 he finds, beyond a reasonable doubt, have a valid and
13 legitimate purpose for owning a handgun, and whose
14 ownership of a handgun will not constitute a danger
15 to the public, and further provided that a reasonable
16 time has elapsed since that person has been convicted
17 of any of the crimes referred to in this subchapter,
18 or since the date of discharge, release from prison
19 or termination of probation of person if applicable,
20 or since the adjudication that that person was suf-
21 fering from a mental defect, or his committal to a
22 mental institution; except that no waiver may be
23 granted if the applicant is under indictment for any
24 offense referred to in this subchapter, or to a
25 person still adjudged to be mentally defective or to
26 a person presently committed to a mental institution.

27 §2050. Violation

28 Any person who violates any provision of this
29 subchapter is guilty of a Class E crime.

30 STATEMENT OF FACT

31 The purpose of this bill is to establish a 3-day
32 waiting period on the sale of handguns in Maine.
33 Prior to sale, sellers would be required to submit an
34 application completed by their prospective purchaser
35 to the local police for review. If police records
36 show no convictions or outstanding indictments
37 against the applicant for assault, terrorizing with a
38 firearm, carrying a concealed weapon without a permit
39 or a felony or a Class A, B or C crime, or no convic-
40 tions for sale, use or possession of drugs or no ad-

1 judication of mental illness or voluntary commitment
2 to a mental institution, then the sale can go
3 through. The police have 72 hours in which to review
4 an application. Failure to comply with the provi-
5 sions of this bill is a Class E crime.

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