

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

---

Legislative Document

No. 1171

H.P. 817

House of Representatives, March 18, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act to Provide a 15-day Waiting Period on the Sale of Handguns.**

---



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

25 MRSA c. 252-B is enacted to read:

CHAPTER 252-B

SALE OF HANDGUNS

§2021. Handgun defined

For the purposes of this chapter, "handgun" means a firearm having a barrel length of less than 12 inches and designed and intended to be fired with one hand using fixed ammunition. "Handgun" does not include antique handguns as defined by federal gun laws.

§2022. Applicability

Nothing contained in this chapter prohibits the selling, renting or exchanging of handguns by and between members of organized sporting, outdoor or fish and game clubs at organized outdoor events sponsored by these clubs, at regular club meetings or at field days or field trials. An application or waiting period as set out in this chapter is not required under this section, except that this privilege does not extend to any organization or club that includes within its membership any person declared ineligible to purchase a gun under the provisions of this chapter.

This chapter does not apply to marshals, sheriffs, prison or jail wardens or their deputies, law enforcement officers or members of the United States military, National Guard or reserves while on duty.

Nothing in this chapter is deemed to supersede any municipal ordinance meeting or exceeding the requirements of this chapter.

§2023. Conveyance

A person in this State may not sell, rent or exchange to any person any handgun except in accordance with this chapter.

§2024. Purchaser to sign application; content

1. Application. Any person desiring to sell, rent or exchange a handgun shall require the person seeking to purchase or obtain that handgun to sign an application containing the following information in substantially the following form.

Application:

Name: \_\_\_\_\_

2 Date of birth: \_\_\_\_\_  
4 Address: \_\_\_\_\_  
6 How long at above address: \_\_\_\_\_  
8 Driver's license number: \_\_\_\_\_  
and/or  
10 Military ID card: \_\_\_\_\_  
and/or  
12 Social Security number: \_\_\_\_\_  
14 Occupation: \_\_\_\_\_  
16 Present employer: \_\_\_\_\_  
18 Physical description: \_\_\_\_\_  
20 Sex: \_\_\_\_\_ Ht. \_\_\_\_\_ Wt. \_\_\_\_\_ Color hair: \_\_\_\_\_  
Color eyes: \_\_\_\_\_  
22 Distinguishing marks: \_\_\_\_\_  
24 \_\_\_\_\_  
26 Have you ever been convicted of any type of assault, terrorizing  
with a firearm, carrying a concealed firearm or weapon, a felony  
or a Class A, B or C crime?  
28 \_\_\_\_\_  
30 If so, please explain: \_\_\_\_\_  
32 \_\_\_\_\_  
34 Are you under complaint or indictment for any type of assault,  
terrorizing with a firearm, carrying a concealed firearm or  
weapon, a felony or a Class A, B or C crime?  
36 \_\_\_\_\_  
38 If so, please explain: \_\_\_\_\_  
40 \_\_\_\_\_  
42 Have you ever been convicted of the sale, use or possession of  
marijuana or any other depressant, stimulant or other narcotic  
drug?  
44 \_\_\_\_\_  
46 If so, please explain: \_\_\_\_\_  
48 \_\_\_\_\_  
50 Have you ever been adjudged by a court to be mentally defective  
or have you ever been voluntarily or involuntarily committed to a  
mental institution?  
52 \_\_\_\_\_

If so, when and where?

2

4

6

(Date)

(Signature)

8

10

2. False statements. A person may not sign an application containing false information for the purpose of complying with this section.

12

**§2025. Police to examine purchaser's record**

14

16

18

20

1. Delivery. The person proposing to sell, rent or exchange a handgun shall deliver to the police department or the sheriff's office, if there is no local police department, the completed application required by this chapter. The law enforcement officers receiving the application shall endorse the date and time of receipt of the application on the application.

22

24

26

2. Examination of record. Upon receipt of the application, the police department or the sheriff's office, if there is no local police department, shall as soon as possible but within 15 days make an examination of its records, the records of the State Police and the records of any other law enforcement agencies as necessary to determine whether the person signing the application:

28

30

32

A. Has been convicted of or is under complaint or indictment for assault, terrorizing with a firearm, carrying a concealed firearm or weapon, a felony or a Class A, B or C crime;

34

36

B. Has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant or other narcotic drug; or

38

40

C. Has been adjudged by a court to be mentally defective or has been voluntarily or involuntarily committed to a mental institution.

42

**§2026. Disposition pending investigation; notification procedure**

44

46

48

1. Prohibition. A person may not sell, rent or exchange any handgun to an applicant during the period of investigation required by this chapter or if notified during that period by the police department or the sheriff's office, if applicable, that the applicant:

50

52

A. Has been convicted of or is under indictment or complaint for assault, terrorizing with a firearm, carrying a concealed firearm or weapon, a felony or a Class A, B or C crime;

2 B. Has been convicted of the sale, use or possession of  
4 marijuana or any other depressant, stimulant or other  
narcotic drug; or

6 C. Has ever been adjudged by a court to be mentally  
8 defective or has been voluntarily or involuntarily committed  
to a mental institution.

10 2. Notification procedure. The notification of denial or  
12 notification of approval must be delivered to the person  
14 proposing to sell, rent or exchange the handgun by an officer of  
16 the police department or the sheriff's office who must obtain at  
the time of delivery of that notification a receipt or  
acknowledgment of the notification and the time and date received  
whenever possible.

18 3. Notification approval. Upon notification of approval, a  
20 person may then sell, rent or exchange the handgun to the  
applicant.

22 **§2027. Appeal provided; waiver of rules**

24 1. Appeal. Any person aggrieved by the application of this  
26 chapter because of any finding by the police department or the  
28 sheriff's office may appeal to the Chief of the State Police who  
shall hold a hearing on the appeal.

30 2. Waiver authorized. After the hearing, the chief may  
32 waive the provisions of this chapter for a person if the chief  
finds, beyond a reasonable doubt:

34 A. The person has a valid and legitimate purpose for owning  
a handgun;

36 B. The person's ownership of a handgun does not constitute  
38 a danger to the public; and

40 C. That a reasonable time has elapsed since that person has  
42 been convicted of any of the crimes referred to in this  
44 chapter, or the date of discharge, release from prison or  
termination of probation, if applicable, or the adjudication  
that the person was suffering from a mental defect, or the  
person's committal to a mental institution.

46 3. Exceptions. Notwithstanding subsection 2, a waiver may  
48 not be granted if the applicant is under indictment for any  
50 offense referred to in this chapter, or if the applicant is still  
adjudged to be mentally defective or if the applicant is  
presently committed to a mental institution.

52 **§2028. Compilation of records prohibited**

54 Notwithstanding any public records laws it is unlawful for  
56 any division of State Government to compile or maintain any  
information on lawful purchases of firearms other than for

2 firearm identification information that may be used only to  
3 determine if the firearm is stolen or has been used in the  
4 commission of a crime.

6 **§2029. Violation**

8 Any person who violates any provision of this chapter is  
9 guilty of a Class E crime.

10  
11 **STATEMENT OF FACT**

12  
13 This bill establishes a 15-day waiting period on the sale of  
14 handguns in the State. Prior to sale, sellers are required to  
15 submit an application completed by a prospective purchaser to the  
16 local police department or the sheriff's office for review. If  
17 records show no convictions or outstanding indictments against  
18 the applicant for assault, terrorizing with a firearm, carrying a  
19 concealed weapon without a permit, a felony or a Class A, B or C  
20 crime, or no convictions for sale, use or possession of drugs, no  
21 adjudication of mental illness or voluntary commitment to a  
22 mental institution, then the sale is permitted. The police  
23 department or the sheriff's office has 15 days in which to review  
24 an application. Failure to comply with the provisions of this  
bill is a Class E crime.