

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

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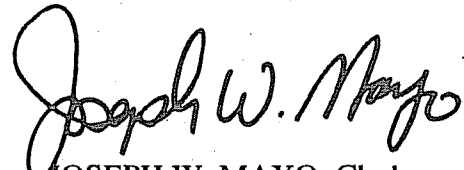
H.P. 1450

House of Representatives, March 15, 1994

**An Act to Allow Firearms Dealers, Importers and Manufacturers to
Comply with the Brady Handgun Violence Prevention Act.**

(EMERGENCY)

Received by the Clerk of the House on March 11, 1994. Referred to the Committee on Legal Affairs and 1200 ordered printed pursuant to Joint Rule 14.


JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton. (GOVERNOR'S BILL)

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 Whereas, the Brady Handgun Violence Prevention Act became
effective February 28, 1994 and requires licensed firearms
dealers, importers and manufacturers to contact state law
8 enforcement agencies for the purpose of checking the criminal
history background of a potential handgun purchaser; and

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12 Whereas, the handgun may be sold within 5 business days
subsequent to the initial notice to purchase, thereby
necessitating a prompt background check; and

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16 Whereas, a fee for service must be charged to reimburse the
law enforcement agency for providing the background check
service; and

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20 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
22 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

28 **Sec. 1. 15 MRSA §455-B is enacted to read:**

30 **§455-B. Criminal background check; fee for service**

32 A firearms dealer, importer or manufacturer who requests a
chief law enforcement officer to conduct a criminal background
check, as required by the Brady Handgun Violence Prevention Act,
18 United States Code, Section 922 (1993), shall pay a fee for
the service of \$15. The chief law enforcement officer, or
36 designee, shall collect the fee and distribute \$6 to the State
Bureau of Identification. If the State Police administrative
38 licensing division provides a central telecommunications service
and the chief law enforcement officer, or designee, elects to use
the service, then the chief law enforcement officer, or designee,
40 must distribute \$2.25 of the fee to the licensing division. The
law enforcement agency that conducts the criminal background
42 check must retain the remainder of the fee. All fees collected
and distributed must be used to cover the costs associated with
44 the performance of the criminal background check.

46 **Emergency clause.** In view of the emergency cited in the
48 preamble, this Act takes effect when approved.

STATEMENT OF FACT

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4 The Brady Handgun Violence Prevention Act requires firearms
6 dealers, importers and manufacturers to request the chief law
8 enforcement officer of the place of residence of a potential
10 handgun purchaser to conduct a criminal background check before
12 transferring the handgun to the purchaser. This bill requires
the dealers, importers and manufacturers to pay a fee for that
service. The fee must be distributed in appropriate proportions
to the State Bureau of Identification, the State Police
administrative licensing division and the law enforcement agency
conducting the check. The fees collected and distributed must be
used to cover the cost of providing the service.