

# MAINE STATE LEGISLATURE

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CRIMINAL JUSTICE

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 141, L.D. 464, Bill, "An Act to Require a License to Sell Firearms"

Amend the bill by striking out the title and substituting the following:

'An Act Concerning the Sale of Firearms'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 25 MRSA §2043 is enacted to read:

§2043. Operation of a gun show

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Gun show" means any event or function:

(1) Whose purpose is to facilitate the purchase and sale of firearms;

(2) At which 3 or more vendors of firearms offer firearms for sale; and

(3) At which 25 or more firearms are offered for sale.

2           B. "Licensed firearms dealer" means any person who is  
4           licensed pursuant to 18 United States Code, Section 923 as a  
          firearms dealer.

6           C. "National instant criminal background check" means the  
8           background check established under section 103 of the  
          federal Brady Handgun Violence Prevention Act, Public Law  
10           103-159.

12           2. Background checks at gun shows. A person may not sell  
          or transfer a firearm at a gun show unless the person has  
14           conducted or had conducted on the person's behalf a national  
          instant criminal background check of the purchaser or transferee.

16           3. Gun show operators. The operator of a gun show shall:

18           A. At all times during the gun show conspicuously post and  
20           maintain signs stating, "A national instant criminal  
          background check must be completed prior to all firearm  
22           sales or transfers, including sales or transfers of rifles  
          or shotguns." Signs must be posted at all entrances to the  
24           gun show and at all places where admission tickets to the  
          gun show are sold;

26           B. Notify in writing all firearms exhibitors at the gun  
          show that a national instant criminal background check must  
28           be completed prior to all firearm sales or transfers; and

30           C. Provide access by any unlicensed seller or transferor of  
          firearms at the gun show to at least one licensed firearms  
32           dealer at the gun show who will undertake a national instant  
          criminal background check on behalf of the unlicensed seller  
34           or transferor at cost. A licensed firearms dealer who  
          performs a national instant criminal background check  
36           pursuant to this paragraph shall provide the seller or  
          transferor of the firearm with a copy of the United States  
38           Department of Treasury, Bureau of Alcohol, Tobacco and  
          Firearms, Form 4473. The licensed firearms dealer shall  
40           retain the completed form for a period of 10 years and make  
          it available for inspection by law enforcement agencies.

42           4. Penalties. A person that violates any provision of this  
44           section is subject to a civil penalty not to exceed \$10,000,  
          payable to the State.

46           This penalty is recoverable in a civil action.'

48           Further amend the bill by inserting at the end before the  
50           summary the following:

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## FISCAL NOTE

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The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may increase General Fund revenue by minor amounts.

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The Department of the Attorney General may incur some minor additional costs related to the new gun show provisions. These costs can be absorbed within the department's existing budgeted resources.

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The additional enforcement costs can be absorbed by the Department of Public Safety utilizing existing budgeted resources.'

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## SUMMARY

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This amendment, which is the minority report of the Joint Standing Committee on Criminal Justice, replaces the bill. This amendment accomplishes the following:

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1. It requires a person that sells or transfers firearms at a gun show to conduct or have conducted on the person's behalf a national instant criminal background check of the purchaser or transferee;

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2. It requires gun show operators to post notices of this requirement at the gun show;

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3. It requires gun show operators to designate at least one federally licensed firearms dealer at the show to conduct background checks on behalf of unlicensed sellers at cost and to maintain a record of the transfer;

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4. It establishes civil penalties for violations of the law;

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5. It establishes a definition of a gun show; and

6. It adds a fiscal note to the bill.