

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)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 464

S.P. 141

In Senate, February 1, 2001

An Act to Require a License to Sell Firearms.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin.
Cosponsored by Representative SULLIVAN of Biddeford and
Senator TREAT of Kennebec, Representatives: BULL of Freeport, DAVIS of Falmouth,
DUDLEY of Portland, ETNIER of Harpswell, O'NEIL of Saco, Speaker SAXL of Portland.

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

4 **Sec. 1. 17-A MRSA §1058** is enacted to read:

6 **§1058. Unlawful sale of firearms**

8 1. A person is guilty of unlawful sale of firearms if the
10 person transfers ownership or otherwise attempts to transfer
ownership of a firearm without a valid dealer license issued
pursuant to 18 United States Code, Section 923.

12 2. This section does not apply to the following transfers
of ownership:

14 A. Transfer to a purchaser who holds a valid dealer license
16 issued pursuant to 18 United States Code, Section 923;

18 B. Transfer to a member of the seller's immediate family;

20 C. Transfer pursuant to a will or last testament; or

22 D. Transfer of an antique firearm as defined in 18 United
24 State Code, Section 921(a)(16).

26 3. Unlawful sale of firearms is a Class C crime.

28 **SUMMARY**

30 This bill requires sellers of firearms at gun shows or other
32 so-called private sales to be licensed to sell firearms by the
federal Bureau of Alcohol, Tobacco and Firearms and to perform
34 background checks on the purchasers as required by federal law.
The bill creates exceptions for transfers to a federally licensed
36 dealer; transfers to members of the seller's immediate family;
transfers in accordance with a will; and transfers of antique
38 firearms. Selling firearms without a federal license is a Class
C crime.