

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 404

S.P. 141

In Senate, January 30, 2003

An Act To Limit the Transfer of Handguns to Minors

Reference to the Committee on Criminal Justice and Public Safety 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 EDMONDS of Cumberland.
Cosponsored by Representative GERZOFSKY of Brunswick and
Senators: DOUGLASS of Androscoggin, PENDLETON of Cumberland, ROTUNDO of
Androscoggin, STRIMLING of Cumberland, Representatives: BLANCHETTE of Bangor,
HUTTON of Bowdoinham, PARADIS of Frenchville, PINGREE of North Haven.

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

2
4 **Sec. 1. 17-A MRSA §554-A, sub-§2**, as enacted by PL 1995, c.
263, §3, is amended to read:

6 2. A Except as provided in sections 554-B and 554-C, a
8 person is guilty of unlawfully transferring a firearm to a minor
if that person, who is not the parent, foster parent or guardian
of the minor, knowingly transfers a firearm to a minor.

10 **Sec. 2. 17-A MRSA §§554-B and 554-C** are enacted to read:

12 **§554-B. Unlawful transfer of handgun to minor**

14 1. As used in this section, the following terms have the
16 following meanings.

18 A. "Handgun" means a firearm that has a short stock and is
20 designed to be held and fired by the use of a single hand,
or any combination of parts from which a handgun can be
assembled.

22 B. "Minor" means a person under 18 years of age.

24 C. "Transfer" means to sell, furnish, give, lend, deliver
26 or otherwise provide, with or without consideration.

28 2. A person is guilty of unlawfully transferring a handgun
30 to a minor if that person knowingly transfers a handgun to a
person who the transferor knows or has reasonable cause to
believe is a minor.

32 3. This section does not apply to:

34 A. A temporary transfer of a handgun to a minor if the
36 handgun is possessed and used by the minor:

38 (1) With the prior written consent of the minor's
40 parent or guardian and that parent or guardian is not
prohibited by federal, state or local law from
possessing a firearm; or

42 (2) In the course of employment, target practice,
44 hunting or instruction in the safe and lawful use of a
handgun.

46 The minor may transport an unloaded handgun in a locked
48 container directly from the place of transfer to a
place at which an activity described in this
50 subparagraph is to take place and directly from the

2 place at which such an activity took place to the
3 transferor;

4 B. A minor who is a member of the Armed Forces of the
5 Unites States or the National Guard who possesses or is
6 armed with a handgun in the line of duty;

8 C. A transfer by inheritance of title to, but not
9 possession of, a handgun to a minor; or

10 D. The possession of a handgun by a minor taken in
11 self-defense or in defense of another person against an
12 intruder into the residence of the minor or a residence in
13 which the minor is an invited guest.

14 4. The State may not permanently confiscate a handgun that
15 is transferred to a minor in circumstances in which the
16 transferor is not in violation of this section and if the
17 possession of the handgun by the minor subsequently becomes
18 unlawful because of the conduct of the minor. When that handgun
19 is no longer required by the State for the purposes of
20 investigation or prosecution, the handgun must be returned to the
21 lawful owner.

22 5. Unlawful transfer of a handgun to a minor is a Class C
23 crime.

24 **§554-C. Unlawful sale or delivery of handgun to minor by**
25 **commercial dealers**

26 1. As used in this section, the following terms have the
27 following meanings.

28 A. "Handgun" means a firearm that has a short stock and is
29 designed to be held and fired by the use of a single hand,
30 or any combination of parts from which a handgun can be
31 assembled.

32 B. "Licensee" means a licensed importer, manufacturer,
33 dealer or collector who is licensed under 18 United States
34 Code, Chapter 44, Section 921, et seq.

35 C. "Minor" means a person under 21 years of age.

36 2. A licensee is guilty of unlawfully selling or delivering
37 a handgun to a minor if that licensee knowingly sells or delivers
38 a handgun to a person who the licensee knows or has reasonable
39 cause to believe is a minor.

