

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 917

H.P. 674

House of Representatives, February 20, 2003

An Act Regarding the Sale of Weapons at Gun Shows

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFKY of Brunswick.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: ASH of Belfast, BLANCHETTE of Bangor, BULL of Freeport, CUMMINGS
of Portland, PINEAU of Jay, SUSLOVIC of Portland, USHER of Westbrook, Senator:
DOUGLASS of Androscoggin.

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

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

6 **§2043. Operation of gun show**

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

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

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

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

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

26 **B. "Licensed firearms dealer" means any person who is**
28 **licensed pursuant to 18 United States Code, Section 923 as a**
30 **firearms dealer.**

32 **C. "National instant criminal background check" means the**
34 **background check established under section 103 of the**
36 **federal Brady Handgun Violence Prevention Act, Public Law**
38 **103-159.**

40 **2. Background checks at gun shows; liability of gun show**
42 **operator.** A firearm may not be sold or transferred at a gun show
44 unless the seller or transferor conducts a national instant
46 criminal background check of the purchaser or transferee. Each
sale or transfer made without the required national instant
criminal background check is a violation of this section by the
gun show operator and is subject to subsection 4.

48 **3. Gun show operator.** The operator of a gun show shall:

A. At all times during the gun show conspicuously post and
maintain signs at all places where tickets to the gun show
are sold stating:

"A national instant criminal background check must be
completed prior to all firearm sales or transfers,
including sales or transfers of rifles or shotguns."

Signs must be posted at all entrances to the gun show and at
all places where admission tickets to the gun show are sold;

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

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

20 4. Penalty. A person who violates this section commits a
 civil violation for which a fine of not more than \$10,000 may be
22 adjudged.

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SUMMARY

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 This bill requires that a national instant criminal
28 background check be performed prior to the sale or transfer of a
 firearm at a gun show. The bill makes a gun show operator
30 responsible for any failure to perform a required background
 check and subject to a fine of up to \$10,000 for each such
32 failure. The bill also requires gun show operators to post signs
 at gun shows and notify exhibitors of the background check
34 requirement and to provide unlicensed sellers and transferors
 with access to licensed sellers and transferors who will
36 undertake the required background checks.