

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 333

H.P. 256

House of Representatives, January 20, 2005

An Act Regarding the Sale of Firearms 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.
Under suspension of the rules, cosponsored by Senator STRIMLING of Cumberland and Representatives: BLANCHETTE of Bangor, CRAVEN of Lewiston, CUMMINGS of Portland, JACKSON of Fort Kent, KOFFMAN of Bar Harbor, O'BRIEN of Lewiston, PELLETIER-SIMPSON of Auburn, RINES of Wiscasset, TWOMEY of Biddeford, WALCOTT of Lewiston, WATSON of Bath, WEBSTER of Freeport, WHEELER of Kittery.

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

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

§2043. Operation of 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) The purpose of which 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.

B. "Licensed firearms dealer" means any person who is licensed pursuant to 18 United States Code, Section 923 (2002) as a firearms dealer.

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

2. Background checks at gun shows; liability of operator of gun show. A firearm may not be sold or transferred at a gun show unless the seller or transferor conducts a national instant 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 operator of the gun show.

3. Operator of gun show. The operator of a gun show shall:

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

"A national instant criminal background check must be completed prior to each firearm sale or transfer, including a sale or transfer of a rifle or shotgun."

The operator of a gun show shall post signs stating the message described in this paragraph at all entrances to the gun show;

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 each firearm sale or transfer; and

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

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

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SUMMARY

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