

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2051

H.P. 1435

House of Representatives, December 21, 2007

An Act Regarding the Sale of Firearms to Minors

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GERZOFSKY of Brunswick.

Cosponsored by Representatives: BRYANT of Windham, CRAVEN of Lewiston, Speaker CUMMINGS of Portland, HANLEY of Gardiner, HASKELL of Portland, HILL of York, PINGREE of North Haven, PLUMMER of Windham, SYKES of Harrison, WATSON of Bath, WEBSTER of Freeport.

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

2 **Sec. 1. 17-A MRSA §554-A**, as amended by PL 2003, c. 188, §1, is further
3 amended to read:

4 **§554-A. Unlawful transfer of a firearm to a minor**

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

6 A. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with
7 or without consideration.

8 ~~B. "Minor" means a person under 16 years of age.~~

9 C. "Sell" means to furnish, deliver or otherwise provide for consideration.

10 2. Except as provided in section 554-B, a person is guilty of unlawfully transferring
11 a firearm to a ~~minor~~ person under 16 years of age if that person, who is not the parent,
12 foster parent or guardian of the ~~minor~~ person under 16 years of age, knowingly transfers a
13 firearm to a ~~minor~~ person under 16 years of age.

14 2-A. Except as provided in section 554-B, a person is guilty of unlawfully selling a
15 firearm to a person 16 years of age or older and under 18 years of age if that person, who
16 is not the parent, foster parent or guardian of the person 16 years of age or older and
17 under 18 years of age, knowingly sells a firearm to a person 16 years of age or older and
18 under 18 years of age.

19 3. It is an ~~affirmative defense~~ to a prosecution under subsection 2 that:

20 A. The actor reasonably believed the person receiving the firearm had attained 16
21 years of age. A reasonable belief ~~can not~~ cannot be based solely upon the physical
22 appearance of the person or upon the oral representation of that person as to that
23 person's age; or

24 B. The transfer of the firearm to the ~~minor~~ person under 16 years of age was
25 approved by the parent, foster parent or guardian of the ~~minor~~ person under 16 years
26 of age.

27 3-A. It is an affirmative defense to a prosecution under subsection 2-A that:

28 A. The actor reasonably believed the person receiving the firearm had attained 18
29 years of age. A reasonable belief cannot be based solely upon the physical
30 appearance of the person or upon the oral representation of that person as to that
31 person's age; or

32 B. The sale of the firearm to the person 16 years of age or older and under 18 years
33 of age was approved by the parent, foster parent or guardian of the person 16 years of
34 age or older and under 18 years of age.

35 4. Unlawful transfer of a firearm to a ~~minor~~ person under 16 years of age is a Class
36 D crime.

