

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 814

H.P. 550

House of Representatives, March 3, 2009

### An Act Regarding the Sale of Weapons at Gun Shows

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BLODGETT of Augusta.  
Cosponsored by Senator CRAVEN of Androscoggin and  
Representatives: BERRY of Bowdoinham, BRIGGS of Mexico, CROCKETT of Augusta,  
MAGNAN of Stockton Springs, RUSSELL of Portland, STEVENS of Bangor, Senators:  
BARTLETT of Cumberland, GERZOFSKY of Cumberland.

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

2 **Sec. 1. 25 MRSA §2013** is enacted to read:

3 **§2013. Operation of gun show**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 **A. "Gun show" means an event or function:**

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

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

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

10 **B. "Licensed firearms dealer" means a person who is licensed pursuant to 18 United**  
11 **States Code, Section 923 as a firearms dealer.**

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

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

20 **3. Gun show operator.** The gun show operator shall:

21 **A. At all times during the gun show conspicuously post and maintain signs stating:**

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

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

27 **B. Notify in writing all firearms vendors at the gun show that a national instant**  
28 **criminal background check must be completed prior to all firearm sales or transfers;**  
29 **and**

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

1 **4. Penalty.** A gun show operator who violates subsection 2 commits a civil violation  
2 for which a fine of not more than \$10,000 may be adjudged.

3 **SUMMARY**

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