

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 985

S.P. 368

In Senate, March 12, 2009

**An Act To Increase Public Safety by Requiring a Federally Licensed
Firearms Dealer To Facilitate the Transfer of Firearms**

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 SULLIVAN of York.
Cosponsored by Senator: CRAVEN of Androscoggin.

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

2 Sec. 1. 15 MRSA §394 is enacted to read:

3 **§394. Background checks**

4 **1. Requirement.** A transaction involving the transfer, sale or loan of a firearm must
5 be facilitated by a firearms dealer licensed under 18 United States Code, Section 923
6 unless the seller or the buyer is a federally licensed firearms dealer. The seller, transferor
7 or person loaning the firearm shall deliver the firearm to the dealer, who shall retain
8 possession of that firearm. The dealer shall request a criminal history record check of the
9 buyer under Title 25, section 1706 as if the dealer were the seller of the firearm that is the
10 subject of the transaction. If the criminal history record check reveals that the buyer is
11 prohibited from purchasing the firearm, the dealer shall notify the seller of that fact. The
12 dealer may charge a fee, not to exceed \$10, for serving as the facilitator.

13 **2. Exceptions.** This section does not apply to a transaction:

14 **A. In which the seller and the buyer are members of the same family;**

15 **B. Pursuant to operation of law or court order; or**

16 **C. In which a law enforcement official is the seller or buyer.**

17 **SUMMARY**

18 This bill requires certain private transfers of firearms to be facilitated by a federally
19 licensed firearms dealer, who must request a criminal history record check.