

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 267

S.P. 100

In Senate, February 7, 2013

An Act Regarding the Sale of Firearms at Gun Shows

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GERZOFKY of Cumberland.
Cosponsored by Representative PLANTE of Berwick and
Senator: CRAVEN of Androscoggin, Representatives: DION of Portland, MOONEN of
Portland, PRIEST of Brunswick, RUSSELL of Portland.

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 any event or function:**

7 (1) The purpose of which 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 any person who is licensed pursuant to 18**
11 **United States Code, Section 923 (2002) 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 operator of gun show.** 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 operator of the gun show.

20 **3. Operator of gun show; duties.** The operator of a gun show shall:

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

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

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

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

31 **C. Provide access for an unlicensed seller or transferor of firearms at the gun show to**
32 **at least one licensed firearms dealer at the gun show who will undertake national**
33 **instant criminal background checks on behalf of the unlicensed seller or transferor at**
34 **cost. A licensed firearms dealer who performs a national instant criminal background**
35 **check pursuant to this paragraph shall provide the unlicensed seller or transferor of**
36 **the firearm with a copy of the United States Department of Treasury, Bureau of**
37 **Alcohol, Tobacco, Firearms and Explosives Form 4473. The unlicensed seller or**
38 **transferor shall complete the form immediately and return the form to the licensed**

1 firearms dealer. The licensed firearms dealer shall retain the completed form for a
2 period of 10 years and make it available for inspection by law enforcement agencies.

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

5 **SUMMARY**

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