

MAINE STATE LEGISLATURE

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8 May
ROES

Majority

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Date: 6/11/13

Majority

L.D. 1240
(Filing No. H-450)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 874, L.D. 1240, Bill, "An Act To Promote the Safe Use and Sale of Firearms"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 15 MRSA §§394 and 395 are enacted to read:

§394. Sale or transfer of firearms to prohibited persons; strict liability

1. Unlawful sale or transfer; strict liability. A person may not sell or transfer a firearm to a prohibited person as described in section 393.

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of \$500 must be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed a civil violation under subsection 1 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

3. Affirmative defense. It is an affirmative defense to prosecution under this section that the seller or transferor of the firearm requested that a federally licensed firearm dealer complete a computerized background check under the Federal Bureau of Investigation, National Instant Criminal Background Check System, or successor background check system approved by the Attorney General of the United States, on the purchaser or transferee prior to the sale or transfer of the firearm and the background check indicated that the person was not a prohibited person.

§395. Sale or transfer of firearms to prohibited persons; culpable mental state

1. Unlawful sale or transfer; culpable mental state. A person is guilty of selling or transferring a firearm to a prohibited person if that person intentionally or knowingly sells or transfers a firearm to a person that the seller or transferor knows or believes is prohibited from possessing a firearm under section 393.

COMMITTEE AMENDMENT

ROFS

1 transfers a firearm to another person that the seller or transferor knows or believes is
2 prohibited from possessing a firearm.

3 3. It increases the fine from \$50 to \$1,000 for the civil violation of giving a false or
4 fictitious name to a firearms dealer and makes the fine mandatory.

5 4. It creates a study group to be convened by the Chief of the State Police to review
6 and make recommendations regarding the so-called blue paper process as it relates to
7 persons admitted to a psychiatric hospital on an emergency basis who are temporarily
8 prohibited from possessing firearms. Representatives from the following are invited to
9 participate in this review: the Office of the Attorney General, the Department of Health
10 and Human Services, the Maine Prosecutors Association, the Disability Rights Center
11 and any other interested parties that the Chief of the State Police determines appropriate.
12 The Chief of the State Police is required to report the recommendations of the study
13 group to the Joint Standing Committee on Criminal Justice and Public Safety by January
14 30, 2014. Following receipt of the report, the Joint Standing Committee on Criminal
15 Justice and Public Safety may report out a bill to the Second Regular Session of the 126th
16 Legislature.

17 **FISCAL NOTE REQUIRED**
18 **(See attached)**

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1240

LR 1193(02)

An Act To Promote the Safe Use and Sale of Firearms

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

A(H-450)

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class E and Class D crimes.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Additional costs to the Department of the Attorney General, the Department of Health and Human Services and the Department of Public Safety associated with participating on the task force and reporting the results can be absorbed within existing budgeted resources.