

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

MS  
H. 2013

Minority

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

L.D. 1240

Date: 6/11/13 minority

(Filing No. H-451)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Clerk of the House.

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

COMMITTEE AMENDMENT "B" 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** is enacted to read:

**§394. Sale or transfer of firearms to prohibited person**

**1. Unlawful sale or transfer.** 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.

**2. Penalty.** A violation of this section is a Class D crime.

**Sec. 2. 15 MRSA §455, sub-§2**, as enacted by PL 2003, c. 452, Pt. H, §1 and affected by Pt. X, §2, is amended to read:

**2. False or fictitious name.** A person may not give a false or fictitious name to a dealer. A person who violates this subsection commits a civil violation for which a fine of ~~\$50~~ may \$1,000 must be adjudged.

**Sec. 3. Study group to review and make recommendations regarding the "blue paper" process related to persons who are temporarily prohibited from possessing firearms.** The Chief of the State Police shall convene a study group to review and make recommendations regarding the so-called blue paper process for persons admitted to a psychiatric hospital on an emergency basis pursuant to the Maine Revised Statutes, Title 34-B, section 3863 who are temporarily prohibited from possessing firearms. The Chief of the State Police shall invite representatives from the following to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, the Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate. The Chief of the State Police shall report the recommendations

**COMMITTEE AMENDMENT**

1 of the study group to the Joint Standing Committee on Criminal Justice and Public Safety  
2 by January 30, 2014. Following receipt of the report, the Joint Standing Committee on  
3 Criminal Justice and Public Safety may report out a bill to the Second Regular Session of  
4 the 126th Legislature.

5 **Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the  
6 Maine Revised Statutes, Title 15, chapter 15, in the chapter headnote, the words  
7 "possession of firearms by prohibited persons" are amended to read "possession of  
8 firearms by prohibited persons and unlawful sale or transfer of firearms to prohibited  
9 persons" and the Revisor of Statutes shall implement this revision when updating,  
10 publishing or republishing the statutes.'

11 **SUMMARY**

12 This amendment replaces the bill and is the minority report. The amendment does  
13 the following.

14 1. It creates the Class D crime of the sale or transfer of a firearm to a prohibited  
15 person. A person is guilty of this crime if that person intentionally or knowingly sells or  
16 transfers a firearm to another person that the seller or transferor knows or believes is  
17 prohibited from possessing a firearm.

18 2. It increases the penalty from \$50 to \$1,000 for the civil violation of giving a false  
19 or fictitious name to a firearms dealer.

20 3. It creates a study group to be convened by the Chief of the State Police to review  
21 and make recommendations regarding the current "blue paper" process as it relates to  
22 persons who are temporarily prohibited from possessing firearms. Representatives from  
23 the following are invited to participate in this review: the Office of the Attorney General,  
24 the Department of Health and Human Services, the Maine Prosecutors' Association, the  
25 Maine Disability Rights Center and any other interested parties that the Chief of the State  
26 Police determines appropriate. The study group shall report its recommendations to the  
27 Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014.  
28 Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public  
29 Safety may report out a bill to the Second Regular Session of the 126th Legislature.

30 **FISCAL NOTE REQUIRED**

31 (See attached)



# 126th MAINE LEGISLATURE

LD 1240

LR 1193(03)

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

*B(H-451)*

---

## Fiscal Note

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

### Correctional and Judicial Impact Statements

Establishes new 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.