## MAINE STATE LEGISLATURE

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34

| 1                          | L.D. 350   |
|----------------------------|--|
| 2                          | Date: $5/8/17$ (Filing No. H-/37)  |
| 3                          | CRIMINAL JUSTICE AND PUBLIC SAFETY   |
| 4                          | Reproduced and distributed under the direction of the Clerk of the House.  |
| 5                          | STATE OF MAINE   |
| 6                          | HOUSE OF REPRESENTATIVES   |
| 7                          | 128TH LEGISLATURE  |
| 8                          | FIRST REGULAR SESSION  |
| 9                          | COMMITTEE AMENDMENT "A" to H.P. 256, L.D. 350, Bill, "An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms"  |
| 11                         | Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:  |
| 13<br>14                   | 'Sec. 1. 15 MRSA §455, as repealed and replaced by PL 2003, c. 452, Pt. H, §3 and affected by Pt. X, §2, is amended to read:   |
| 15                         | §455. Record of sales of firearms  |
| 16                         | 1. Forms. A dealer may not:  |
| 17<br>18<br>19             | A. Sell, let or loan a firearm to a person without making a copy of the form a dealer must keep as prescribed by 18 United States Code, Section 923. The copy must be made and marked as "STATE COPY" before the firearm is delivered; or  |
| 20<br>21<br>22             | B. Refuse to show or refuse to allow inspection of a copy of the form described in paragraph A to a sheriff, deputy-sheriff, police officer, constable, game warden or prosecuting attorney.   |
| 23<br>24                   | A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.  |
| 25<br>26<br>27<br>28<br>29 | 1-A. Form. A firearms dealer may not refuse to show or refuse to allow inspection of the form a dealer must keep as prescribed by 18 United States Code, Section 923 to a law enforcement officer as defined in Title 17-A, section 2, subsection 17 upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation. |
| 30<br>31                   | A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.  |
| 32<br>33<br>34             | 2. False or fictitious name. A person may not give a false or fictitious name to a <u>firearms</u> dealer. A person who violates this subsection commits a civil violation fo which a fine of \$50 may be adjudged.  |

Page 1 - 128LR1258(02)-1

| 1 2              | <b>3. Exception.</b> This section does not apply to a <u>firearms</u> wholesaler who sells only to other <u>firearms</u> dealers or to a <u>firearms</u> manufacturer who sells only at wholesale.'  |
|------------------|--|
| 3                | SUMMARY  |
| 4<br>5<br>6<br>7 | This amendment replaces the bill and amends the provision of law that requires a firearms dealer who sells, lets or loans a firearm to make a copy of the form the dealer must keep pursuant to federal law and to show that copy to a law enforcement officer or prosecuting attorney as follows. |
| 8<br>9           | 1. Like the bill, it removes the requirement that a dealer make a state copy of that federal form;   |
| 10<br>11<br>12   | 2. It requires a dealer to show to or allow inspection of that federal form by a state law enforcement officer or prosecuting attorney upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation; and                         |
| 13<br>14         | 3. It retains the exception currently in law regarding the sale of firearms by a wholesaler to a dealer or another wholesaler.   |
| 15               | FISCAL NOTE REQUIRED   |
| 16               | (See attached)   |
|                  |  |



## 128th MAINE LEGISLATURE

LD 350

LR 1258(02)

An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms

Fiscal Note for Bill as Amended by Committee Amendment (H-137)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

## **Fiscal Note**

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

## **Correctional and Judicial Impact Statements**

Establishes new civil violations.

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