

MAINE STATE LEGISLATURE

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L.D. 1276

MAJORITY

Date: 6/12/19

(Filing No. S-274)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 396, L.D. 1276, Bill, "An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms"

Amend the bill in section 1 in §394 by inserting after subsection 2 the following:

3. Exemptions. The provisions of this section do not apply to a transfer or sale of a firearm between persons who are not federally licensed firearms dealers if:

A. The firearm is a curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the transfer or sale is between collectors of firearms as curios or relics, as defined by 18 United States Code, Section 921(a)(13), who both have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

B. The transfer or sale is of an antique firearm, as defined in 18 United States Code, Section 921(a)(16);

C. Either the transferor or seller or the transferee or buyer is a law enforcement agency or the Department of Corrections; or

D. To the extent the transferor or seller is acting within the course of the transferor's or seller's employment or official duties, the transferor or seller is:

- (1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;
- (2) A corrections officer as defined by Title 25, section 2801-A, subsection 2;
- (3) A member of the United States Armed Forces;
- (4) A member of the National Guard;
- (5) A member of the Reserves of the United States Armed Forces;
- (6) A federal law enforcement officer; or

COMMITTEE AMENDMENT

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(7) A person licensed as a security guard under Title 32, chapter 93 or employed by a contract security company or proprietary security organization under Title 32, chapter 93.

4. Violations. A person who knowingly transfers or sells a firearm in violation of this section commits:

A. For a transfer or sale of one or more firearms that is the transferor's or seller's first violation of this section, a civil violation for which a fine of not more than \$1,000 may be imposed; and

B. For a transfer or sale of one or more firearms when at the time of the offense the transferor or seller has one or more convictions for a violation of this section or a comparable conviction under the laws of another jurisdiction, a Class D crime.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the committee. The amendment adds to the bill exemptions to the requirement that a federally licensed firearms dealer perform a background check for a transfer or sale of a firearm under specific listed circumstances. The amendment provides that the first offense for knowingly transferring or selling a firearm in violation of the new provision is a civil violation for which the penalty is a fine of up to \$1,000. The amendment designates subsequent offenses as Class D crimes.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 1276

LR 1096(02)

An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms

Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 274)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.