

MAINE STATE LEGISLATURE

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RS

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Date 6/9/23

Majority

L D 60

(Filing No H-438)

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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131ST LEGISLATURE

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FIRST SPECIAL SESSION

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COMMITTEE AMENDMENT "A" to H P 35, L D 60, "An Act to Require a 72-hour Waiting Period After the Sale of a Firearm"

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

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Sec. 1. 25 MRSA §2015 is enacted to read

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§2015. Waiting period after sale of firearm

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1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings

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A "Agreement" means when a buyer and a seller reach an agreement for the purchase and the sale of a firearm

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B "Buyer" means a person, not including a firearm dealer, who receives possession or ownership of a firearm through an agreement

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C "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A

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D "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923 or that is required to be licensed as a dealer under that section

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E "Seller" means a person or firearm dealer that owns a firearm and that is transferring ownership of the firearm to a buyer pursuant to an agreement

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2. Waiting period. A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement without withholding delivery of the firearm for at least 72 hours after the agreement

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3. Penalty. This subsection applies to violations of subsection 2

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A A seller who violates subsection 2 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged

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COMMITTEE AMENDMENT

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B A seller who violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged

4. Application. This section does not apply to

A The sale of a firearm if the seller knows that the buyer is

(1) A law enforcement officer, or

(2) A person who desires to purchase a firearm for use in promoting the public interest incidentally to the person's employment as a bank guard or armed truck guard or as a similar type of employee, or

B The sale of a firearm to a firearm dealer'

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

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. The amendment adds definitions for "buyer" and "seller," clarifying that the 72-hour waiting period is required when a person or firearm dealer sells a firearm to a person. The amendment also removes the portion of the bill that requires a firearm dealer to be subject to the requirements of conducting a national instant criminal background check.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 60

LR 221(02)

An Act to Require a 72-hour Waiting Period After the Sale of a Firearm

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-438)

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

Establishes new civil violations 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