

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 60

H.P. 35

House of Representatives, January 4, 2023

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CRAVEN of Lewiston.
Cosponsored by Representatives: ARFORD of Brunswick, CRAFTS of Newcastle, DODGE of Belfast, GRAMLICH of Old Orchard Beach, WHITE of Waterville.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 25 MRSA §2015** is enacted to read:

3 **§2015. Waiting period after sale of firearm**

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

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

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

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

11 **2. Waiting period.** A person may not knowingly deliver a firearm pursuant to a sale
12 without withholding delivery of the firearm for at least 72 hours after agreement.

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

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

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

19 **4. Application.** This section does not apply to:

20 A. The sale of a firearm if the seller knows that the person to whom the seller is selling
21 the firearm is:

22 (1) A law enforcement officer; or

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

26 B. The sale of a firearm to a firearm dealer.

27 A firearm dealer is subject to the requirements of conducting national instant criminal
28 background checks under 18 United States Code, Section 922(t).

29 **SUMMARY**

30 This bill requires a 72-hour waiting period between an agreement for the purchase and
31 sale of a firearm and its delivery to the purchaser and makes violation of the waiting period
32 a civil violation with a \$200 to \$500 fine for the first violation and a \$500 to \$1,000 fine
33 for a subsequent violation.