

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2119

H.P. 1343

House of Representatives, January 3, 2024

**An Act to Support Suicide Prevention by Allowing the Voluntary
Waiver of Firearm Rights**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator CARNEY of Cumberland and
Representatives: CLOUTIER of Lewiston, CRAVEN of Lewiston, GEIGER of Rockland,
HASENFUS of Readfield, OSHER of Orono, STOVER of Boothbay, ZAGER of Portland,
Senator: BEEBE-CENTER of Knox.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** suicide is a public health crisis and firearm-related suicides account for a
4 significant number of suicide deaths in the State annually; and

5 **Whereas,** this legislation proposes to allow people to place themselves on a list
6 preventing them from purchasing or receiving firearms; and

7 **Whereas,** this legislation must take effect before the expiration of the 90-day period
8 in order to potentially prevent a substantial number of suicides; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **Sec. 1. 15 MRSA §394, sub-§2,** as enacted by PL 2023, c. 305, §1, is amended to
15 read:

16 **2. Sale or transfer prohibited.** A person may not knowingly or intentionally sell or
17 transfer a firearm to a person who is prohibited from owning, possessing or having under
18 that person's control a firearm pursuant to section 393 ~~and~~, who does not have a permit
19 issued under section 393 or who has filed a voluntary waiver of firearm rights form that
20 has not been revoked under Title 25, section 2015. This subsection does not apply to the
21 sale or transfer of an antique firearm.

22 Violation of this subsection is a Class D crime.

23 **Sec. 2. 25 MRSA §2003, sub-§1, ¶B,** as amended by PL 2011, c. 298, §7, is further
24 amended to read:

25 B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not
26 disqualified as a permit holder under that same section, does not have a voluntary
27 waiver of firearm rights currently in effect pursuant to section 2015 and is not
28 disqualified to possess a firearm based on federal law as a result of a criminal
29 conviction;

30 **Sec. 3. 25 MRSA §2015** is enacted to read:

31 **§2015. Firearm rights forms**

32 **1. Voluntary waiver of firearm rights.** A person may voluntarily waive that person's
33 right to purchase or receive a firearm by filing a voluntary waiver of firearm rights form.

34 **2. Filing of voluntary waiver of firearm rights form.** A person may file a voluntary
35 waiver of firearm rights form with the clerk of court in any county in the State.

36 A. The clerk of court shall verify the identity of the person filing the form by requiring
37 that person to provide proof of identification with a driver's license, military
38 identification card, passport or other form of government-issued photo identification.

1 B. The person filing the form may provide an alternate person to be contacted if the
2 person filing the form subsequently files a revocation of voluntary waiver of firearm
3 rights form pursuant to subsection 3.

4 C. By the end of the business day on which the clerk of court receives the form, the
5 clerk of court shall transmit the form to the State Police. The State Police shall enter
6 the information provided on the voluntary waiver of firearm rights form into the
7 Federal Bureau of Investigation, National Instant Criminal Background Check System
8 and any other federal or state computer-based systems used by law enforcement
9 agencies or others to identify persons prohibited from purchasing or receiving a firearm
10 within 24 hours after receipt of the form.

11 D. Copies and records of the voluntary waiver of firearm rights form may not be
12 disclosed except to law enforcement agencies.

13 **3. Revocation of waiver.** A person may revoke that person's voluntary waiver of
14 firearm rights by filing a revocation of voluntary waiver of firearm rights form.

15 A. No sooner than 7 calendar days after filing a voluntary waiver of firearm rights
16 form, the person may file a revocation of the voluntary waiver of firearm rights form
17 with the clerk of court in the same county where the voluntary waiver of firearm rights
18 form was filed.

19 B. The clerk of court shall verify the identity of the person filing the form by requiring
20 that person to provide proof of identification with a driver's license, military
21 identification card, passport or other form of government-issued photo identification.

22 C. By the end of the business day on which the clerk of court receives the form, the
23 clerk of court shall transmit the form to the State Police and to any contact person listed
24 on the voluntary waiver of firearm rights form under subsection 2, paragraph B and
25 destroy all records of the voluntary waiver of firearm rights form.

26 D. Within 7 days of receiving a revocation of a voluntary waiver of firearm rights form,
27 the State Police shall remove the person's information from the Federal Bureau of
28 Investigation, National Instant Criminal Background Check System and any other
29 federal or state computer-based systems used by law enforcement agencies or others to
30 identify persons prohibited from purchasing or receiving a firearm into which the
31 person's information was entered, unless the person is otherwise ineligible to possess a
32 firearm under Title 15, section 393, and destroy all records of the voluntary waiver.

33 **4. False statements.** A person who knowingly makes a false statement regarding that
34 person's identity on a voluntary waiver of firearm rights form or revocation of voluntary
35 waiver of firearm rights form is guilty of unsworn falsification, which is a Class D crime
36 under Title 17-A, section 453.

37 **5. Consideration by court in legal proceeding.** Neither a voluntary waiver of firearm
38 rights nor a revocation of a voluntary waiver of firearm rights may be considered by a court
39 in a legal proceeding.

40 **6. Condition for receiving employment, benefits or services.** A voluntary waiver of
41 firearm rights may not be required of a person as a condition for receiving employment,
42 benefits or services.

