

MAINE STATE LEGISLATURE

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REPORT C
JUDICIARY

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STATE OF MAINE
SENATE
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 958, L.D. 2238, "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases"

Amend the bill in section 1 in §2015 in subsection 2 in the last line (page 1, line 16 in L.D.) by inserting after the following: "agreement." the following: 'The 72-hour waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law.'

Amend the bill in section 1 in §2015 in subsection 4 in paragraph A in subparagraph (3) in the last line (page 1, line 30 in L.D.) by striking out the following: "or"

Amend the bill in section 1 in §2015 in subsection 4 in paragraph B in the first line (page 1, line 31 in L.D.) by striking out the following: "'" and inserting the following: '''

Amend the bill in section 1 in §2015 in subsection 4 by inserting after paragraph B the following:

'C. The sale of a firearm to an individual who is presently a plaintiff protected by an active order pursuant to Title 5, chapter 337-A or Title 19-A, chapter 103, or to an individual with whom contact is prohibited as a condition of release pursuant to Title 15, chapter 105-A if the individual is not otherwise prohibited by state or federal law from purchasing a firearm; or

D. The sale of a firearm if:

(1) The buyer and seller are family members. For purposes of this subparagraph, "family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree;

(2) The transaction is for a firearm that is:

(a) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the sale, transfer or exchange is between collectors, as defined in 18 United States Code, Section 921(a)(13), who each have in their possession a valid collector of curios and relics license issued by the United States

COMMITTEE AMENDMENT

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Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;

or

(b) An antique firearm, as defined in 18 United States Code, Section 921(a)(16); or

(3) A background check is not required under federal or state law.'

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

SUMMARY

This amendment, which is the minority report of the committee, clarifies that a 72-hour waiting period after the sale of a firearm is concurrent with any waiting period required by any background check process required by federal or state law. The amendment also adds an exception to the requirement of a 72-hour waiting period if the sale of a firearm is to an individual who is the plaintiff in a protection from abuse or protection from harassment proceeding, if the sale is between family members, if the firearm being sold is a curio, relic or antique firearm or if the sale does not require a background check under federal or state law.

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 2238

LR 2973(03)

An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

Fiscal Note for Bill as Amended by Committee Amendment "B'ls. 6&5)
Committee: Judiciary
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 fines will increase General Fund or other dedicated revenue by minor amounts.