



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1276

S.P. 396

In Senate, March 14, 2019

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN, L. of Cumberland. (BY REQUEST)
Cosponsored by Representatives: GATTINE of Westbrook, HUBBELL of Bar Harbor,
MEYER of Eliot.

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

2 **Sec. 1. 15 MRSA §394** is enacted to read:

3 **§394. Background checks of firearm buyers**

4 **1. Requirement.** If neither the seller nor buyer in a transaction involving the
5 transfer or sale of a firearm, as defined in Title 17-A, section 2, subsection 12-A, is a
6 federally licensed firearms dealer, referred to in this section as "the dealer," the
7 transaction must be facilitated by such a dealer. The dealer shall perform a background
8 check of the buyer in the same manner as if the dealer were the seller of the firearm that
9 is the subject of the transaction. If the background check reveals that the buyer is
10 prohibited from purchasing a firearm, the dealer shall notify the seller of that fact. The
11 dealer may charge a reasonable fee for serving as the facilitator.

12 **2. Limitations.** This section applies only to transactions in which:

13 A. The seller offers to sell or transfer the firearm at a gun show, event or function:

14 (1) The purpose of which is to facilitate the purchase and sale of firearms;

15 (2) At which 3 or more vendors of firearms offer firearms for sale; and

16 (3) At which 25 or more firearms are offered for sale; or

17 B. Pursuant to an advertisement, posting, display or other listing on the Internet or in
18 a publication, the seller offers to sell or transfer, or indicates an intent to sell or
19 transfer, a firearm.

20 **SUMMARY**

21 This bill requires background checks of purchasers of firearms for all private sales at
22 gun shows or private sales resulting from advertising or marketing.