



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1154

H.P. 817

House of Representatives, March 23, 2017

**An Act To Provide a Voluntary Method of Determining Whether a
Purchaser of a Firearm Is Prohibited from Possessing a Firearm
without a Background Check**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative CASÁS of Rockport.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: HANINGTON of Lincoln, HUBBELL of Bar Harbor, Senators:
CARPENTER of Aroostook, GRATWICK of Penobscot.

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

2 **Sec. 1. 15 MRSA §393, sub-§12** is enacted to read:

3 **12. Notification to Secretary of State of disqualification.** The court, a law
4 enforcement agency, the Attorney General, a prosecutor or the commissioner shall notify
5 the Office of the Secretary of State of a disqualification of a person to own, possess or
6 have in that person's control a firearm pursuant to this section. If relief from that
7 disqualification is subsequently granted, the granting authority shall notify the Secretary
8 of State of that relief.

9 **Sec. 2. 25 MRSA §2014** is enacted to read:

10 **§2014. Prequalification for sales of firearms**

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

13 A. "Buyer" means a person who receives or intends to receive a firearm in a sale.

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

15 C. "Firearm dealer" means a person that holds any federal firearms license under 18
16 United States Code, Section 923(a).

17 D. "Person" means an individual, corporation, partnership, firm, trust, organization
18 or other legal entity.

19 E. "Prequalified state identification card" means a state identification card that has
20 been marked as prequalified by the Secretary of State pursuant to Title 29-A, section
21 1413.

22 F. "Sell" means to sell, furnish, give, lend, deliver or otherwise provide with
23 consideration.

24 G. "Seller" means a person who delivers or intends to deliver a firearm in a sale.

25 H. "State identification card" means an unexpired and otherwise valid driver's license
26 or nondriver identification card issued by the Secretary of State on or after January 1,
27 2018.

28 I. "Unlicensed person" means any person who is not a firearm dealer.

29 **2. Sale of firearm to resident with valid prequalified state identification card.** A
30 seller may request a buyer to present proof that the buyer is not disqualified from
31 purchasing a firearm. A buyer may present a prequalified state identification card as
32 proof that the buyer is not disqualified from purchasing a firearm.

33 This subsection may not be construed to require a background check to be conducted for
34 a sale between unlicensed persons.

35 **Sec. 3. 29-A MRSA §1413** is enacted to read:

1 Beginning in 2018, an applicant for a driver's license or nondriver identification card
2 may request the Secretary of State to verify whether the applicant is disqualified from
3 possessing a firearm. If the applicant is not disqualified, the Secretary of State must
4 indicate that through the use of a permanent mark or some other discreet indicia on the
5 back of the license or identification card. The Secretary of State is required to conduct a
6 public awareness program to inform the public of this method of determining whether the
7 holder of a driver's license or nondriver identification card is qualified to possess a
8 firearm.