1	L.D. 1276
2	Date: (Filing No. S- )
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	129TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT " " to S.P. 396, L.D. 1276, Bill, "An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms"
11	Amend the bill in section 1 in §394 by inserting after subsection 2 the following:
12 13	'3. Exemptions. The provisions of this section do not apply to a transfer or sale of a firearm between persons who are not federally licensed firearms dealers if:
14 15 16 17 18	A. The firearm is a curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the transfer or sale is between collectors of firearms as curios or relics, as defined by 18 United States Code, Section 921(a)(13), who both have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives;
19 20	B. The transfer or sale is of an antique firearm, as defined in 18 United States Code, Section 921(a)(16);
21 22	C. Either the transferor or seller or the transferee or buyer is a law enforcement agency or the Department of Corrections; or
23 24	D. To the extent the transferor or seller is acting within the course of the transferor's or seller's employment or official duties, the transferor or seller is:
25	(1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;
26	(2) A corrections officer as defined by Title 25, section 2801-A, subsection 2;
27	(3) A member of the United States Armed Forces;
28	(4) A member of the National Guard;
29	(5) A member of the Reserves of the United States Armed Forces;
30	(6) A federal law enforcement officer; or

1	(7) A person licensed as a security guard under Title 32, chapter 93 or employed
2	by a contract security company or proprietary security organization under Title
3	32, chapter 93.
4	4. Violations. A person who knowingly transfers or sells a firearm in violation of
5	this section commits:
6	A. For a transfer or sale of one or more firearms that is the transferor's or seller's first
7	violation of this section, a civil violation for which a fine of not more than \$1,000
8	may be imposed; and
9	B. For a transfer or sale of one or more firearms when at the time of the offense the
10	transferor or seller has one or more convictions for a violation of this section or a
11	comparable conviction under the laws of another jurisdiction, a Class D crime.'
12	Amend the bill by relettering or renumbering any nonconsecutive Part letter or
13	section number to read consecutively.
14	SUMMARY
15	This amendment is the majority report of the committee. The amendment adds to the
16	bill exemptions to the requirement that a federally licensed firearms dealer perform a
17	background check for a transfer or sale of a firearm under specific listed circumstances.
18	The amendment provides that the first offense for knowingly transferring or selling a
19	firearm in violation of the new provision is a civil violation for which the penalty is a fine
20	of up to \$1,000. The amendment designates subsequent offenses as Class D crimes.
21	FISCAL NOTE REQUIRED
22	(See attached)