

128th MAINE LEGISLATURE

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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.

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: |
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| 2 | Sec. 1. 15 MRSA §393, sub-§12 is enacted to read: |
| 3 4 5 6 7 8 | 12. Notification to Secretary of State of disqualification. The court, a law enforcement agency, the Attorney General, a prosecutor or the commissioner shall notify the Office of the Secretary of State of a disqualification of a person to own, possess or have in that person's control a firearm pursuant to this section. If relief from that disqualification is subsequently granted, the granting authority shall notify the Secretary of State of that relief. |
| 9 | Sec. 2. 25 MRSA §2014 is enacted to read: |
| 10 | §2014. Prequalification for sales of firearms |
| 11 12 | 1. Definitions. As used in this section, unless the context otherwise indicates, the 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 16 | C. "Firearm dealer" means a person that holds any federal firearms license under 18 United States Code, Section 923(a). |
| 17 18 | D. "Person" means an individual, corporation, partnership, firm, trust, organization or other legal entity. |
| 19 20 21 | E. "Prequalified state identification card" means a state identification card that has been marked as prequalified by the Secretary of State pursuant to Title 29-A, section 1413. |
| 22 23 | F. "Sell" means to sell, furnish, give, lend, deliver or otherwise provide with consideration. |
| 24 | G. "Seller" means a person who delivers or intends to deliver a firearm in a sale. |
| 25 26 27 | H. "State identification card" means an unexpired and otherwise valid driver's license or nondriver identification card issued by the Secretary of State on or after January 1, 2018. |
| 28 | I. "Unlicensed person" means any person who is not a firearm dealer. |
| 29 30 31 32 | 2. Sale of firearm to resident with valid prequalified state identification card. A seller may request a buyer to present proof that the buyer is not disqualified from purchasing a firearm. A buyer may present a prequalified state identification card as proof that the buyer is not disqualified from purchasing a firearm. |
| 33 34 | This subsection may not be construed to require a background check to be conducted for a sale between unlicensed persons. |
| 35 | Sec. 3. 29-A MRSA §1413 is enacted to read: |

1 §1413. Indication of qualification to possess a firearm

2 **1.** Determination of disgualification; indicia; notice. Beginning January 1, 2018, 3 upon request of an applicant for a driver's license or nondriver identification card, the 4 Secretary of State shall determine whether the applicant for the issuance or renewal of a 5 license or nondriver identification card is disqualified from possessing a firearm under state or federal law. If the applicant is determined not to be disqualified, the Secretary of 6 7 State shall place a permanent mark on the back of the license indicating the holder's 8 qualification. If the Secretary of State determines that the applicant is disqualified from possessing a firearm, the Secretary of State shall notify the applicant of this 9 10 determination.

As used in this section, "firearm" has the same meaning as in Title 17-A, section 2,
<u>subsection 12-A.</u>

13 2. Disqualification following issuance of license or nondriver identification card. If the Secretary of State is notified pursuant to Title 15, section 393, subsection 12 that 14 the holder of a license or nondriver identification card who has previously been qualified 15 pursuant to subsection 1 is prohibited from possessing a firearm pursuant to Title 15, 16 17 section 393 or any other state or federal law, the Secretary of State shall provide written notice to the holder. The holder shall surrender the holder's license or nondriver 18 identification card immediately, and the Secretary of State shall issue a new license or 19 20 nondriver identification card that complies with the requirements of this section.

3. Public awareness. The Secretary of State shall conduct a statewide public
awareness program to provide effective education and outreach to promote the
requirements of this section, including how to determine whether the holder of a license
or nondriver identification card is qualified to possess a firearm.

25 Sec. 4. Rulemaking. The Secretary of State shall adopt routine technical rules in 26 accordance with the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to 27 implement the requirements of Title 29-A, section 1413, including the development of 28 discreet indicia to designate that the holder of the driver's license or nondriver 29 identification card is qualified to possess a firearm.

- 30 Sec. 5. Effective date. This Act takes effect January 1, 2018.
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SUMMARY

32 This bill establishes a voluntary method of establishing that a person is not disqualified from possessing a firearm without the need for a criminal background check 33 34 at the time of the sale. This bill allows an individual who is not a licensed firearm 35 dealer, when selling a firearm, to request proof that the buyer is not disqualified from possessing a firearm. The buyer may present a Maine driver's license or nondriver 36 37 identification card that has been issued by the Secretary of State that contains indicia of 38 the holder's qualification to possess a firearm as acceptable proof, without the need for a 39 criminal background check.

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