

Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 874, L.D. 1240, Bill, “An Act To Promote the Safe Use and Sale of Firearms”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

§394. Sale or transfer of firearms to prohibited person

1. Unlawful sale or transfer. A person is guilty of selling or transferring a firearm to a prohibited person if that person intentionally or knowingly sells or transfers a firearm to a person that the seller or transferor knows or believes is prohibited from possessing a firearm under section 393.

2. Penalty. A violation of this section is a Class D crime.

Sec. 2. 15 MRSA §455, sub-§2, as enacted by PL 2003, c. 452, Pt. H, §1 and affected by Pt. X, §2, is amended to read:

2. False or fictitious name. A person may not give a false or fictitious name to a dealer. A person who violates this subsection commits a civil violation for which a fine of ~~\$50 may~~ **\$1,000 must** be adjudged.

Sec. 3. Study group to review and make recommendations regarding the "blue paper" process related to persons who are temporarily prohibited from possessing firearms. The Chief of the State Police shall convene a study group to review and make recommendations regarding the so-called blue paper process for persons admitted to a psychiatric hospital on an emergency basis pursuant to the Maine Revised Statutes, Title 34-B, section 3863 who are temporarily prohibited from possessing firearms. The Chief of the State Police shall invite representatives from the following to participate in this review: the Office of the Attorney General, the Department of Health and Human Services, the Maine Prosecutors Association, the Disability Rights Center and any other interested parties that the Chief of the State Police determines appropriate. The Chief of the State Police shall report the recommendations

COMMITTEE AMENDMENT

1 of the study group to the Joint Standing Committee on Criminal Justice and Public Safety
2 by January 30, 2014. Following receipt of the report, the Joint Standing Committee on
3 Criminal Justice and Public Safety may report out a bill to the Second Regular Session of
4 the 126th Legislature.

5 **Sec. 4. Maine Revised Statutes headnote amended; revision clause.** In the
6 Maine Revised Statutes, Title 15, chapter 15, in the chapter headnote, the words
7 "possession of firearms by prohibited persons" are amended to read "possession of
8 firearms by prohibited persons and unlawful sale or transfer of firearms to prohibited
9 persons" and the Revisor of Statutes shall implement this revision when updating,
10 publishing or republishing the statutes.'

11 SUMMARY

12 This amendment replaces the bill and is the minority report. The amendment does
13 the following.

14 1. It creates the Class D crime of the sale or transfer of a firearm to a prohibited
15 person. A person is guilty of this crime if that person intentionally or knowingly sells or
16 transfers a firearm to another person that the seller or transferor knows or believes is
17 prohibited from possessing a firearm.

18 2. It increases the penalty from \$50 to \$1,000 for the civil violation of giving a false
19 or fictitious name to a firearms dealer.

20 3. It creates a study group to be convened by the Chief of the State Police to review
21 and make recommendations regarding the current “blue paper” process as it relates to
22 persons who are temporarily prohibited from possessing firearms. Representatives from
23 the following are invited to participate in this review: the Office of the Attorney General,
24 the Department of Health and Human Services, the Maine Prosecutors’ Association, the
25 Maine Disability Rights Center and any other interested parties that the Chief of the State
26 Police determines appropriate. The study group shall report its recommendations to the
27 Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2014.
28 Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public
29 Safety may report out a bill to the Second Regular Session of the 126th Legislature.

30 FISCAL NOTE REQUIRED

31 (See attached)