



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1099

S.P. 331

In Senate, March 5, 2019

An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm

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 CARSON of Cumberland.
Cosponsored by Senators: BREEN of Cumberland, GRATWICK of Penobscot, LIBBY of Androscoggin, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland,
Representatives: BRENNAN of Portland, FARNSWORTH of Portland, TUCKER of Brunswick.

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

2 **Sec. 1. 25 MRSA §2015** is enacted to read:

3 **§2015. Waiting period after sale of firearm**

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

6 A. "Agreement" means when a buyer and a seller reach an agreement for the
7 purchase and the sale of a firearm.

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

9 C. "Firearm dealer" means a person that is licensed as a dealer under 18 United
10 States Code, Section 923 or that is required to be licensed as a dealer under that
11 section.

12 **2. Waiting period.** A person may not knowingly deliver a firearm pursuant to a sale
13 without withholding delivery of the firearm for at least 72 hours after agreement.

14 **3. Penalty.** This subsection applies to violations of subsection 2.

15 A. A person that violates subsection 2 commits a civil violation for which a fine of
16 not less than \$200 and not more than \$500 may be adjudged.

17 B. A person that violates subsection 2 after having previously been adjudicated as
18 violating subsection 2 commits a civil violation for which a fine of not less than \$500
19 and not more than \$1,000 may be adjudged.

20 **4. Application.** This section does not apply to:

21 A. The sale of a firearm if the seller knows that the person to whom the seller is
22 selling the firearm is:

23 (1) A law enforcement officer; or

24 (2) A person who desires to purchase a firearm for use in promoting the public
25 interest incidentally to the person's employment as a bank guard or armed truck
26 guard or as a similar type of employee; or

27 B. The sale of a firearm to a firearm dealer.

28 A firearm dealer is subject to the requirements of conducting national instant criminal
29 background checks under 18 United States Code, Section 922(t).

30 **SUMMARY**

31 This bill requires a 72-hour waiting period between an agreement for the purchase
32 and sale of a firearm and its delivery to the purchaser and makes violation of the waiting
33 period a civil violation with a \$200 to \$500 fine for the first violation and a \$500 to
34 \$1,000 fine for a subsequent violation.