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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1219, L.D. 1821, “An Act to Ensure Responsible Business Practices by Licensed Firearms Dealers”

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

**'Sec. 1. 15 MRSA c. 19** is enacted to read:

**CHAPTER 19**

**FIREARM DEALER RESPONSIBLE BUSINESS PRACTICES ACT**

**§501. Short title**

This chapter may be known and cited as "the Firearm Dealer Responsible Business Practices Act."

**§502. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

- 1. ATF. "ATF" means the federal Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives or its successor agency.
- 2. Department. "Department" means the Department of Public Safety.
- 3. Federally licensed firearms dealer. "Federally licensed firearms dealer" has the same meaning as in section 395, subsection 1, paragraph E.
- 4. Firearm. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.
- 5. Gun show. "Gun show" has the same meaning as in section 395, subsection 1, paragraph G.

**COMMITTEE AMENDMENT**

1           **6. Law enforcement officer.** "Law enforcement officer" has the same meaning as in  
2 Title 25, section 2801-A, subsection 5.

3           **7. Straw purchase.** "Straw purchase" means the purchase or attempted purchase by  
4 a person of a firearm or ammunition for a firearm on behalf of or for the use of another  
5 person known or unknown. "Straw purchase" does not include a purchase or attempted  
6 purchase for the purpose of making a bona fide gift to a person who is not prohibited from  
7 possessing or receiving the firearm or ammunition. For purposes of this subsection, a gift  
8 is not a bona fide gift if the person offers or gives the purchaser a service or thing of value  
9 to acquire the firearm for the person.

10           **8. Transaction.** "Transaction" means the transfer of ownership of a firearm from a  
11 seller to a buyer.

12           **§503. Security**

13           A federally licensed firearms dealer shall take reasonable steps to prevent loss or theft  
14 of firearms by adopting the following minimum security measures:

15           **1. Business or firearms unattended.** Whenever the place of business or firearms are  
16 unattended, ensuring that the place of business is secure through the use of controls such  
17 as door locks, window locks, alarms and window bars or ensuring that firearms are secure  
18 through the use of a safe or other locking device; and

19           **2. Other security measures.** Any other reasonable and effective security measures  
20 designed to reduce the risk of theft.

21           **§504. Employee vetting and training**

22           **1. Background checks on employees required.** A federally licensed firearms dealer  
23 may not employ a person to handle, sell or deliver firearms unless the person is at least 18  
24 years of age and is not prohibited from possessing a firearm under state or federal law as  
25 determined by a background check using a background check entity authorized by the  
26 department. This background check must be completed every 2 years.

27           **2. Approved federally licensed firearms dealer employee training.** The department  
28 shall provide on its publicly accessible website a list of approved employee training courses  
29 and materials for use by federally licensed firearms dealers. The approved training courses  
30 must address, at a minimum, the following topics:

31           A. Federal and state laws governing firearm transactions;

32           B. How to recognize, identify, respond to and report straw purchases, illegal purchases  
33 and fraudulent activity;

34           C. How to recognize, identify, respond to and report individuals who intend to use  
35 firearms for unlawful purposes, including self-harm;

36           D. How to prevent, respond to and report theft or burglary of firearms and ammunition;

37           E. How to educate customers on gun safety practices, including but not limited to the  
38 safe handling and storage of firearms and ammunition; and

39           F. Any other responsible business practice identified by the department.

40           **3. Prohibition.** A federally licensed firearms dealer and a federally licensed firearms  
41 dealer's employee may not participate in the sale or disposition of firearms unless the

1 federally licensed firearms dealer and federally licensed firearms dealer's employee have  
2 completed the training described in subsection 2 within 30 days of initial employment and  
3 every 2 years thereafter.

4 **§505. Maintenance of records**

5 **1. Record of purchase.** A federally licensed firearms dealer shall establish and  
6 maintain a written or electronic record of purchases, sales, acquisitions and dispositions, as  
7 required by 27 Code of Federal Regulations, Section 478.125. The records must, at a  
8 minimum, include the make, model, caliber or gauge, manufacturer's name and serial  
9 number of all firearms that the federally licensed firearms dealer acquires or disposes of no  
10 later than one business day after the acquisition or disposal. Physical copies of written  
11 records must be created at least monthly and stored in a secure container designed to  
12 prevent loss by fire, theft or flood. Electronic records must be backed up on an external  
13 server or over the Internet at the close of each business day.

14 **2. Federal form required.** A federally licensed firearms dealer shall retain all ATF  
15 Form 4473 records on the federally licensed firearms dealer's premises, as required by 27  
16 Code of Federal Regulations, Section 478.129. The records must be stored in a secure  
17 container designed to prevent loss by fire, theft or flood.

18 **3. Record of inventory.** A federally licensed firearms dealer shall account for all  
19 firearms acquired but not yet disposed of in a monthly inventory check and shall maintain  
20 records of such checks in a secure location.

21 **4. Record of criminal firearm trace.** A federally licensed firearms dealer shall  
22 maintain records of all criminal firearm traces initiated by the ATF.

23 **5. Records confidential.** Notwithstanding any provision of law to the contrary,  
24 information contained in the records maintained under this section is confidential and may  
25 not be disclosed to any person.

26 **6. Inspection of records.** Notwithstanding subsection 5, a federally licensed firearms  
27 dealer shall permit law enforcement officers to inspect the records required to be  
28 maintained under this section during regular business hours.

29 **§506. Reporting**

30 **1. Transactions involving more than one pistol or revolver.** A federally licensed  
31 firearms dealer shall report a transaction involving more than one pistol or revolver to a  
32 law enforcement agency, as required by 27 Code of Federal Regulations, Section 478.126a.

33 **2. Thefts and losses.** A federally licensed firearms dealer shall report a theft or loss  
34 within 48 hours of discovery to a law enforcement agency, as required by 27 Code of  
35 Federal Regulations, Section 478.39a.

36 **§507. Compliance**

37 **1. Certification.** A federally licensed firearms dealer shall, at least annually, certify  
38 to the department in a form designed by the department that the federally licensed firearms  
39 dealer is in compliance with the requirements of this chapter.

40 **2. Inspections.** A federally licensed firearms dealer shall provide the department with  
41 full access to the federally licensed firearms dealer's premises for an inspection. The  
42 department may conduct an inspection of a federally licensed firearms dealer's premises

1 during the premises' regular business hours to determine compliance by the federally  
2 licensed firearms dealer with the requirements of this chapter.

3 **3. Report.** The department shall, beginning January 15, 2027, prepare and publish on  
4 its publicly accessible website an annual report providing information on the number of  
5 federally licensed firearms dealers that submitted compliance certification forms, a  
6 summary of any inspections or investigations conducted that does not identify any federally  
7 licensed firearms dealer and any other information that the department considers necessary  
8 and appropriate.

9 **4. False certification; penalty.** A federally licensed firearms dealer may not  
10 intentionally or knowingly falsify the information in or contents of the compliance  
11 certification form required by subsection 1. Notwithstanding section 508, a person who  
12 violates this subsection commits a civil violation for which a fine of not more than \$1,000  
13 may be adjudged.

14 **§508. Violations**

15 The following penalties apply to violations of this chapter.

16 **1. First violation.** A federally licensed firearms dealer who violates any provision of  
17 this chapter commits a civil violation for which a fine of not less than \$100 and not more  
18 than \$500 may be adjudged.

19 **2. Subsequent violations.** A federally licensed firearms dealer who violates any  
20 provision of this chapter after having been adjudicated as having committed one or more  
21 civil violations under this chapter or for engaging in substantially similar conduct to that  
22 contained in this chapter in another jurisdiction within the previous 5-year period commits  
23 a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be  
24 adjudged.

25 **§509. Notice to purchasers upon sale of firearm**

26 **1. Department to create signs.** The department shall create and maintain a set of  
27 standardized posters that are accessible by federally licensed firearms dealers on the  
28 department's publicly accessible website and that contain the following notices:

29 A. "ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE  
30 A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU  
31 MAY BE SUBJECT TO A FINE, IMPRISONMENT OR BOTH.

32 KEEP FIREARMS AND AMMUNITION SEPARATE.

33 KEEP FIREARMS AND AMMUNITION LOCKED UP.

34 USE TRIGGER LOCKS, CABLE LOCKS, A LOCKBOX OR A SAFE.

35 PER STATE LAW, STORE STAFF MUST OFFER TO DEMONSTRATE THE USE  
36 OF THESE SAFETY DEVICES.";

37 B. A notice prescribed by the department that informs purchasers of the background  
38 check requirements of section 395 and the waiting period requirements of Title 25,  
39 section 2016;

40 C. "Firearm suicide is the most common type of gun fatality. If you or a loved one is  
41 experiencing distress or depression or is contemplating suicide, please call [insert the  
42 telephone number for mental health assistance] to find your nearest Maine Crisis

1 Receiving Center or call the National Suicide Prevention Lifeline at [insert the  
2 telephone number for lifeline]."; and

3 D. Information relating to the availability of local voluntary firearm safety programs.

4 **2. Posting required.** The posters created and maintained by the department under  
5 subsection 1 must be posted at all entrances of a gun show and by a federally licensed  
6 firearms dealer at all firearm points of sale.

7 **3. Violation.** A federally licensed firearms dealer or gun show operator who fails to  
8 post the posters required by this section commits a civil violation for which a fine of not  
9 more than \$200 may be adjudged.

10 **§510. Resources for federally licensed firearms dealers**

11 The department shall establish a page on the department's publicly accessible website  
12 and post and regularly update on the page the following information:

13 **1. Authorized background check entities.** Links to authorized entities for  
14 background checks approved by the department pursuant to section 504, subsection 1;

15 **2. Authorized training materials.** Links to authorized training materials approved  
16 by the department pursuant to section 504, subsection 2;

17 **3. Certification form.** A link to the annual compliance certification form described  
18 in section 507, subsection 1; and

19 **4. Authorized posters.** Links to authorized posters to be posted at gun show entrances  
20 and firearm points of sale as required by section 509, subsection 2.

21 **Sec. 2. 25 MRSA §2012, sub-§2, ¶B,** as enacted by PL 1991, c. 127, is amended  
22 to read:

23 B. Offer to demonstrate to the purchaser the use of a trigger locking device, cable lock,  
24 gun safe or lockbox; and

25 **Sec. 3. Appropriations and allocations.** The following appropriations and  
26 allocations are made.

27 **PUBLIC SAFETY, DEPARTMENT OF**

28 **State Police 0291**

29 Initiative: Provides funding for one State Police Sergeant position, 3 State Police Detective  
30 positions, one Management Analyst I position, one State Police Lieutenant position and  
31 related All Other costs to develop and administer a process related to minimum security  
32 requirements for firearms dealers.

33 <b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
34 POSITIONS - LEGISLATIVE COUNT	0.000	6.000
35 Personal Services	\$0	\$698,500
36 All Other	\$0	\$40,701
37		
38 GENERAL FUND TOTAL	\$0	\$739,201

39		
40 <b>HIGHWAY FUND</b>	<b>2025-26</b>	<b>2026-27</b>

1	Personal Services	\$0	\$376,115
2	All Other	\$0	\$21,916
3			
4	HIGHWAY FUND TOTAL	<u>\$0</u>	<u>\$398,031</u>

5

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
7 number to read consecutively.

8

**SUMMARY**

9 This amendment replaces the bill. It removes from the bill references to the Office of  
10 Violence Prevention and clarifies the security requirements in the bill for the premises of a  
11 federally licensed firearms dealer. The amendment provides that a background check  
12 performed on an employee of a firearms dealer must be completed by an entity approved  
13 by the Department of Public Safety rather than the Federal Bureau of Investigation. The  
14 amendment creates a civil violation for false certification of required reporting data.  
15 Finally, the amendment requires the Department of Public Safety to post resources on the  
16 department's publicly accessible website, including links to authorized entities for  
17 background checks, links to authorized training materials, links to required posters to be  
18 posted at gun shows and firearm points of sale and a link to the annual compliance form.

19

**FISCAL NOTE REQUIRED**

20

**(See attached)**