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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 745, L.D. 1126, “An Act Requiring Serial Numbers on Firearms and Prohibiting Undetectable Firearms”

Amend the bill by inserting before section 1 the following:

'**Sec. 1. 17-A MRSA §1060** is enacted to read:

§1060. Undetectable firearms prohibited

1. Definition. As used in this section, "undetectable firearm" means a firearm that can operate while in a form that is not as detectable as a security exemplar, as defined in 18 United States Code, Section 922(p)(2)(C), and that is constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun, as defined in 18 United States Code, Section 921(a)(30).

2. Undetectable firearms prohibited. A person may not:

A. Manufacture or cause to be manufactured within this State, import into this State or offer or expose for sale, sell or transfer an undetectable firearm; or

B. Intentionally or knowingly possess an undetectable firearm.

3. Violations. The following penalties apply to violations of this section.

A. A person who manufactures or causes to be manufactured within this State, who imports into this State or who offers or exposes for sale, sells or transfers an undetectable firearm commits a Class C crime.

B. A person who intentionally or knowingly possesses an undetectable firearm commits a Class D crime.'

Amend the bill by striking out all of section 5.

Amend the bill in section 6 in c. 253-A in §2037 by striking out all of subsection 1 (page 3, lines 11 to 28 in L.D.) and inserting the following:

'**1. Prohibited conduct.** A person may not:

COMMITTEE AMENDMENT

1 A. Intentionally or knowingly possess one or more unfinished frames or receivers
2 unless each unfinished frame or receiver has been imprinted with a serial number by a
3 federal firearms licensee pursuant to federal law or section 2039;

4 B. Intentionally or knowingly import into this State, transfer or offer to transfer an
5 unfinished frame or receiver unless the unfinished frame or receiver has been imprinted
6 with a serial number by a federal firearms licensee pursuant to federal law or section
7 2039;

8 C. Intentionally or knowingly purchase an unfinished frame or receiver imprinted with
9 a serial number without undergoing a background check pursuant to 18 United States
10 Code, Section 922(t) or Title 15, section 395;

11 D. Intentionally or knowingly possess one or more firearms or frames or receivers that
12 are not each imprinted with a serial number by a federal firearms licensee pursuant to
13 federal law or section 2039;

14 E. Intentionally or knowingly import into this State, transfer or offer to transfer a
15 firearm or frame or receiver that is not imprinted with a serial number by a federal
16 firearms licensee pursuant to federal law or section 2039; or

17 F. Intentionally or knowingly purchase a frame or receiver imprinted with a serial
18 number without undergoing a background check pursuant to 18 United States Code,
19 Section 922(t) or Title 15, section 395.'

20 Amend the bill in section 6 in c. 253-A in §2037 in subsection 2 in paragraph B by
21 inserting after subparagraph (5) the following:

22 '(6) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11,
23 as in effect on November 19, 2019;'

24 Amend the bill in section 6 in c. 253-A in §2037 in subsection 2 in paragraph B by
25 renumbering the subparagraphs to read consecutively.

26 Amend the bill in section 6 in c. 253-A in §2038 in the first indented paragraph in the
27 first line (page 4, line 22 in L.D.) by striking out the following: "October 1, 2026" and
28 inserting the following: 'January 1, 2027'

29 Amend the bill in section 6 in c. 253-A in §2038 in subsection 1 by striking out all of
30 paragraph A (page 4, lines 25 and 26 in L.D.) and inserting the following:

31 'A. For a first offense, commits a civil violation for which a fine of not more than \$50
32 may be adjudged;'

33 Amend the bill in section 6 in c. 253-A in §2039 by striking out all of subsection 2
34 (page 5, lines 20 to 23 in L.D.) and inserting the following:

35 **2. Failure to make or retain records; violation.** A person who violates subsection
36 1, paragraph D:

37 A. For a first offense, commits a civil violation for which a fine of not more than \$250
38 may be adjudged;

39 B. For a 2nd offense, commits a civil violation for which a fine of not more than \$500
40 may be adjudged; and

41 C. For a 3rd or subsequent offense, commits a Class E crime.'

1 Amend the bill by inserting after section 6 the following:

2 **'Sec. 7. Appropriations and allocations.** The following appropriations and
 3 allocations are made.

4 **PUBLIC SAFETY, DEPARTMENT OF**

5 **State Police 0291**

6 Initiative: Provides funding for one State Police Lieutenant position, one State Police
 7 Sergeant position, 3 State Police Detective positions, 2 Management Analyst I positions,
 8 technology costs and related costs to develop rules related to attaching serial numbers on
 9 privately manufactured firearms within United States Department of Justice, Bureau of
 10 Alcohol, Tobacco, Firearms and Explosives guidelines, consulting with the Bureau of
 11 Alcohol, Tobacco, Firearms and Explosives and performing training on the rules.

12	GENERAL FUND	2025-26	2026-27
13	POSITIONS - LEGISLATIVE COUNT	7,000	7,000
14	Personal Services	\$557,901	\$577,623
15	All Other	\$58,272	\$45,947
16			
17	GENERAL FUND TOTAL	\$616,173	\$623,570

18			
19	HIGHWAY FUND	2025-26	2026-27
20	Personal Services	\$300,408	\$311,028
21	All Other	\$31,377	\$24,740
22			
23	HIGHWAY FUND TOTAL	\$331,785	\$335,768

24
 25 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 26 number to read consecutively.

27 **SUMMARY**

28 This amendment removes from the bill the Class C crime of knowingly possessing an
 29 undetectable firearm in a courthouse, on school property, in a voting place or in a place
 30 where municipal, county or state business is conducted. The amendment clarifies that the
 31 culpable state of mind for the prohibitions related to undetectable firearms is "intentionally
 32 or knowingly" and that possession of one or more undetectable firearms constitutes a single
 33 violation. The amendment adds an exception to the prohibition for possession of an
 34 undetectable firearm that is a curio or relic. The amendment changes the effective date from
 35 October 1, 2026 to January 1, 2027 for the penalties related to a violation of possessing,
 36 importing, transferring or offering to transfer or purchase a firearm without a serial number.
 37 The amendment reduces the penalty for failing to make a record of an imprinting to a fine
 38 of \$250 for a first offense, a fine of \$500 for a 2nd offense and a Class E crime for a 3rd or
 39 subsequent offense. The amendment also adds an appropriations and allocations section.

40 **FISCAL NOTE REQUIRED**

41 (See attached)