



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1821

H.P. 1219

House of Representatives, April 29, 2025

### **An Act to Ensure Responsible Business Practices by Licensed Firearms Dealers**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative KUHN of Falmouth.  
Cosponsored by Senator CARNEY of Cumberland and  
Representatives: DOUDERA of Camden, GRAMLICH of Old Orchard Beach, LEE of  
Auburn, MOONEN of Portland.

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

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

3 **CHAPTER 19**

4 **FIREARM DEALER RESPONSIBLE BUSINESS PRACTICES ACT**

5 **§501. Short title**

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

8 **§502. Definitions**

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

11 **1. ATF.** "ATF" means the federal Department of Justice, Bureau of Alcohol, Tobacco,  
12 Firearms and Explosives or its successor agency.

13 **2. Dealer.** "Dealer" has the same meaning as in section 395, subsection 1, paragraph  
14 E.

15 **3. Department.** "Department" means the Department of Public Safety.

16 **4. Firearm.** "Firearm" has the same meaning as in Title 17-A, section 2, subsection  
17 12-A.

18 **5. Gun show.** "Gun show" has the same meaning as in section 395, subsection 1,  
19 paragraph G.

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

22 **7. Office of Violence Prevention.** "Office of Violence Prevention" means the office  
23 established in Title 22, section 1427, subsection 1.

24 **8. Straw purchase.** "Straw purchase" means the purchase or attempted purchase by a  
25 person of a firearm or ammunition for a firearm on behalf of or for the use of another person  
26 known or unknown. "Straw purchase" does not include a purchase or attempted purchase  
27 for the purposes of making a bona fide gift to a person who is not prohibited from  
28 possessing or receiving the firearm or ammunition. For purposes of this subsection, a gift  
29 is not a bona fide gift if the person offers or gives the purchaser a service or thing of value  
30 to acquire the firearm for the person.

31 **9. Transaction.** "Transaction" means the transfer of ownership of a firearm from a  
32 seller to a buyer.

33 **§503. Security**

34 **1. Security measures required for firearm dealer.** The department shall, by rule,  
35 adopt standards specifying the minimum security requirements for dealers. Beginning July  
36 1, 2026, a dealer shall comply with the standards. The standards may require dealers to  
37 employ the following security measures:

1       A. An alarm system certified by a federal or state agency, a not-for-profit organization  
2       or another entity specializing in security alarm standards approved by the department  
3       for the purposes of this chapter. The rules must specify when the alarm system must be  
4       capable of being monitored by a central station as well as provide monitoring of all  
5       accessible openings and partial motion and sound detection at all other areas of the  
6       premises;

7       B. Site hardening, including locks on doors and windows;

8       C. Video surveillance, including video recording devices at each point of sale and each  
9       entrance and exit to the premises. The rules must require that any video surveillance  
10       system allow recordings from both indoor and outdoor vantage points and must require  
11       the maintenance of such recordings for a period of not less than 2 years; and

12       D. Other reasonable and effective security measures designed to reduce the risk of  
13       theft at a dealer's business establishment.

14       **2. Gun show applicability.** The department shall specify, by rule, which of the  
15       security measures in subsection 1 apply to gun shows.

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

17       **1. Background checks on employees required.** A dealer may not employ any person  
18       to handle, sell or deliver firearms unless the person is 18 years of age or older and is not  
19       prohibited from possessing a firearm under state or federal law as determined by a  
20       background check using the Federal Bureau of Investigation National Instant Criminal  
21       Background Check System.

22       **2. Employee training required.** A dealer shall provide the training developed by the  
23       department pursuant to subsection 3 to all new employees within 30 days of employment,  
24       to all existing employees within 90 days of the effective date of this chapter and to all  
25       employees annually thereafter.

26       **3. Department to develop firearm dealer employee training.** The department, with  
27       assistance from the Office of Violence Prevention, shall develop and make available to  
28       each dealer a training course on safe firearm transactions, including at a minimum the  
29       following:

30       A. Federal and state laws governing firearm transactions;

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

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

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

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

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

39       **4. Prohibition.** A dealer and a dealer's employee may not participate in the sale or  
40       disposition of firearms unless the dealer and dealer's employee have first received the  
41       training required by this section.

1       **5. Rulemaking.** The department shall adopt rules setting forth minimum requirements  
2 for the maintenance of records of the training required by this section.

3       **§505. Maintenance of records**

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

12       **2. Federal form required.** A dealer shall retain all ATF Form 4473 records on their  
13 premises for a minimum of 20 years, as required by 27 Code of Federal Regulations,  
14 Section 478.124. The records must be stored in a secure container designed to prevent loss  
15 by fire, theft or flood.

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

19       **4. Record of criminal firearm trace.** A dealer shall maintain records of all criminal  
20 firearm traces initiated by the ATF.

21       **5. Records confidential.** Notwithstanding any provision of law to the contrary,  
22 information contained in the records maintained under this section is confidential and may  
23 not be disclosed to any person other than a law enforcement officer acting in the  
24 performance of the officer's duties.

25       **6. Inspection of records.** A dealer shall permit law enforcement officers to inspect  
26 the records required to be maintained under this section during regular business hours.

27       **§506. Reporting**

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

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

34       **§507. Compliance**

35       **1. Certification.** A dealer shall, at least annually, certify to the department in a form  
36 designed by the department by rule that the dealer is in compliance with the requirements  
37 of this chapter.

38       **2. Inspections.** A dealer shall provide the department with full access to the dealer's  
39 premises for an inspection. The department shall adopt rules authorizing an inspection by  
40 the department of a dealer during regular business hours of the premises of the dealer to  
41 determine compliance by the dealer with the requirements of this chapter.

1       **3. Report.** The department shall, beginning January 15, 2026, prepare and publish on  
2       its publicly accessible website an annual report providing information on the number of  
3       dealers inspected annually, the number of dealers in compliance with requirements of this  
4       chapter, the number of dealers failing to comply with the requirements of this chapter and  
5       other information that the department considers necessary and appropriate.

6       **4. False certification; penalty.** A dealer may not falsify information or contents in  
7       the compliance report required by subsection 1. A person who violates this subsection  
8       commits a Class C crime.

9       **§508. Violations**

10      **1. Violation.** Except as otherwise specified, a person may not violate this chapter or a  
11      rule adopted pursuant to this chapter.

12      **2. Penalties.** The following penalties apply to violations of this section.

13      A. A dealer who violates any provisions in this chapter commits a civil violation for  
14      which a fine of no less than \$100 and no more than \$500 may be adjudged.

15      B. A dealer who violates any provision of this chapter after having been adjudicated  
16      as having committed one or more civil violations or for engaging in substantially  
17      similar conduct to that contained in this subsection in another jurisdiction within the  
18      previous 5-year period commits a civil violation for which a fine of no less than \$500  
19      and no more than \$1,000 may be adjudged.

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

21      **1. Notice required.** Except as provided in subsection 2, a dealer shall conspicuously  
22      post at each firearm point of sale a sign in a format to be prescribed by the department  
23      containing the following notices:

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

27      KEEP FIREARMS AND AMMUNITION SEPARATE.

28      KEEP FIREARMS AND AMMUNITION LOCKED UP.

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

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

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

35      C. "Firearm suicide is the most common type of gun fatality. If you or a loved one is  
36      experiencing distress or depression or is contemplating suicide, please call [insert the  
37      telephone number for mental health assistance] to find your nearest Maine Crisis  
38      Receiving Center or call the National Suicide Prevention Lifeline at [insert the  
39      telephone number for lifeline]."; and

40      D. The names, addresses and phone numbers of businesses or instructors that offer  
41      firearm safety courses.

**2. Gun shows.** The sign required by this section must be posted at all entrances of a gun show.

**3. Violation.** A dealer or gun show operator who fails to post the notices required by this section commits a civil violation for which a fine of no more than \$200 may be adjudged.

## **§510. Rulemaking**

The department may adopt rules necessary to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

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

## SUMMARY

This bill requires the Department of Public Safety to adopt rules specifying the minimum security requirements for firearm dealers including the requirement of alarm systems, record retention and site hardening. The bill also designates as a Class C crime falsifying a certification that a firearm dealer is in compliance with department minimum security rules. The bill also creates a civil violation for failure to comply with the minimum security requirements outlined in the bill. Finally, the bill requires firearm dealers and gun shows to post signs informing customers of the crime of endangering the welfare of a child, background check requirements, suicide prevention resources and firearm safety course information.