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**JUDICIARY**

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**STATE OF MAINE**

**SENATE**

**132ND LEGISLATURE**

**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 737, L.D. 1867, “An Act to Prohibit Financial Institutions from Using Merchant Category Codes to Identify or Track Firearm Purchases or Disclose Firearm Purchase Records”

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

'Sec. 1. 10 MRSA c. 239 is enacted to read:

**CHAPTER 239**

**IDENTIFYING AND TRACKING FIREARM PURCHASES**

**§1500-X. Identifying and tracking firearm purchases**

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

A. "Electronic payment transaction" means a transaction in which a person uses a payment card or payment method, or device issued or approved through a payment card network to debit a deposit account or use a line of credit, whether authorization is based on a signature, personal identification number or other means.

B. "Firearms code" means the merchant category code established by the International Organization for Standardization for firearms retailers.

C. "Firearms retailer" means any person or entity physically located in this State engaged in the lawful sale of firearms, ammunition or firearms accessories.

D. "Payment card" means a credit card, debit card, check card or other card that is issued to an authorized user to purchase or obtain goods, services, money or any other thing of value.

E. "Payment card acquirer" means a financial institution that establishes a relationship with a merchant for the purpose of accepting payment card transactions.

1 F. "Payment card issuer" means a lender, including a financial institution or a merchant,  
2 that receives an application for and issues payment cards to an individual.

3 G. "Payment card network" means an entity that directly or through a licensed member,  
4 processor or agent provides the proprietary services, infrastructure and software that  
5 route information and data to conduct debit card or credit card transaction  
6 authorization, clearance and settlement and that an entity uses in order to accept as a  
7 form of payment a brand of debit card, credit card or other device that may be used to  
8 carry out debit or credit transactions.

9 **2. Firearms code usage prohibited.** A payment card acquirer may not assign a  
10 firearms code to a merchant, and a payment card network may not require or permit a  
11 merchant to use a firearms code. For the purposes of the sale of firearms, ammunition and  
12 firearms accessories, a firearms retailer may not provide a firearms code to a payment card  
13 acquirer, payment card issuer or payment card network and may only use or be assigned a  
14 merchant category code for general merchandise retailers or sporting goods retailers for the  
15 purchase.

16 **3. Authority of Attorney General to investigate violations.** If the Attorney General  
17 has reasonable cause to believe that a person or entity has intentionally engaged in, is  
18 engaging in or is about to engage in a violation of this chapter, the Attorney General may  
19 examine witnesses and documents for the purpose of enforcing the provisions of this  
20 chapter. If the Attorney General believes a person under investigation for a violation of the  
21 provisions of this chapter may have information or be in possession, custody or control of  
22 any document or other tangible object relevant to the investigation, before the commencing  
23 of any court proceedings, the Attorney General may serve upon the person a written  
24 demand in the form of a subpoena or subpoena duces tecum to appear and be examined  
25 under oath and to produce the documents or objects for inspection and copying.

26 **4. Notice and opportunity to correct.** Upon a finding by the Attorney General that a  
27 person or entity has violated this chapter, the Attorney General shall give written notice to  
28 that person or entity, identifying the specific provisions of this chapter that are or were  
29 violated. The Attorney General may not bring an action against the person or entity if the  
30 person or entity:

31 A. Corrects the identified violation within 30 days of receiving written notice of the  
32 violation; and

33 B. Provides the Attorney General with:

34 (1) A written statement affirming that the person or entity has corrected the  
35 violation by making changes to the person's or entity's electronic payment  
36 transaction policies to prevent the recurrence of a violation of this chapter; and

37 (2) Supporting documentation to show how the violation was corrected.

38 **5. Enforcement; civil penalty; injunction.** The Attorney General has exclusive  
39 authority to enforce this chapter. The Attorney General may seek an injunction in Superior  
40 Court against any person or entity that is alleged to be in violation of this chapter and that  
41 fails to correct the violation in accordance with this chapter or is found to have intentionally  
42 breached a written statement provided to the Attorney General under this chapter. In  
43 addition to an injunction, the court may award other relief as the court considers  
44 appropriate, including the imposition of civil penalties, reasonable attorney's fees and costs.

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

**ATTORNEY GENERAL, DEPARTMENT OF THE  
Administration - Attorney General 0310**

Initiative: Provides funding for one part-time Assistant Attorney General position, one part-time Attorney General Detective position and related costs to enforce the provisions of this legislation.

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.500
Personal Services	\$0	\$177,510
All Other	\$0	\$7,500
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$185,010</b>

**Sec. 3. Effective date.** This Act takes effect January 1, 2026.'

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

**SUMMARY**

This amendment replaces the bill. The amendment prohibits a financial institution that establishes a relationship with a merchant for the purpose of accepting payment card transactions from assigning a firearms code to a merchant and prohibits a payment card network from requiring or permitting a merchant to use a firearms code. The amendment authorizes the Attorney General to investigate violations of this legislation and requires the Attorney General to give an opportunity to correct a violation for a person or entity who has been found by the Attorney General to be in violation of this legislation. The amendment authorizes the Attorney General to file a civil action to enforce this legislation and authorizes the court to issue an injunction or other relief. Finally, the amendment establishes an effective date of January 1, 2026.

**FISCAL NOTE REQUIRED**  
(See attached)