

CLAC MEMORANDUM/TESTIMONY  
LD 60 (Opposed)

TO: Senator Anne Beebe-Center  
Representative Suzanne Salisbury  
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)  
c/o [laura.yustak@maine.gov](mailto:laura.yustak@maine.gov)

RE: LD 60, An Act to Require a 72-hour Waiting Period After the Sale of a Firearm

DA: April 3, 2023

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The Criminal Law Advisory Commission (CLAC)\* respectfully submits the following testimony opposed to LD 60 because it is largely unenforceable as drafted, and offers the following drafting observations. CLAC is not taking a position with respect to the policy of requiring a waiting period.

Use of the term “firearm dealer” in the definitions, “person” in proposed subsections 2 and 3, and “seller” in proposed subsection 4 creates confusion regarding what persons are subject to the requirement—any person who sells a firearm, or only federally licensed firearms dealers?

The last sentence of the proposal appears to create an independent state requirement for federally licensed firearms dealers to conduct background checks. If this is intended, there should be an enforcement provision. This is currently a federal law requirement.

The application provision in proposed sub-paragraph 2015(4)(A)(2)—“promoting the public interest incidentally to the person’s employment as a bank guard or armed truck guard or as a similar type of employee” is vague; it would be difficult to identify the parameters of this description, or for the seller to make this determination based on the purchaser’s state or mind or future use.

A similar bill was proposed in the 129<sup>th</sup> Legislature in 2019 (LD 1099).

\*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature’s Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court’s Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.