

CHAPTER 17

MISCELLANEOUS PROVISIONS

§451. Felony defined

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §2 (RP).

§452. Limitations on prosecution

(REPEALED)

SECTION HISTORY

PL 1975, c. 499, §2 (RP).

§453. Detention at State Prison of dangerous persons

(REPEALED)

SECTION HISTORY

PL 1965, c. 356, §19 (AMD). PL 1969, c. 506, §1 (AMD). PL 1999, c. 583, §2 (RP).

§454. Murder or felony murder; filing copies of proceedings; expenses

Whenever any person is convicted of murder or felony murder, by jury verdict, court finding or court acceptance of a plea of guilty or nolo contendere, a copy, as applicable, of the transcript of the plea hearing, trial testimony and jury instructions, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be filed with the clerk of the court where that trial is held, and the expense for the transcript must be paid by the State. A copy, as applicable, of the transcript of the plea hearing, trial testimony and jury instructions, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent. [PL 2015, c. 431, §6 (AMD).]

SECTION HISTORY

PL 1971, c. 264 (AMD). PL 1977, c. 114, §26 (RPR). PL 1979, c. 663, §91 (AMD). PL 2007, c. 539, Pt. JJ, §6 (AMD). PL 2015, c. 431, §6 (AMD).

§455. Record of sales of firearms

1. Forms.

[PL 2017, c. 81, §1 (RP).]

1-A. Form. A firearms dealer may not refuse to show or refuse to allow inspection of the form a dealer must keep as prescribed by 18 United States Code, Section 923 to a law enforcement officer as defined in Title 17-A, section 2, subsection 17 upon presentation of a formal written request for inspection stating that the form relates to an active criminal investigation.

A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

[PL 2017, c. 81, §1 (NEW).]

2. False or fictitious name. A person may not give a false or fictitious name to a firearms dealer. A person who violates this subsection commits a civil violation for which a fine of \$50 may be adjudged.

[PL 2017, c. 81, §1 (AMD).]

3. Exception. This section does not apply to a firearms wholesaler who sells only to other firearms dealers or to a firearms manufacturer who sells only at wholesale.

[PL 2017, c. 81, §1 (AMD).]

SECTION HISTORY

PL 1979, c. 663, §92 (AMD). PL 1993, c. 185, §1 (AMD). PL 2003, c. 452, §H1 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2017, c. 81, §1 (AMD).

§455-A. Warning requirement upon sales of firearms

1. Posting of conspicuous warning. Except as provided in subsection 1-A, any commercial retail sales outlet that sells firearms shall conspicuously post at each purchase counter where firearms may be purchased the following warning in block letters not less than one inch in height:

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

KEEP FIREARMS AND AMMUNITION SEPARATE.

KEEP FIREARMS AND AMMUNITION LOCKED UP.

USE TRIGGER LOCKS."

[PL 1991, c. 450, §1 (AMD).]

1-A. Posting of warnings at gun shows. The warning sign as described in subsection 1 must be posted at all entrances of an organized gun show.

[PL 1991, c. 450, §2 (NEW).]

2. Violation. Any person who fails to post the warning in compliance with subsection 1, commits a civil violation for which a civil forfeiture of not more than \$200 may be adjudged.

[PL 1989, c. 809 (NEW).]

SECTION HISTORY

PL 1989, c. 809 (NEW). PL 1991, c. 450, §§1, 2 (AMD). PL 1991, c. 450, §§1,2 (AMD).

§456. Records of sales of used merchandise

(REPEALED)

SECTION HISTORY

PL 1971, c. 385 (NEW). PL 1973, c. 357 (RPR). PL 1979, c. 663, §93 (AMD). PL 1981, c. 232 (RPR). PL 2003, c. 582, §1 (RP).

§457. Open pretrial criminal proceeding

1. Definition of pretrial proceeding. As used in this section, the term "pretrial proceeding" means an appearance before the court at which both parties are present and motions are heard, witnesses testify or evidence is presented, when the appearance occurs after the beginning of the initial appearance of the accused and before the swearing in of the jury or, in a jury waived trial, before the calling of the first witness.

[PL 1979, c. 665 (NEW).]

2. Open proceedings. Except as provided by statute, the general public may not be excluded from a pretrial criminal proceeding at which the court hears a motion to exclude evidence from trial, unless the court finds a substantial likelihood that:

A. Injury or damage to the accused's right to a fair trial will result from conducting the proceeding in public; [PL 1979, c. 665 (NEW).]

B. Alternatives to closure will not protect the accused's right to a fair trial; and [PL 1979, c. 665 (NEW).]

C. Closure will protect against the perceived injury or damage. [PL 1979, c. 665 (NEW).]
[PL 1979, c. 665 (NEW).]

3. Exceptions. Nothing in this section may be construed:

A. To limit the powers of courts to maintain decorum by ordering unruly spectators removed from the courtroom, by reasonably limiting the number of spectators or by exercising similar powers of judges at common law; or [PL 1979, c. 665 (NEW).]

B. To require that a proceeding to determine the validity of a claim of evidentiary privilege as provided by the Maine Rules of Evidence be open to the public. [PL 1979, c. 665 (NEW).]
[PL 1979, c. 665 (NEW).]

SECTION HISTORY

PL 1979, c. 665 (NEW).

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