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H.P. 988

House of Representatives, March 29, 2011

An Act Relating to Locations where Concealed Weapons May Be Carried

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Representative WATERHOUSE of Bridgton, Senator TRAHAN of Lincoln and Representatives: CLARK of Millinocket, CRAFTS of Lisbon, DAVIS of Sangerville, HANLEY of Gardiner, MARTIN of Eagle Lake, McKANE of Newcastle, PLUMMER of Windham, SARTY of Denmark.

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

2 **Sec. 1. 12 MRSA §1803, sub-§7** is enacted to read:

3 **7. Exceptions.** Notwithstanding subsection 6 or any other rule-making authority, the
4 bureau may not may adopt rules that prohibit the following persons from carrying a
5 concealed firearm in the buildings or parts of buildings and other public property that are
6 under the bureau's jurisdiction:

7 A. A person to whom a valid permit to carry a concealed firearm has been issued
8 under Title 25, chapter 252. The person must have in that person's possession the
9 valid permit;

10 B. A person to whom a valid permit to carry a concealed firearm has been issued by
11 another state if a permit to carry a concealed firearm issued from that state has been
12 granted reciprocity under Title 25, chapter 252. The person must have in that
13 person's possession the valid permit;

14 C. An authorized federal, state or local law enforcement officer in the performance
15 of that officer's official duties;

16 D. A qualified law enforcement officer pursuant to 18 United States Code, Section
17 926B. The law enforcement officer must have in that law enforcement officer's
18 possession photographic identification issued by the law enforcement agency by
19 which the person is employed as a law enforcement officer;

20 E. A qualified retired law enforcement officer pursuant to 18 United States Code,
21 Section 926C. The retired law enforcement officer must have in the retired law
22 enforcement officer's possession:

23 (1) Photographic identification issued by the law enforcement agency from
24 which the person retired from service as a law enforcement officer that indicates
25 that the person has, not less recently than one year before the date the person
26 carries the concealed firearm, been tested or otherwise found by the agency to
27 meet the standards established by the agency for training and qualification for
28 active law enforcement officers to carry a firearm of the same type as the
29 concealed firearm; or

30 (2) Photographic identification issued by the law enforcement agency from
31 which the person retired from service as a law enforcement officer and a
32 certification issued by the state in which the person resides that indicates that the
33 person has, not less recently than one year before the date the person carries the
34 concealed firearm, been tested or otherwise found by that state to meet the
35 standards established by that state for training and qualification for active law
36 enforcement officers to carry a firearm of the same type as the concealed firearm;
37 and

38 F. A private investigator licensed under Title 32, chapter 89 who is actually
39 performing as a private investigator.

40 **Sec. 2. 12 MRSA §11212, sub-§1, ¶B,** as amended by PL 2005, c. 477, §9, is
41 further amended to read:

1 B. A person may not, while in or on a motor vehicle or in or on a trailer or other
2 type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow
3 or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip
4 or cylinder or a muzzle-loading firearm charged with powder, lead and a primed
5 ignition device or mechanism, except that ~~a person who has a valid Maine permit to~~
6 ~~carry a concealed weapon~~ the following persons may have in or on a motor vehicle or
7 trailer a loaded pistol or revolver ~~covered by that permit.;~~

8 (1) A person to whom a valid permit to carry a concealed firearm has been
9 issued under Title 25, chapter 252. The person must have in that person's
10 possession the valid permit;

11 (2) A person to whom a valid permit to carry a concealed firearm has been
12 issued by another state if a permit to carry a concealed firearm issued from that
13 state has been granted reciprocity under Title 25, chapter 252. The person must
14 have in that person's possession the valid permit;

15 (3) An authorized federal, state or local law enforcement officer in the
16 performance of the officer's official duties;

17 (4) A qualified law enforcement officer pursuant to 18 United States Code,
18 Section 926B. The law enforcement officer must have in the law enforcement
19 officer's possession photographic identification issued by the law enforcement
20 agency by which the person is employed as a law enforcement officer;

21 (5) A qualified retired law enforcement officer pursuant to 18 United States
22 Code, Section 926C. The retired law enforcement officer must have in the retired
23 law enforcement officer's possession:

24 (a) Photographic identification issued by the law enforcement agency from
25 which the person retired from service as a law enforcement officer that
26 indicates that the person has, not less recently than one year before the date
27 the person carries the concealed firearm, been tested or otherwise found by
28 the agency to meet the standards established by the agency for training and
29 qualification for active law enforcement officers to carry a firearm of the
30 same type as the concealed firearm; or

31 (b) Photographic identification issued by the law enforcement agency from
32 which the person retired from service as a law enforcement officer and a
33 certification issued by the state in which the person resides that indicates that
34 the person has, not less recently than one year before the date the person
35 carries the concealed firearm, been tested or otherwise found by that state to
36 meet the standards established by that state for training and qualification for
37 active law enforcement officers to carry a firearm of the same type as the
38 concealed firearm; and

39 (6) A private investigator licensed under Title 32, chapter 89 who is actually
40 performing as a private investigator.

41 **Sec. 3. 17-A MRS §1057, sub-§1, ¶A,** as enacted by PL 1989, c. 917, §2, is
42 amended to read:

1 A. ~~Not being a law enforcement officer or a private investigator licensed under Title~~
2 ~~32, chapter 89 and actually performing as a private investigator~~ Except as provided in
3 subsection 3-A, the person possesses any firearm on the premises of a licensed
4 establishment posted to prohibit or restrict the possession of firearms in a manner
5 reasonably likely to come to the attention of patrons, in violation of the posted
6 prohibition or restriction; or

7 **Sec. 4. 17-A MRSA §1057, sub-§3,** as enacted by PL 1989, c. 917, §2, is
8 repealed.

9 **Sec. 5. 17-A MRSA §1057, sub-§3-A** is enacted to read:

10 **3-A.** Notwithstanding subsection 1, paragraph A, a person may carry a firearm in a
11 licensed establishment only as follows:

12 A. When the firearm is a concealed firearm carried by a person to whom a valid
13 permit to carry a concealed firearm has been issued under Title 25, chapter 252. The
14 person must have in that person's possession the valid permit;

15 B. When the firearm is a concealed firearm carried by a person to whom a valid
16 permit to carry a concealed firearm has been issued by another state if a permit to
17 carry a concealed firearm issued from that state has been granted reciprocity under
18 Title 25, chapter 252. The person must have in that person's possession the valid
19 permit;

20 C. When the firearm is carried by an authorized federal, state or local law
21 enforcement officer in the performance of the officer's official duties;

22 D. When the firearm is a concealed firearm carried by a private investigator licensed
23 under Title 32, chapter 89 who is actually performing as a private investigator;

24 E. When the firearm is a concealed firearm carried by a qualified law enforcement
25 officer pursuant to 18 United States Code, Section 926B. The law enforcement
26 officer must have in the law enforcement officer's possession photographic
27 identification issued by the law enforcement agency by which the person is employed
28 as a law enforcement officer; or

29 F. When the firearm is a concealed firearm carried by a qualified retired law
30 enforcement officer pursuant to 18 United States Code, Section 926C. The retired
31 law enforcement officer must have in the retired law enforcement officer's
32 possession:

33 (1) Photographic identification issued by the law enforcement agency from
34 which the person retired from service as a law enforcement officer that indicates
35 that the person has, not less recently than one year before the date the person
36 carries the concealed firearm, been tested or otherwise found by the agency to
37 meet the standards established by the agency for training and qualification for
38 active law enforcement officers to carry a firearm of the same type as the
39 concealed firearm; or

40 (2) Photographic identification issued by the law enforcement agency from
41 which the person retired from service as a law enforcement officer and a

1 certification issued by the state in which the person resides that indicates that the
2 person has, not less recently than one year before the date the person carries the
3 concealed firearm, been tested or otherwise found by that state to meet the
4 standards established by that state for training and qualification for active law
5 enforcement officers to carry a firearm of the same type as the concealed firearm.

6 **Sec. 6. 25 MRSA §2001-A, sub-§2**, as amended by PL 2007, c. 555, §1, is
7 further amended to read:

8 **2. Exceptions.** The provisions of this section concerning the carrying of concealed
9 weapons do not apply to:

10 A. ~~Firearms~~ A firearm carried by a person to whom a valid permit to carry a
11 concealed firearm has been issued as provided in this chapter;

12 B. Disabling chemicals as described in Title 17-A, section 1002;

13 C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

14 D. ~~Law~~ A firearm carried by a law enforcement officers officer, a corrections
15 officers and officer or a corrections supervisors supervisor as permitted in writing by
16 their the officer's or supervisor's employer;

17 E. ~~Firearms~~ A firearm carried by a person engaged in conduct for which a state-
18 issued hunting or trapping license is required and possessing the required license, or
19 ~~firearms~~ a firearm carried by a resident person engaged in conduct expressly
20 authorized by Title 12, section 11108 and section 12202, subsection 1. This
21 paragraph does not authorize or permit the carrying of a concealed or loaded firearm
22 in a motor vehicle, except as provided by Title 12, section 11212, subsection 1,
23 paragraph B; and

24 F. A firearm carried by a person to whom a valid permit to carry a concealed firearm
25 has been issued by another state if a permit to carry a concealed firearm issued from
26 that state has been granted reciprocity. The Chief of the State Police may enter into
27 reciprocity agreements with any other states that meet the requirements of this
28 paragraph. Reciprocity may be granted to a permit to carry a concealed firearm
29 issued from another state if:

30 (1) The other state that issued the permit to carry a concealed firearm has
31 substantially equivalent or stricter requirements for the issuance of a permit to
32 carry a concealed firearm; and

33 (2) The other state that issued the permit to carry a concealed firearm observes
34 the same rules of reciprocity regarding a person issued a permit to carry a
35 concealed firearm under this chapter;

36 G. A firearm carried by an authorized federal, state or local law enforcement officer
37 in the performance of the officer's official duties;

38 H. A firearm carried by a qualified law enforcement officer pursuant to 18 United
39 States Code, Section 926B. The law enforcement officer must have in the law
40 enforcement officer's possession photographic identification issued by the law
41 enforcement agency by which the person is employed as a law enforcement officer;

1 I. A firearm carried by a qualified retired law enforcement officer pursuant to 18
2 United States Code, Section 926C. The retired law enforcement officer must have in
3 the retired law enforcement officer's possession:

4 (1) Photographic identification issued by the law enforcement agency from
5 which the person retired from service as a law enforcement officer that indicates
6 that the person has, not less recently than one year before the date the person
7 carries the concealed firearm, been tested or otherwise found by the agency to
8 meet the standards established by the agency for training and qualification for
9 active law enforcement officers to carry a firearm of the same type as the
10 concealed firearm; or

11 (2) Photographic identification issued by the law enforcement agency from
12 which the person retired from service as a law enforcement officer and a
13 certification issued by the state in which the person resides that indicates that the
14 person has, not less recently than one year before the date the person carries the
15 concealed firearm, been tested or otherwise found by that state to meet the
16 standards established by that state for training and qualification for active law
17 enforcement officers to carry a firearm of the same type as the concealed firearm;
18 and

19 J. A firearm carried by a private investigator licensed under Title 32, chapter 89 who
20 is actually performing as a private investigator.

21 **Sec. 7. 25 MRSA §2904, sub-§3** is enacted to read:

22 **3. Exceptions.** Notwithstanding subsections 1 and 2, neither the Commissioner of
23 Public Safety nor the officials of governmental units listed in subsection 2 may adopt
24 rules that prohibit the following persons from carrying a concealed firearm in the
25 buildings or parts of buildings and other public property that are under their respective
26 supervisions:

27 A. A person to whom a valid permit to carry a concealed firearm has been issued
28 under Title 25, chapter 252. The person must have in that person's possession the
29 valid permit;

30 B. A person to whom a valid permit to carry a concealed firearm has been issued by
31 another state if a permit to carry a concealed firearm issued from that state has been
32 granted reciprocity under Title 25, chapter 252. The person must have in that
33 person's possession the valid permit;

34 C. An authorized federal, state or local law enforcement officer in the performance
35 of the officer's official duties;

36 D. A qualified law enforcement officer pursuant to 18 United States Code, Section
37 926B. The law enforcement officer must have in the law enforcement officer's
38 possession photographic identification issued by the law enforcement agency by
39 which the person is employed as a law enforcement officer;

40 E. A qualified retired law enforcement officer pursuant to 18 United States Code,
41 Section 926C. The retired law enforcement officer must have in the retired law
42 enforcement officer's possession:

1 (1) Photographic identification issued by the law enforcement agency from
2 which the person retired from service as a law enforcement officer that indicates
3 that the person has, not less recently than one year before the date the person
4 carries the concealed firearm, been tested or otherwise found by the agency to
5 meet the standards established by the agency for training and qualification for
6 active law enforcement officers to carry a firearm of the same type as the
7 concealed firearm; or

8 (2) Photographic identification issued by the law enforcement agency from
9 which the person retired from service as a law enforcement officer and a
10 certification issued by the state in which the person resides that indicates that the
11 person has, not less recently than one year before the date the person carries the
12 concealed firearm, been tested or otherwise found by that state to meet the
13 standards established by that state for training and qualification for active law
14 enforcement officers to carry a firearm of the same type as the concealed firearm;
15 and

16 F. A private investigator licensed under Title 32, chapter 89 who is actually
17 performing as a private investigator.

18 **Sec. 8. 26 MRSA §595, sub-§5**, as enacted by PL 1987, c. 558, §1, is amended to
19 read:

20 **5. Dangerous weapons prohibited.** It is a Class D crime for any person, including,
21 but not limited to, security guards and persons involved in a labor dispute, strike or
22 lockout, to be armed with a dangerous weapon, as defined in Title 17-A, section 2,
23 subsection 9, at a site where applications for employment with an employer involved in a
24 labor dispute, strike or lockout are being received or where interviews of those job
25 applicants are being conducted or where medical examinations of those job applicants are
26 being performed-, except that a firearm may be carried under these circumstances only as
27 follows:

28 ~~A. A person holding a valid permit to carry a concealed firearm is not exempt from~~
29 ~~this subsection.~~

30 ~~B. A~~ When the firearm is carried by a security guard is exempt from this subsection
31 to the extent that federal laws or rules ~~required~~ require the security guard to be armed
32 with a dangerous weapon at such a site-;

33 ~~C. A public~~ When the firearm is carried by an authorized federal, state or local law
34 enforcement officer ~~is exempt from this subsection while on active duty in the public~~
35 service. in the performance of the officer's official duties;

36 ~~D. A~~ When the firearm is carried by a security guard employed by an employer
37 involved in a labor dispute, strike or lockout ~~may be present~~ at the location where
38 applications for employment with the employer will be accepted, interviews of those
39 applicants conducted or medical examinations of those applicants performed to the
40 extent permitted under Title 32, chapter 93. Nothing in this section may be construed
41 to extend or limit in any way the restrictions placed upon the location of private
42 security guards under Title 32, chapter 93-;

1 E. When the firearm is a concealed firearm carried by a person to whom a valid
2 permit to carry a concealed firearm has been issued under Title 25, chapter 252. The
3 person must have in that person's possession the valid permit;

4 F. When the firearm is a concealed firearm carried by a person to whom a valid
5 permit to carry a concealed firearm has been issued by another state if a permit to
6 carry a concealed firearm issued from that state has been granted reciprocity under
7 Title 25, chapter 252. The person must have in that person's possession the valid
8 permit;

9 G. When the firearm is a concealed firearm carried by a private investigator licensed
10 under Title 32, chapter 89 who is actually performing as a private investigator;

11 H. When the firearm is a concealed firearm carried by a qualified law enforcement
12 officer pursuant to 18 United States Code, Section 926B. The law enforcement
13 officer must have in the law enforcement officer's possession photographic
14 identification issued by the law enforcement agency by which the person is employed
15 as a law enforcement officer; and

16 I. When the firearm is a concealed firearm carried by a qualified retired law
17 enforcement officer pursuant to 18 United States Code, Section 926C. The retired
18 law enforcement officer must have in the retired law enforcement officer's
19 possession:

20 (1) Photographic identification issued by the law enforcement agency from
21 which the person retired from service as a law enforcement officer that indicates
22 that the person has, not less recently than one year before the date the person
23 carries the concealed firearm, been tested or otherwise found by the agency to
24 meet the standards established by the agency for training and qualification for
25 active law enforcement officers to carry a firearm of the same type as the
26 concealed firearm; or

27 (2) Photographic identification issued by the law enforcement agency from
28 which the person retired from service as a law enforcement officer and a
29 certification issued by the state in which the person resides that indicates that the
30 person has, not less recently than one year before the date the person carries the
31 concealed firearm, been tested or otherwise found by that state to meet the
32 standards established by that state for training and qualification for active law
33 enforcement officers to carry a firearm of the same type as the concealed firearm.

34 **SUMMARY**

35 This bill eliminates the prohibition on certain persons possessing firearms in certain
36 locations, including state parks and historic sites, premises licensed for the consumption
37 of alcohol, state property under the jurisdiction of the Department of Public Safety and
38 the Legislative Council and locations of labor disputes. Specifically, notwithstanding any
39 statutory provisions or rules prohibiting the possession of a firearm, the bill permits the
40 following persons to possess firearms:

1 1. A person to whom a valid permit to carry a concealed firearm has been issued
2 under the Maine Revised Statutes, Title 25, chapter 252. The person must have in that
3 person's possession the valid permit;

4 2. A person to whom a valid permit to carry a concealed firearm has been issued by
5 another state if a permit to carry a concealed firearm issued from that state has been
6 granted reciprocity under Title 25, chapter 252. The person must have in that person's
7 possession the valid permit;

8 3. An authorized federal, state or local law enforcement officer in the performance of
9 the officer's official duties;

10 4. A qualified law enforcement officer pursuant to 18 United States Code, Section
11 926B. The law enforcement officer must have in the law enforcement officer's
12 possession photographic identification issued by the law enforcement agency by which
13 the person is employed as a law enforcement officer;

14 5. A qualified retired law enforcement officer pursuant to 18 United States Code,
15 Section 926C. The retired law enforcement officer must have in the retired law
16 enforcement officer's possession:

17 A. Photographic identification issued by the law enforcement agency from which the
18 person retired from service as a law enforcement officer that indicates that the person
19 has, not less recently than one year before the date the person is carrying the
20 concealed firearm, been tested or otherwise found by the agency to meet the
21 standards established by the agency for training and qualification for active law
22 enforcement officers to carry a firearm of the same type as the concealed firearm; or

23 B. Photographic identification issued by the law enforcement agency from which the
24 person retired from service as a law enforcement officer and a certification issued by
25 the state in which the person resides that indicates that the person has, not less
26 recently than one year before the date the person is carrying the concealed firearm,
27 been tested or otherwise found by that state to meet the standards established by that
28 state for training and qualification for active law enforcement officers to carry a
29 firearm of the same type as the concealed firearm;

30 6. A private investigator licensed under Title 32, chapter 89 who is actually
31 performing as a private investigator; and

32 7. A security guard to the extent that federal laws or rules required the security guard
33 to be armed with a dangerous weapon at a labor dispute site or a security guard who is
34 employed by an employer involved in a labor dispute, strike or lockout at the location
35 where applications for employment with the employer will be accepted, interviews of
36 those applicants conducted or medical examinations of those applicants performed.

37 This bill does not eliminate or amend provisions governing the possession of firearms
38 in or on school property or courthouses.