PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

'**Sec. 1. 15 MRSA §393, sub-§2,** as amended by PL 2007, c. 670, §7, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to carry a firearm <u>subject to subsection 4</u>. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

Sec. 2. 15 MRSA §393, sub-§4, as amended by PL 2007, c. 670, §8, is further amended to read:

4. Notification, objection and decision. Upon receipt of an application, the commissioner shall determine if ~~it~~<u>the application</u> is in proper form. If the application is proper, the commissioner shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The commissioner may direct any appropriate investigation to be carried out. ~~If, within 30 days of the sending of notice, any person so notified objects in writing to the issuance of a permit, a permit may not be issued. The commissioner may deny an application even if no objection is filed.~~

> A. <u>If, within 30 days of the sending of notice, a person notified objects in writing to the commissioner regarding the initial issuance of a permit and provides the reason for the objection, the commissioner may not issue a permit. The reason for the objection must be communicated in writing to the commissioner in order for it to be the sole basis for denial.</u>
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> B. <u>If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the commissioner regarding a 2nd or subsequent issuance of a permit, the commissioner shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone.</u>

<u>The commissioner may deny any application for a permit even if no objection is filed.</u>'

SUMMARY

This amendment replaces the bill. The amendment specifies that, if there is an objection to the issuance of an initial permit to carry a firearm to a person who would otherwise be prohibited from doing so, the objection must be provided to the Commissioner of Public Safety in writing and, as is currently provided, the commissioner may not issue the permit. The reason for the objection must be communicated in writing to the commissioner in order for it to be the sole basis for denial. If a person notified objects in writing, including the reason for the objection, to the commissioner regarding a 2nd or subsequent issuance of a permit, the commissioner shall consider the objection when determining whether a 2nd or subsequent permit may be issued to the applicant, but need not deny the issuance of a permit based on an objection alone. Again, as current law provides, the commissioner may deny any application for a permit, even if no objection is filed.