

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

## **An Act To Modify the Requirement of a Permit To Carry a Concealed Weapon**

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

**Sec. 1. 25 MRSA §2001-A, sub-§1**, as enacted by PL 2003, c. 452, Pt. N, §2 and affected by Pt. X, §2, is amended to read:

**1. Display or carrying prohibited.** A person may not, unless excepted by another provision of law:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or

B. Wear under the person's clothes or conceal about the person's person a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person:when the person is in or entering:

(1) A structure, vehicle or craft owned, leased or operated by the State or a political subdivision of the State after a reasonable request by the operator of the structure, vehicle or craft to remove the dangerous or deadly weapon and place it in the custody of the operator for temporary and secure storage;

(2) An event of limited duration that is either operated or sponsored by a public entity or a private entity subject to a permit or license granted by a public entity after a reasonable request by the operator or sponsor of the event to remove the dangerous or deadly weapon and place it in the custody of the operator or sponsor for temporary and secure storage;

(3) A polling place on the day of an election;

(4) The grounds or buildings of a school;

(5) A nuclear power plant or hydroelectric facility; or

(6) An establishment licensed under Title 28-A, chapter 43 for the sale of spirits, wine or malt liquor to be consumed on the premises if the licensee has posted a sign visible to the public that clearly prohibits the possession of weapons on the licensed premises.

**Sec. 2. 25 MRSA §2003, sub-§1, ¶E**, as amended by PL 1993, c. 524, §8 and PL 2005, c. 236, §§3 and 4, is further amended to read:

E. Does the following:

(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:

(a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;

(b) The ascertainment of whether each of the additional requirements of this section has been met; and

(c) Section 2005;

(2) If a photograph is an integral part of the permit to carry concealed firearms adopted by an issuing authority, submits to being photographed for that purpose;

(3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;

(4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:

(a) Resident of a municipality or unorganized territory, ~~\$35~~\$10 for an original application and ~~\$20~~\$5 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) Nonresident, \$60 for an original or renewal application, except that a person who paid \$80 for a concealed firearms permit during 1991 or 1992 is entitled to a \$20 credit toward permit renewal fees. The credit is valid until fully utilized; and

(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has ~~within 5 years~~ prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of firearms safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid ~~State~~state permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training.

**Sec. 3. 25 MRSA §2003, sub-§8**, as amended by PL 1993, c. 289, §1, is further amended to read:

**8. Term of permit.** All concealed firearm permits are valid for ~~4~~7 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for ~~4~~7 years from the expiration date of the permit being renewed.

**Sec. 4. 25 MRSA §2003, sub-§15, ¶A**, as enacted by PL 1993, c. 524, §12, is amended to read:

A. If the issuing authority is other than the Chief of the State Police, ~~\$25~~\$7 of the fee for an original application and ~~\$15~~\$3.75 of the fee for a renewal must be paid over to the Treasurer of State.

**Sec. 5. 25 MRSA §2003, sub-§15, ¶B**, as enacted by PL 1993, c. 524, §12, is amended to read:

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, ~~\$25~~\$7 of the fee for an original application and ~~\$15~~\$3.75 of the fee for a renewal must be paid over to the Treasurer of State.

## SUMMARY

This bill modifies the concealed weapons laws of the State in the following ways.

It limits the prohibition against a person's carrying a concealed weapon without a permit to apply only when the person is in or entering:

1. The grounds or buildings of a school;
2. A polling place on election day; or
3. A nuclear power plant or hydroelectric facility.

It limits the prohibition against a person's carrying a concealed weapon without a permit to apply only when the person is in or entering, under certain conditions:

1. A structure, vehicle or craft owned by the State or a political subdivision of the State;
2. A public event or a private event permitted or licensed by a public entity; or
3. An establishment licensed for the sale of spirits, wine or malt liquor to be consumed on the premises.

It changes the concealed weapons permit application fee for residents of the State from \$35 to \$10 and the renewal fee from \$20 to \$5 and the amount of those fees that are disbursed to the Chief of the State Police and the Treasurer of State.

It changes the requirement that a handgun safety course must be completed from having to be completed within 5 years of obtaining a concealed weapons permit to having to be completed any time before obtaining a concealed weapons permit.

It changes the term of a concealed weapons permit from 4 years to 7 years.