

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 Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor**

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

**Sec. 1. 15 MRSA §393, sub-§2**, as amended by PL 2013, c. 424, Pt. A, §5, 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~~Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun 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~~Governor. 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-§3**, as amended by PL 2007, c. 194, §4, is further amended to read:

**3. Contents.** An application under subsection 2 must be on a form prepared by the ~~Commissioner of Public Safety~~Office of the Governor. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the ~~commissioner~~Governor to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.

**Sec. 3. 15 MRSA §393, sub-§4**, as amended by PL 2009, c. 503, §2, is further amended to read:

**4. Notification, objection and decision.** Upon receipt of an application, the ~~commissioner~~Office of the Governor shall determine if the application is in proper form. If the application is proper, the ~~commissioner~~Governor 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~~Governor may direct any appropriate investigation to be carried out.

A. If, within 30 days of the sending of notice, a person notified objects in writing to the ~~commissioner~~Governor regarding the initial issuance of a permit and provides the reason for the objection, the ~~commissioner~~Governor may not issue a permit. The reason for the objection must be communicated in writing to the ~~commissioner~~Governor in order for it to be the sole basis for denial.

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the ~~commissioner~~Governor regarding a 2nd or subsequent issuance of a permit, the ~~commissioner~~Governor 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.

The ~~commissioner~~Governor may deny any application for a permit even if no objection is filed.

### **SUMMARY**

This bill transfers the authority to issue nonconcealed firearm permits in certain cases from the Department of Public Safety to the Office of the Governor.