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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 282, L.D. 415, Bill, “An Act To Promote the Safe Use and Sale of Firearms”

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend Maine Firearms Laws'**

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

**'PART A**

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

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

**Sec. A-2. 25 MRSA §2001-A, sub-§2, ¶A-1** is enacted to read:

A-1. A handgun carried by a person who is not otherwise prohibited from carrying a firearm;

**PART B**

**Sec. B-1. 25 MRSA §2002, sub-§9**, as amended by PL 2011, c. 366, §5, is repealed and the following enacted in its place:

1           **9. Issuing authority.** "Issuing authority" means the Chief of the State Police.

2           **Sec. B-2. 25 MRSA §2002-A**, as amended by PL 1993, c. 524, §4, is repealed.

3           **Sec. B-3. 25 MRSA §2003, sub-§1, ¶E**, as amended by PL 2011, c. 298, §7, is  
4 further amended to read:

5           E. Does the following:

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

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

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

15                           (c) Section 2005;

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

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

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

23                           (a) Resident of a municipality or unorganized territory, ~~\$35~~ \$52.50 for an  
24 original application and ~~\$20~~ \$52.50 for a renewal, except that a person who  
25 paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is  
26 entitled to a credit toward renewal fees in an amount equal to \$30 for a  
27 person who paid \$60 for an original application and \$45 for a person who  
28 paid \$60 for a permit renewal. The credit is valid until fully utilized; and

29                           (b) Nonresident, ~~\$60~~ \$120 for an original or renewal application; and

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

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

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

11 **Sec. B-4. 25 MRSA §2003, sub-§§3-A and 8**, as amended by PL 2011, c. 298,  
12 §7, are further amended to read:

13 **3-A. Model forms.** The Attorney General shall develop model forms for the  
14 following:

- 15 A. An application for a resident permit to carry concealed handguns;
- 16 B. An application for a nonresident permit to carry concealed handguns;
- 17 C. A resident permit to carry concealed handguns of which a photograph is an  
18 integral part;
- 19 D. A resident permit to carry concealed handguns of which a photograph is not an  
20 integral part;
- 21 E. A nonresident permit to carry concealed handguns; and
- 22 F. Authority to release information to the issuing authority for the purpose of  
23 evaluating information supplied on the application.

24 ~~Each~~ The issuing authority shall utilize only the model forms.

25 **8. Term of permit.** All concealed handgun permits are valid for ~~4-~~ 10 years from  
26 the date of issue, unless sooner revoked for cause by the issuing authority. If a permit  
27 renewal is issued before the expiration date of the permit being renewed or within 6  
28 months of the expiration date of the permit being renewed, the permit renewal is valid for  
29 ~~4-~~ 10 years from the expiration date of the permit being renewed.

30 **Sec. B-5. 25 MRSA §2003, sub-§13**, as enacted by PL 1991, c. 865, §4, is  
31 amended to read:

32 **13. Fee waiver.** ~~An~~ The issuing authority may waive the permit fee for a permit  
33 issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

34 **Sec. B-6. 25 MRSA §2003, sub-§15**, as amended by PL 2015, c. 123, §1, is  
35 repealed.

36 **Sec. B-7. 25 MRSA §2003, sub-§17**, as enacted by PL 2011, c. 298, §7, is  
37 amended to read:

38 **17. Waiver of law enforcement agency record and background check fees.**  
39 Notwithstanding any other provision of law, a law enforcement agency may not charge ~~an~~

1 the issuing authority a fee in association with the law enforcement agency's conducting a  
2 concealed handgun permit applicant record check or background check for the issuing  
3 authority.

4 **Sec. B-8. 25 MRSA §2003, sub-§19** is enacted to read:

5 **19. Centralized database.** The State Police shall establish and maintain a  
6 centralized database containing information about concealed handgun permit holders and  
7 applicants for concealed handgun permits.

8 A. The centralized database must contain:

- 9 (1) The permit holder's or applicant's name;  
10 (2) The permit holder's or applicant's address;  
11 (3) The permit holder's or applicant's date of birth;  
12 (4) Permit information;  
13 (5) Status of the permit or permit application; and  
14 (6) Prior action taken on the permit.

15 B. The centralized database may be used only by:

- 16 (1) A law enforcement agency;  
17 (2) A law enforcement officer; or  
18 (3) Court order.

19 The centralized database may be used only for criminal justice purposes or purposes  
20 related to concealed handgun permits.

21 C. Information about a concealed handgun permit holder or applicant maintained in  
22 the centralized database must be purged from the centralized database within 5 years  
23 after the permit expires or within 5 years after the period for an appeal of a denial or a  
24 revocation has run.

25 **Sec. B-9. 25 MRSA §2005, sub-§2**, as amended by PL 2011, c. 298, §9, is  
26 further amended to read:

27 **2. Change of residence.** Except as provided in paragraph A, change of legal  
28 residence from one municipality to another during the term of the permit renders the  
29 permit invalid starting 30 days after the change is made. An invalid permit is not  
30 considered revoked for the purposes of subsection 3.

31 A. If the permit holder changes the permit holder's legal residence from one  
32 municipality to another during the term of the permit, the permit remains valid if the  
33 permit holder provides the permit holder's new address to the issuing authority ~~of the~~  
34 ~~permit holder's new residence~~ within 30 days of making that change. The issuing  
35 authority ~~of the new residence~~ shall immediately reissue the permit with the corrected  
36 address for a fee of not more than \$2.

1 ~~B. If the issuing authority of the permit holder's new residence so requests, the~~  
 2 ~~previous issuing authority shall provide a photocopy of the permit holder's~~  
 3 ~~application, documents made a part of the application and any information of record~~  
 4 ~~collected by that previous issuing authority.~~

5 **Sec. B-10. Application.** This Act does not apply to a valid concealed handgun  
 6 permit issued before the effective date of this Act. An application for a concealed  
 7 handgun permit or the renewal of a valid concealed handgun permit received by the Chief  
 8 of the State Police on or after the effective date of this Act is subject to the provisions of  
 9 this Act.

10 **Sec. B-11. Appropriations and allocations.** The following appropriations and  
 11 allocations are made.

12 **PUBLIC SAFETY, DEPARTMENT OF**

13 **Licensing and Enforcement - Public Safety 0712**

14 Initiative: Eliminates 2 Office Associate II positions, one State Police Detective position  
 15 and related costs as a result of allowing certain people to carry a concealed handgun  
 16 without a permit.

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
18	POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
19	Personal Services	\$0	(\$129,780)
20	All Other	\$0	(\$8,968)
21			
22	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$138,748)</b>

23 **Licensing and Enforcement - Public Safety 0712**

24 Initiative: Provides one-time funding to create and maintain a centralized database of  
 25 concealed handgun permit holders and applicants.

26	<b>GENERAL FUND</b>	<b>2015-16</b>	<b>2016-17</b>
27	All Other	\$0	\$260,000
28			
29	<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$260,000</b>

30 **PUBLIC SAFETY, DEPARTMENT OF**  
 31 **DEPARTMENT TOTALS**

32		<b>2015-16</b>	<b>2016-17</b>
33	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$260,000</b>
34	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>(\$138,748)</b>
35			
36	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$121,252</b>

