

Office of Policy and Legal Analysis

Date: January 28, 2022

To: Joint Standing Committee on Criminal Justice and Public Safety

From: Dan Tartakoff, Legislative Analyst

Re: LD 1446, An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits (Pluecker)

Summary of bill

This bill requires the Department of Public Safety, Chief of the State Police upon request to provide assistance in conducting a background check for a concealed handgun permit for a municipality that has not designated the Chief of the State Police as the issuing authority for concealed handgun permits.

Committee history

This bill had a public hearing on May 5, 2021 and a work session on May 6, 2021 at which the Committee unanimously voted to carry over the bill to the Second Regular Session.

At the work session, the Committee learned that Maine Municipal Association (MMA), with input from Maine State Police (MSP), was willing to conduct outreach to municipalities that do not have a municipal law enforcement agency and do not have an agreement with the MSP to serve as the issuing authority for concealed handgun permits. The intent of the outreach was to determine how those municipalities were processing permit requests and whether they would be interested in designating the MSP to serve as issuing authority were that option available. MMA committed to reporting the results of its outreach by January 2022 and it submitted a report to the Committee in late December 2021.

List of legislators/entities that submitted written testimony and/or spoke at the hearing

Proponents – Representative Pluecker, Maine Gun Safety Coalition, additional members of the public.

Opponents – Department of Public Safety/Maine State Police, Maine Municipal Association.

Neither for nor against – none.

Issues, proposed amendments and additional information

- 1. Proposed limitation of scope** – as noted by the sponsor at the initial work session, the intent of the bill was to focus on those municipalities that do not have access to a law enforcement agency to serve as issuing authority. The original bill does not provide that limitation and the sponsor noted he would support such a clarifying amendment.
- 2. Municipal designations of MSP as issuing authority** – pursuant to 25 MRSA §2002-A, a municipality may designate the MSP to be the issuing authority for permits to carry concealed handguns but only if the MSP agrees to that designation. From information provided on this bill, it appears that:

- There are more than 360 municipalities that have designated the MSP as the issuing authority;
 - There are approximately 70 municipalities without a municipal law enforcement agency and without a designation with MSP to serve as issuing authority; and
 - The municipal law enforcement agencies of the remaining municipalities are assumed to be the issuing authority for those remaining municipalities.
3. **Grandfathered designations** – per the MSP, following the enactment of LD 652 in 2015 that authorized permitless concealed carry and its corresponding removal of a number of positions at the MSP, it decided to cease new agreements to serve as issuing authority for a municipality pursuant to §2002-A. The MSP, however, continued to serve as issuing authority for any municipality that had made such designation prior to the 2015 law change.

The MSP testified it does not currently have the resources to handle the additional workload associated with taking on new municipal designations under §2002-A. Per the MMA report, it is estimated that, if the MSP were to be designated to serve as issuing authority for those roughly 70 municipalities without a law enforcement agency or MSP designation, an additional 2 administrative staff positions and 1 detective position at MSP would be needed.

4. **Effect of LD 652** – from information provided, the enactment of the permitless concealed carry law did not result in a decrease in the number of concealed carry permits requested by individuals as some had apparently expected. In some instances, it appears the passage of that law actually resulted in an increased number of such permit requests.
5. **Concerns regarding confidential information** – as noted by the MSP and MMA, some of the information the MSP accesses in conducting a review of a concealed carry permit application (per 25 MRSA §2003) may be designated confidential. Sharing any such confidential information with non-law enforcement personnel could raise legal concerns, especially given that an applicant whose permit request is denied has the right to appeal pursuant to the Maine Administrative Procedure Act.
6. **Additional questions raised by MMA report** – as noted in the MMA report, its survey uncovered two additional outstanding questions, noted below, regarding the interpretation of the existing permit law that the Committee may want to discuss further.
- Can county law enforcement serve as the issuing authority for a municipality?
 - Can a municipal law enforcement agency of one municipality serve as the issuing authority for a different municipality?

25 MRSA §2002(9) defines “issuing authority” for a legal resident of a municipality as the municipal officers, the municipal chief of police or the MSP if designated. For residents of the unorganized territory, nonresidents and licensed professional investigators, it is the MSP.

Fiscal information

Not available from OFPR at this time.



Maine Municipal
Association

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To: Chair Deschambault, Chair Warren, and Distinguished members of the Criminal Justice and Public Safety Committee

Fr: Rebecca Graham, Legislative Advocate, State and Federal Relations, MMA

Re: LD 1446, Survey of Municipalities without a State Police Concealed Handgun Background Check Contract

Date: December 27, 2021

Thank you for the opportunity to explore the potential impacts of LD 1446, *An Act To Aid Municipalities in the Issuance of Concealed Handguns*, carried over from the 1st Special Session of the 130th.

This autumn, I worked with Lt. Tyler Stevenson, Director Maine Information and Analysis Center, and Sgt. Jarod Stedman, Office of Weapons and Professional Licensing Unit to create a list of municipalities without a contract for Maine State Police to be the issuing authority for the Concealed Handgun Permit process, and without a municipal police agency to assist local applicants in applying for a permit.

We met on three occasions and had two phone calls regarding the construction of the survey and reviewed the responses that were received. Please find the attached report summarized from our work. In addition, you will find a summary of the core responses of value to the work of the committee, an estimate of the scope of the potential work that will need to be assumed should LD 1446 move forward in its current draft, and the guidance both Maine State Police and Maine Municipal Association provide for municipalities on this subject.

Lt. Stevenson and I look forward to your review of the material and will be happy to answer any questions you may have regarding the report on January 28, 2022. If you have any additional questions, please feel free to contact me at rgraham@memun.org or 207-623-8428 ext. 2201.



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REPORT TO THE JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

LD 1446, An Act To Aid Municipalities in the Issuance
of Concealed Handgun Permits, January 19, 2022

[Abstract](#)

Report compiled in conjunction with the Maine State Police, Weapons and Professional Licensing
Division and drafted by Maine Municipal Association.

Rebecca Graham
rgraham@memun.org

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Concealed Handgun Permit Background

In 2015, the 127th Legislature enacted Public Law 2015, Chapter 327 (LD 652), *An Act To Authorize the Carrying of Concealed Handguns without a Permit*. In this process, the legislature eliminated two positions within the Department of Public Safety for the processing of concealed handgun permits under the assumption that the volume of such requests would be diminished without the necessity of a permit to carry a handgun.

Persons aged 21 years and older may carry a concealed handgun without a permit if the person is not otherwise prohibited from carrying a firearm. Also, persons over 18 years and under 21 years of age may carry a concealed handgun if on active duty with, or honorably discharged from, the military (assuming the person is not otherwise prohibited from carrying a firearm). Otherwise, a person age 18 to 20 years old must have a permit to carry a concealed handgun.¹ There is no residency requirement for this right nor for the application of a Maine concealed handgun permit.

At the time of enactment of LD 652, all communities who had an existing contract with the Maine State Police (MSP) for the background and evaluation process were grandfathered into the program to continue to allow MSP to be the decision-making authority for the issuance of concealed handgun permits as a service on their behalf. Additional towns can request, and the state police may assume additional communities for permit processing weighed against the availability of existing resources to provide the services. Both the time limits for applicant response requirements in state law and the volume of requests are factors used in this decision process. MSP is also responsible for the issuance of concealed weapons permits to all non-resident applicants and residents of the unorganized territories.

While LD 652 removed the necessity to obtain a concealed handgun permit for eligible individuals, the rate of concealed handgun permits did not diminish greatly. Currently, MSP processes 4,895 of concealed weapons permits annually, and maintains active permits which includes non-resident requests. In comparison, the state agency processed 3,619 permits prior to the enactment of the open carry law in 2015. Maine's concealed handgun permit process allows an individual to carry in some areas where an unpermitted individual may not, and the state's residents enjoy reciprocal carry permissions in 23 other states. For these reasons, the permit remains a valuable and desired credential to both Mainers and non-residents and the veracity of the background process in state statute is key to maintaining the integrity of the permit. The current number of active concealed handgun permits managed by the MSP's Weapons and Professional Licenses division is 27,201 resident permits and 15,333 non-resident permits.

Concealed Handgun Permit Applicant Review Process

Municipal "home rule" authority to regulate firearms is entirely preempted by statute except as to the discharge of firearms within municipal boundaries. Maine law specifically prohibits municipalities from enacting any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.²

¹ 25 M.R.S. § 2001 et seq.

² 25 M.R.S. § 2011. See also, *Doe v. Portland Housing Authority*, 656 A.2d 1200 (Me. 1995).

Unless the municipality has a full-time chief of police who the municipal officers have designated as the issuing authority, the issuing authority for municipal residents is the municipal officers.³ If a municipality does not have a full-time police chief, the municipal officers may enter into a written agreement with the Chief of the State Police designating the State Police as the issuing authority, but the Chief of the State Police has no obligation to make such an agreement for any municipality not already contracted for this service at the time of the enactment of Public Law 2015 Ch. 352.⁴ Residents of the unorganized territories, nonresidents and licensed private investigators must apply to the Chief of the State Police.

A person may be prohibited from possessing firearms or ammunition and disqualified from the issuance of a concealed handgun permit under state law, federal law, or both. Prohibitions include convictions (felony and qualifying misdemeanor crimes of domestic violence); some juvenile adjudications; many protection from abuse orders, dishonorable discharge from the military; immigration status; deferred disposition status; certain mental health adjudications (civil involuntary commitment; finding of not guilty by reason of insanity; finding of not competent to stand trial; at the recommendation of a mental health professional and following judicial review under newly adopted law) and certain probate adjudications. Prohibitions may also be imposed by conditions of bail, probation, and deferred disposition agreements.⁵

Most of these individual records are confidential and perceived to be accessible to law enforcement officers (LEOs) only by functional access, despite the notwithstanding provisions in current statute. Municipal officials often run a publicly available background check through the State Bureau of Identification, but this service supplies conviction data only where an individual was adjudicated, and fingerprints were submitted along with the disposition. Involuntary committals are verified through Maine's Riverview and Dorothea Dix facilities with a waiver from the applicant, however all other mental health related, bail, court conditions and protection from abuse related restrictions are not easily accessible to officials unauthorized to use LEO databases.

Additional considerations to seal criminal records are currently under consideration through the Criminal Records Review Committee and could increase the likelihood that municipal officials will be unable to meet the same standard necessary for background reviews of individual applicants without a law enforcement agency involved in the process should the Joint Standing Committee on the Judiciary pass additional restrictions on criminal record disclosure.

LD 1446 – An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits

At the request of the committee in the first session of the 130th, MMA and MSP collaborated to identify communities without an organized police department or a contract with the Department of Public Safety to provide background check services for the issuance of concealed handgun permits. This process uncovered an estimated 70 communities without known contracts with a law enforcement agency to conduct a thorough background check as outlined in state statute.

After two planning meetings between MMA and MSP, on October 5, 2021, a survey was sent to the 70 identified communities to explain the intent behind LD 1446, remind the municipal officials of their obligations as an issuing authority, find out what their current process was for conducting such

³ 25 M.R.S. § 2002(9).

⁴ 25 M.R.S. § 2002-A

⁵ 25 M.R.S. § 2003

checks, the number of active permits they currently have, and determine their willingness and desire to have the Maine State Police assume their background and issuing authority. The metrics provided would also help the department to determine the level of administrative burden and estimated workload to adequately assume the duties in those communities.

The response rate of the communities surveyed was 40 percent. Phone calls were made to additional communities which uncovered operational challenges to participating in the survey such as temporary staff due to Covid closure, part-time hours and remote status or new staff unfamiliar with the process. Of those respondent communities, three were using other agencies for the background checks while municipal officials made the final decision. Two communities with police departments were willing and able to provide background check services for adjacent communities that had either lost their police department (Fort Kent) or did not have a police department (Orneville conducted by Milo Police Department). One municipality, Dixfield, has worked out a process with Oxford County Sheriffs where their applications are picked up twice a month for law enforcement background review and returned to the town for final issuance.

With this knowledge, MMA reached out to municipal police agencies to ask about their willingness and capacity to assume a background check process for adjacent municipalities without a contract. All other municipal police agencies reported they were struggling to maintain what they see as an increasing burden for just their own residents and could not shoulder the additional burden. Municipal police found merit in retaining the authority to provide this service for their residents, however remarked that the influx of new residents from other jurisdictions meant a significant amount of time was required to provide an appropriate review. Additionally, municipal police reported they were confused as to the legality of providing such a service for an adjacent community.

The fee retained for conducting a background check at the local level is \$5 which does not cover the cost for the process by the permitting authority. It remains unclear if an agency could receive revenue for this purpose from an adjacent community who would also have the final issuing authority and records retention requirements. Municipal police report that the \$5 fee does not accurately reflect the effort required to conduct an appropriate review in their own communities.

The current concealed handgun permit fee for a resident is \$35 for new and \$20 for renewal conducted by MSP and \$60 for non-residents (out of state applicants) and \$45 for a renewal, regardless of the time required to conduct the comprehensive background review. Permits must be renewed every four years.

In stark contrast, the Contract Security license, which requires the same level of background investigation and good moral character standards as the Concealed Handgun Permit, is renewed on an annual basis and costs \$421 for the initial applicant review and \$221 every year, (or \$884 for the same license period as the concealed handgun permit). The additional \$21 on each permit fee is provided to the State Bureau of Identification for the criminal records check. This fee is the same for residents and non-residents.

Scope of Additional Permit Burden

All respondent municipalities indicated they were actively issuing concealed weapons permits. The average number of active permits reported was calculated two ways. The first or low estimate was calculated assuming all non-reporting communities had zero permits, which is unlikely. The second was to take the real average of the reported permits without the unreported communities. Both high and low estimated average permits per community were then multiplied by the number of municipalities in the group.

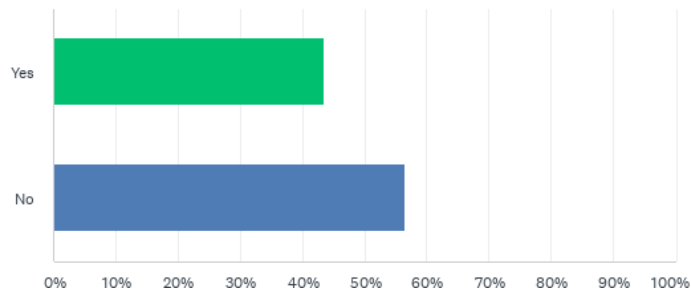
The highest number of permits reported was West Gardiner with 250 active permits, followed by Warren with 112 and Orland with 82. While several towns who responded were not sure of the active number immediately, they knew they were providing the services and had active permits. The lowest reported number was two.

Respondents			24
Respondents w/ LEO Involved			3
Total Respondents			27

Response was hindered by several factors including municipal offices that were affected by Covid infections of primary staff with temporary staff unfamiliar with the process in place, rural part-time boards, meeting only once a month and a lack of internet access. For those communities, extra response time was provided, and phone calls were made to obtain the information. Still many offices were unable to provide the complete information. However, the forty percent response rate is statistically robust and considered the typical threshold for internal surveys.

Responding municipalities were closely split between those who wished to retain final decision-making authority and those who would be fine contracting with MSP for the service.

Q7 Would you be interested in designating the Maine State Police to provide this service for your municipality?



Municipal police noted they do not have dedicated staff for this task, and it is usually completed in part, by administrative staff with additional unrelated duties. They do not track time on review, but anecdotally shared that either assigned detectives or senior leadership are spending a significant amount of time on new applicants who have moved from out of state. This often requires both a call and a letter to the law enforcement agencies with jurisdiction over the previous applicant's multiple former addresses. All municipal agencies expressed concerns with how the increase in these types of applicants

could be shouldered for additional communities.

Below is a chart of the projected estimates for the numbers of permits that would need to be assumed by MSP should LD 1447 pass as drafted. While the high average is 42 permits per municipality, and the low average is projected to be 15, the calculations also factor in the numbers for the survey's margin of error for both the per municipality number and the total estimated permits.

	Projected Estimated Known per Muni Permit Avg	Projected Estimated Low Per Avg Muni if N/A = 0
	42	15
Plus Margin of Error 15%	48	17
Minus Margin of Error 15%	36	13
Est Ttl Permits	2814	1005
Estimated Permits + Margin	3381	1208
Estimated Permits - Margin	2520	910

**Projected Low Per Avg Muni treats no answer as zero however, every community that answered or was spoken with had active permits. Total estimated permits and multiplies the average number in both scenarios by the 70 known municipalities without law enforcement background review. Margin of error is ±15%.*

The chart on the next page uses the numbers calculated above to determine the projected additional hours, workdays (based on an 8-hour workday) and work weeks (based on a 5-day work week) using the streamlined process in the Weapons and Professional Licensing Unit.

Estimates for the local burden are unable to be extrapolated as they do not have dedicated staff for the process, often involve municipal clerks, and elected officials in the process and have different internal investigative staff assigned. The Chief of Police makes the final decision in these instances and may also be responsible for the entire background process depending on the agency.

	Projected Additional Hours (Worst Case)	Projected Number of Work Days	Projected Number of Work Weeks
Projected Estimate High	16,884	2,111	422
Projected Estimate Low	6,030	754	151
<i>Minus Margin High Est.</i>	<i>15,120</i>	<i>1,890</i>	<i>378</i>
<i>Plus Margin High Est.</i>	<i>20,286</i>	<i>2,536</i>	<i>507</i>
<i>Minus Margin Low Est.</i>	<i>5,460</i>	<i>683</i>	<i>137</i>
<i>Plus Margin Low Est.</i>	<i>7,245</i>	<i>906</i>	<i>181</i>

**Assumes worst case scenario of six hours for each of the estimated high and low projections for additional permits but does not include the additional senior staff review time impact. This is a conservative estimate as a result. Currently, only administrative time on task is tracked. Margin of error is ±15%.*

Conclusions

The Maine State Police’s Weapons and Professional Licenses division does not have adequate staffing in place to assume the additional workload proposed by LD 1446. The current level of staffing is significantly strained under the existing permit load and the current law requiring a decision to be provided to the applicant within 60 days of receipt. Estimated assumptions of the potential permits that would need to be assumed by the agency would require the addition of two administrative staff positions and one detective to meet the response requirements and provide appropriate review.

The staffing required to manage an expanded case load without assuming the duties for additional communities was originally in place but subsequently removed from the budget by the Legislature, when Public Law 2015, Chapter 327 (LD 652), “An Act To Authorize the Carrying of Concealed Handguns without a Permit” went into effect, under the assumption that permit requests would decline. Six years later, all agencies —state and local— involved in the processing of permit requests report no decline or a marked increase requiring more complex background investigations.

This survey process has uncovered an inconsistent approach to how municipalities conduct background checks required by statute, confusion about the difference between the State Bureau of Identification and the Maine State Police, ambiguity in the interpretation around the legality of other law enforcement agency involvement to support municipalities without a police department, and a lack of capacity for most municipal police agencies to shoulder additional burdens from other communities.

New laws enacted since LD 652 have further complicated the ability for an issuing authority without a police department to conduct an appropriate and thorough review. This potentially brings the

integrity of the permit into question if applicants have different levels of review based on where they apply.

It is important to note that the decisions around the issuance of a concealed handgun permit include a review of the five previous years of pending and non-chargeable incidents as evidence of good moral character and sound judgement that would lead law enforcement officials to believe the expanded opportunities to carry a handgun in reciprocal states and privileged areas like Acadia National Park is acceptable. Some behavior might not be appropriate for the issuance of a concealed handgun permit, such as alleged abuse of a household member or reckless or negligent conduct, however, such behavior would not otherwise prohibit an individual from carrying a handgun in other non-restricted areas in Maine under current law.

If a concealed handgun permit is a credential of value to the state, municipal officials may need a review of the ability to access the necessary background investigation checks required by Maine statute, and the committee may wish clarify the ability for county law enforcement involvement in the process. Many of the necessary inquiries for applicants are restricted to law enforcement officials only and are not available to municipal officials alone because of additional laws passed since LD 652 enactment. Many of those resources provide information that have led law enforcement agencies to decline the issuance of a concealed handgun permit. These include bail conditions for pending charges that restrict the possession of a firearm, court ordered protection from abuse orders, and certain adjudicated mental health conditions that do not result in involuntary confinement in a facility.

Additionally, municipal police need clarity on the authority to assist another municipality in the background check under current law. While some have willingly assumed this duty, many more feel the term “resident” in 25 M.R.S. § 2002-A, applies to residents of the municipality exclusively. County law enforcement is not included in the authorizing statutes currently and the terms “their full-time chief of police” under issuing authority definition in 25 M.R.S. § 202 (9) appears to exclude county sheriff’s from assuming these tasks though some municipalities have contracted for dedicated law enforcement services from county government in instances such as the loss of their own municipal agency, or a rise in need for police services but a lack of resources to fund a full-time agency.

Permit fees may need a review for their appropriateness in proportion to the task and the benefit to the applicant, weighed against similar important credentials, and the amount retained by any assisting agencies should be clarified and improved.

Appendix

- A1. Letter to identified towns**
- A2. Copy of Survey Questions**
- A3. Aggregate & Open-ended Responses**
- A4. Original LD 1446**
- A5. List of Towns with MSP as Issuing Authority**
- A6. List of Identified Towns Surveyed**
- A7. Maine State Police Handbook**
- A8. Maine Municipal Association Guidance to Members**



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Appendix 1

To: Key Municipal Officials, & Town Clerks in Identified Communities
Fr: Rebecca Graham, Legislative Advocate, MMA State and Federal Relations
Re: Concealed Weapons Permit Processing Survey
Date: October 5, 2021

Your community has been identified as one without a police department or a contract with the Maine State Police (MSP) to provide the necessary background checks for a concealed weapons permit, or with a police agency that does not have access to the State and Federal system.

This past session, the Joint Standing Committee on Criminal Justice and Public Safety held a public hearing on LD 1446, *An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits*. The intent of the bill was to ensure that municipalities who had not contracted with the Maine State Police prior to the enactment of the "Permit-less Carry" statute, to provide the necessary background, character, and health history checks, and verification of handgun safety training, required for the issuance of a permit to carry a concealed weapon under Maine State law.

MMA has been directed to work with MSP to gather information regarding your municipality's process for conducting conceal weapon permit applications for the second session of the 130th Legislature at the request of the Joint Standing Committee on Criminal Justice and Public Safety (CJPS). To collect this information, you are being asked to fill out a survey either electronically, available [here](#), or by returning the attached paper version.

The CJPS committee learned that the majority of Maine's municipalities without a police chief, had an existing contract with MSP at the time of enactment, and that several positions were removed from the office providing this municipal assistance at the time of "Permit-less Carry" enactment under the belief that such requests would be reduced.

There has not been a significant reduction in the request for permits in part because Maine's permits receive reciprocity from several other states allowing users to carry their weapons away from home and on some federally protected lands and for other personal reasons to the applicant. The integrity of Maine's concealed weapons permit process is key in maintaining these benefits.

To that end, the CJPS committee would like MMA and MSP to report back next session on the willingness and possible impacts on state resources for opening the process to a larger pool of communities.

We would welcome your responses to the questions in this form and any questions you may have about the effort. Please feel free to contact Rebecca Graham, MMA Legislative Advocate at rgraham@memun.org or 624-0101 if you have any questions or would like further information about the process.

Information regarding all of the appropriate measures to consider when issuing a permit is available here: <https://www.maine.gov/dps/msp/sites/maine.gov.dps.msp/files/inline-files/CFP%20Booklet.pdf>

Thank you for your time and assistance!



Maine State Police & MMA Concealed Weapons Permit Processing Questionnaire

The intent of this survey is to gather information regarding your municipality's process for conducting conceal weapon permit applications for the second session of the 130th Legislature at the request of the Joint Standing Committee on Criminal Justice and Public Safety (CJPS).

Your community has been identified as one without a police department or a contract with the Maine State Police (MSP) to provide the necessary background checks for a concealed weapons permit or with a police agency that does not have access to the State and Federal system.

This past session, the Joint Standing Committee on Criminal Justice and Public Safety held a public hearing on LD 1446, *An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits*. The intent of the bill was to ensure that municipalities who had not contracted with the Maine State Police prior to the enactment of the "Permit-less Carry" statute, to provide the necessary background, character, and health history checks, and verification of handgun safety training, required for the issuance of a permit to carry a concealed weapon under Maine State law.

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Thank you for your time and assistance!

* 1. Which municipality do you represent?

* 2. What is your name & title?

* 3. Does your municipality currently accept applications for concealed weapons permits?

Yes

No

* 4. If yes, what law enforcement agency do you use to run your criminal, mental health and character background checks, and who assumes final authority for issuing the permit? (please describe the process)

5. How many active concealed weapons permits do you currently have?

6. Would you be interested in designating the Maine State Police to provide this service for your municipality?

Yes

No

5. What law enforcement agency would you prefer to use?

Response Data

Appendix 3

Estimated Avg # Permits Low	15		
Estimated Avg # Permits High	42		
	Hours	Weeks	Years
Estimated Administration Time High	16,884	422	8
Estimated Administration Time Low End	6,030	151	3

Total Permits Known			975	*Low Avg
Estimated Avg per Muni			42	15
Estimated Added Permits			2840	1005
Response Rate			40%	
Respondents			24	
Respondents w/ LEO			3	
Total Respondents			27	
<i>*Treats no answer as zero however every community that answered or was spoken with had active permits.</i>				

4. If yes, what law enforcement agency do you use to run your criminal, mental health and character background checks, and who assumes final authority for issuing the permit? (please describe the process)

- We contact Riverview Psychiatric Center, Dorothea Dix Medical Ctr, Secretary of State-Motor Vehicles, Dept of Public Safety-Maine State Bureau of Investigation. The Select Board signs the permit after reviewing information.
- State of Maine, State Police, Riverview Medical Center, Dorthea Dix Psychiatric Center
- Selectboard reviews the application and the responses from the background checks to determine if the permit shall be awarded to the applicant.
- We send a letter for background check to Maine State Police (Bureau of Identification) and for Medical records at Dorothea Dix Psychiatric Center in Bangor and also Riverview Psychiatric Center. I am now the final authority to issue these permits once I receive correspondence from the three agencies listed above.
- WE DO ALL THE BACKGROUND CHECKS INTERNALLY AND OUR SELECT BOARD HAS FINAL AUTHORITY.
- We use Dorthea Dix and Riverview for Mental Health. We use Maine State Police for background checks and the Ellsworth PD for local. Our Selectboard Chair and also a member of the Ellsworth Police department gives final authority
- Riverside Hospital, Dorothea Dix Hospital, State Police. With approval from all 3, and a handgun class certificate, I issue a permit. If I have a question, I refer the application to the selectmen
- We use the Maine State Police for background checks. The 1st selectman of the Town of Cambridge is the issuing authority.
- We send to Maine state bureau of identification, Riverview Psychiatric Center and Dorothea Dix Psychiatric Center. Final authority is our Chair board of Selectmen.

- Maine State Police, Riverview Psychiatric Center, & Dorothea Dix Psychiatric Center
- Informe for background, Dorothea Dix Psychiatric Center & Riverview Psychiatric Center for mental health, and the Board of Selectmen issue the permits
- Background checks are done in informe.org and mental health is run through Dorothea Dix and Riverview Psychiatric
- Maine State Police application for background checks, Selectman issues the permits.
- State Bureau of Identification, Maine State Police for criminal. Riverview Psychiatric Center and Dorothea Dix psychiatric Center for mental health
- The selectmen have the final authority for issuing the permit after it receives the criminal and mental health information.
- Maine State Bureau of Identification, Dorothea Dix, and Riverview Medical Records. The selectmen assume final authority.
- We send to State Bureau of Identification 45 Commerce Drive Suite 1 State House Station 42 Augusta, Maine 04333-0042 and fax to the Maine State Police then once we hear back from them the Second Selectman, fills out their paperwork and gives it to the Town Clerk, to get to the customer who has paid for this in advance.
- Applications are sent to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center for review
- We sent the application to the Maine State Bureau of Identification in August and they in return send us the background check on each individual. Secondly, we send the signed "Authorization to release information for the Purpose of Applying for a Concealed Weapons Permit to Dorothea Dix Psychiatric Center and the Riverview Psychiatric Center for confirmation of their history of psychiatric care, if any. At that time, I present the information to the Board of Selectmen and they either approve it or refuse it.
- Maine state bureau of identification, character references are determined by the board, mental health is determined on a case need which would be submitted to the Maine state board of health, all applicants provide authorization to allow this process at any time if a situation arises that would require a mental assessment, our office requires valid ID, certificates of gun safety, and a wait time until all parameters are met. If background checks are clear and we have no negative indication of character a permit is issued, permit are standard paper type, personal information is recorded onto the permit and the package is given to the clerk for final submission, a call goes to the resident and they pay the renewal or new license fee sign their permit, I keep the bottom copy along with the cap application. This permit is issued for 5 years, and must be renewed, renewal requirements are a repeat of the process above
- Maine State Bureau of Identification in Augusta, ME. The Select Board has the final authority
- Police Department of SW Harbor
- Maine State police do background checks on new applications. If/when approved I make out the permit provided a handgun safety course was attended and completed successfully.
- Constable deals with local Sheriff's office for background checks to issue permits
- DOROTHEA DIX, RIVERVIEW PHYCHIATRIC CENTER, BOARD OF SELECTMEN SIGN PERMIT
- We send the name and birthday to the State police investigations and require a handgun class. If the permit has expired for over a year, we require a new gun safety class.
- First Selectman issues permit if application is in order. We have asked for legal advice in a few cases. We have not done actual background checks in most cases as we are familiar with the applicants as this is a tiny town. At this time we have so few requests it isn't a problem. Only 2 new permits and 4 renewals so far this year.

- We have them fill out the form whether it is a new or renew. With a new application, we ask for their handgun safety course certificate or a copy of their DD-214. We take a copy of that and a copy of their ID. We email the psych request to Riverview and Dorothea Dix and wait for their response. We run a background check in informe.org and wait for the State's response. We submit all the paperwork and permit to the Mapleton Selectboard for review. If they approve then the selectboard chair signs off on the permit and we contact the applicant to come in and sign their permit in from of us. The applicant gets the top copy and we retain the lower copy for our records.
- They contact our office for an application, we provide the forms and they must make a physical appearance for proof of identification, the majority are renewed permits, and the applicant is known, new applicants are required to provide gun safety, have a permit from another agency or military service or gun safety training, I will also ask for a spouse evaluation if I don't know character of the individual, only once did this be required.
- When they ask, I will hand them an Application for a permit to carry a concealed firearm. Once completed I will send the application to the Maine State Police for a background check. I will also let the applicant know they must successfully complete a handgun safety course.
- I haven't had to turn one down yet.
- Constable issues renewals at this time.

5. If no, what law enforcement agency would you prefer to use?

- Prefer to keep it at the Municipality level
- We use Maine State Police to verify the persons background
- Maine State Police used currently
- The Board feels that this process works now and we intend to continue.
- The Selectmen will continue to issue permits in the same manner.
- Maine State Police
- Continue with our same process.
- Maine state police, also I did inquire years ago having Maine state police issue our permits, was told our process was no different than theirs.
- Continue as we are.

An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits

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

Sec. 1. 25 MRSA §2002-A, as amended by PL 1993, c. 524, §4, is further amended to read:

§2002-A. Assignment of authority

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation. The Chief of the State Police upon request shall provide assistance in conducting a background check under this chapter to a municipal issuing authority that has not designated the Chief of the State Police as the issuing authority under this section.

SUMMARY

This bill requires the Department of Public Safety, Chief of the State Police upon request to provide assistance in conducting a background check for a concealed handgun permit for a municipality that has not designated the Chief of the State Police as the issuing authority for concealed handgun permits.

Municipalities

Issuing Authority: State Police

Acton	Bethel	Chapman
Addison	Big Lake Twp.	Charleston
Albany Twp	Bingham	Charlotte
Albion	Blaine	Chebeague Island
Alfred	Blue Hill	Chelsea
Allagash	Boothbay	Cherryfield
Alna	Bowdoin	Chester
Alton	Bowdoinham	Chesterville
Amity	Bradford	China
Andover	Bradley	Clifton
Anson	Bremen	Columbia Falls
Appleton	Bridgewater	Connor Twp
Arrowsic	Brighton Plt.	Cooper
Arundel	Bristol	Coopers Mills
Atkinson	Brooklin	Coplin Plt
Aurora	Brooksville	Corinna
Avon	Brookton Twp	Corinth
Bailey Island	Brownfield	Cornish
Baldwin	Bryant Pond	Cornville
Bancroft	Buckfield	Cranberry Isles
Baring Plt	Burlington	Crawford
Bass Harbor	Canaan	Cushing
Beals	Canton	Cyr Plt
Beaver Cove	Caratunk	Dallas Plt
Beddington	Carmel	Dayton
Belgrade	Cary Plt	Deblois
Belmont	Castine	Dedham
Benedicta Twp	Castle Hill	Deer Isle
Benton	Centerville	Denmark
Bernard	Chamberlain	Detroit

Dixmont	Greenfield Twp	Knox
Dresden	Greenwood	Lake View Pit
Drew Pit	Guilford	Lakeville
Durham	Hammond	Lamoine
East Andover	Hancock	Lebanon
East Machias	Hanover	Levant
Easton	Harmony	Liberty
Eddington	Harpwell	Limerick
Edgecomb	Harrington	Limington
Edinburg	Harrison	Lincolnton
Edmunds Twp	Hartford	Litchfield
Embden	Hartland	Livermore
Enfield	Hermon	Long Island
Etna	Hersey Plantation	Lowell
Eustis	Highland Pit	Lubec
Exeter	Hiram	Ludlow
Farmingdale	Hollis	Lyman
Fayette	Hope	Machiasport
Franklin	Howland	Madawaska Lake Twp (T16 R4)
Freedom	Hudson	Madison
Frenchboro	Industry	Madrid
Frenchville	Island Falls	Manchester
Friendship	Isle Au Haut	Mariaville
Garland	Jackman	Mars Hill
Georgetown	Jackson	Marshfield
Gilead	Jefferson	Masardis
Glenburn	Jonesboro	Matinicus Isle Pit.
Grand Isle	Kenduskeag	Mattawamkeag
Grand Lake Stream Pit	Kents Hill	Maxfield
Gray	Kingfield	Meddybemps
Great Pond	Kingman Twp.	Medford
Greene	Kingsbury Pit	Mercer

Merrill	Oakfield	Ripley
Milbridge	Orient	Robbinston
Milford	Orrington	Rockwood
Minot	Osborn	Rome
Monhegan Island Pit	Owls Head	Roque Bluffs
Monson	Oxbow Pit	Round Pond
Monticello	Palermo	Roxbury
Montville	Parkman	Sandy River Pit.
Moose River	Parsonsfield	Sangerville
Morrill	Patten	Seal Cove
Mount Chase	Pemaquid	Sebago
Mount Vernon	Pembroke	Seboeis Pit
Naples	Perham	Shapleigh
Nashville Pit	Perry	Sherman
New Canada	Peru	Shirley
New Gloucester	Phillips	Sidney
New Harbor	Pittston	Silver Ridge Twp
New Haven	Pleasant Ridge Pit	Sinclair
New Limerick	Plymouth	Smithfield
New Portland	Poland	Smyrna
New Sweden	Poland Springs	Somerville
New Vineyard	Portage Lake	Sorrento
Newburgh	Porter	South Bristol
Newcastle	Pownal	South Thomaston
Newfield	Prentiss Twp.	Southport
Newry	Princeton	Sprucehead
Nobleboro	Prospect	St Agatha
Norridgewock	Randolph	St Albans
North Haven	Rangeley Pit	St George
North Yarmouth	Raymond	St John Pit
Northfield	Readfield	Standish
Northport	Reed Pit	Starks

Steep Falls	Waterford
Stetson	Wayne
Steuben	Webster Pit.
Stockholm	Weeks Mills
Stockton Springs	Weld
Stonington Stow	Wellington
Stratton	Wesley
Strong	West Bath
Sumner	West Enfield
Sunset	West Paris
Swans Island	Westfield
Swanville	Westmanland
Sweden	Weston
Tenants Harbor	Westport Island
The Forks Pit	Whitefield
Thorndike	Whiting
Tremont	Whitneyville
Trevett	Willimantic
Turner	Windsor
Union	Winn
Unity	Winterport
Vanceboro	Winterville Pit
Vassalboro	Woodland
Vienna	Woodstock
Vinalhaven	Woolwich
Wade	Wytopotlock
Wales	
Wallagrass Pit	
Waltham	
Washington	
Waterboro	

Towns Without a Police Department of MSP Contract

Appendix 6

Abbot	Alexander	Athens
Bowerbank	Brooks	Burnham
Byron	Cambride	Carroll Plt
Carthage	Caswell	Columbia
Coplin Plt.	Crystal	Cutler
Danforth	Dennistown Plt	Dixfield
Dyer Brook	Eagle Lake	Eastbrook
Frankfort	Glenwood Plt	Greenbush
Hamlin	Lagrange	Lee
Leeds	Lincoln Plt	Linneus
Lovell	Macwahoc Plt	Mapleton
Medway	Monroe	Moro Plt
Moscow	New Sharon	Orland
Orneville	Otis	Otisfield
Palmyra	Passadumkeag	St Francis
Searsmont	Sedgwick	Solon
Stacyville	Stoneham	Sullivan
Surry	Talmadge	Temple
Topsfield	Trenton	Troy
Upton	Van Buren	Verona Island
Waite	Waldo	Warren
Washburn	West Forks Plt	West Gardiner
Whiting		

STATE OF MAINE

LAWS

Appendix 7

RELATING TO

PERMITS TO CARRY CONCEALED HANDGUNS



PREPARED BY THE OFFICE OF THE MAINE
ATTORNEY GENERAL

AUGUSTA, MAINE

September 12, 2016

NOTICE TO APPLICANTS AND HOLDERS OF CONCEALED HANDGUN PERMITS

A concealed handgun permit issued by a Maine issuing authority does not authorize you to possess or discharge firearms in locations within the State of Maine where such possession or discharge is prohibited. The permit does not authorize you to possess or use firearms in violation of applicable federal laws or the laws of other states. Such laws may prohibit possession or use in circumstances where Maine law does not. You have an obligation to confirm that your possession and use of firearms is lawful pursuant to Maine law, federal law, and the laws of any other jurisdiction in which you intend to possess a firearm. *Although you are encouraged to contact the Maine State Police or your issuing authority with permit questions, the State Police, municipal issuing authorities, and the Office of the Attorney General cannot provide legal advice or interpretations of Maine law to private citizens. If you need legal advice, you should consult a qualified private attorney concerning your specific situation.*

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the Second Regular Session of the 127th Legislature, which adjourned April 29, 2016, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

This pamphlet has been prepared by the Office of the Attorney General to be provided to applicants pursuant to 25 M.R.S. § 2003(3).

Title 25, Chapter 252
Permits to Carry Concealed
Handguns

25 M.R.S. § 2001-A. Threatening display of or carrying concealed weapon

1. Display or carrying prohibited. A person may not, unless excepted by a 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, slingshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person.

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

- A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter;
- A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm;
- B. Disabling chemicals as described in Title 17-A, section 1002;
- C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;
- D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer;
- E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1.¹ This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle;
- F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter;
- G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;
- H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law

¹ The reference to "subsection 1" appears to be an incorrect reference. Title 22 M.R.S. § 12202 should be referenced in its entirety.

enforcement agency by which the person is employed as a law enforcement officer;
and

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

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

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

3. Firearm safety brochure. Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns.

25 M.R.S. § 2002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Corrections officer. "Corrections officer" has the same meaning as set forth in [Title 25] section 2801-A, subsection 2.

1-A. Conviction. "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

1-B. Corrections supervisor. "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B.

2. Dependency-related drug. "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7.

3. Drug abuser. "Drug abuser" has the same meaning as set forth in Title 5, section 20003, subsection 10.

4. Drug addict. "Drug addict" has the same meaning as set forth in Title 5, section 20003,

subsection 11.

5. Drug-dependent person. "Drug-dependent person" has the same meaning as set forth in Title 5, section 20003, subsection 12.

6. Firearm. "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A.

7. Formal charging instrument. "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense.

8. Fugitive from justice. "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

8-A. Handgun. "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand.

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality:

- (1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or
- (2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

- (1) The Chief of the State Police;

C. To a nonresident:

- (1) The Chief of the State Police; and

D. To a professional investigator licensed under Title 32, chapter 89²:

- (1) The Chief of the State Police.

10. Law enforcement officer. "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

10-A. Not criminally responsible by reason of mental disease or defect. "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 [Insanity] and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any

² 32 M.R.S. § 8120-A provides "A professional investigator licensed under this chapter [32 M.R.S. Chapter 89] may carry a handgun while performing the duties of a private investigator only after being issued a concealed handgun permit by the chief [the Chief of the State Police or the chief's designee] pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief."

other state.

11. Reckless or negligent conduct. "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that [the applicant's] conduct would cause such a result, engaged in conduct which in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to [the applicant], involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

12. Bodily injury. "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.

13. State and state. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

14. Use of a dangerous weapon. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

25 M.R.S. § 2002-A. Assignment of authority

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation.

25 M.R.S. § 2003. Permits to carry concealed handguns

1. Criteria for issuing permit. The issuing authority shall, upon written application, issue a permit to carry concealed handguns to an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

- A. Is 18 years of age or older;
- B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not disqualified as a permit holder under that same section and is not disqualified to possess a firearm based on federal law as a result of a criminal conviction;
- C. Repealed, P.L. 1993, c. 368 § 4.
- D. Submits an application that contains the following:
 - (1) Full name;
 - (2) Full current address and addresses for the prior 5 years;
 - (3) The date and place of birth, height, weight, color of eyes, color of hair, sex and race;

- (4)** A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms, handguns or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and
- (5)** Answers to the following questions:
- (a)** Are you less than 18 years of age?
 - (b)** Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?
 - (c)** Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?
 - (d)** Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?
 - (e)** If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
 - (f)** Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?
 - (g)** Is there a formal charging instrument now pending against you under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority has pleaded that you committed the crime with the use of a firearm against a person or with the use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A?
 - (h)** Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f) and involves bodily injury or threatened bodily injury against another person?
 - (i)** Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (g)?
 - (j)** Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f), but does not involve bodily injury or threatened bodily injury against another person?
 - (k)** Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect [insanity] of committing a crime described in

division (b), (c), (f) or (g)?

(l) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect [insanity] of committing a crime described in division (d)?

(m) If your answer to the question in division (l) is "yes," was that crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?

(n) Have you ever been adjudicated as having committed a juvenile offense described in division (h) or (i)?

(o) Have you ever been adjudicated as having committed a juvenile offense described in division (j)?

(p) Are you currently subject to an order of a Maine court or an order of a court of the United States or another state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening your intimate partner, as defined in 18 United States Code, Section 921(a), or a child of your intimate partner, or from engaging in other conduct that would place your intimate partner in reasonable fear of bodily injury to that intimate partner or the child?

(q) Are you a fugitive from justice?

(r) Are you a drug abuser, drug addict or drug dependent person?

(s) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?

(t) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5 [Probate Code; Protection of persons under disability and their property], Parts 3 and 4 and not had that designation removed by an order under Title 18-A, section 5-307, subsection (b) [Termination of incapacity]?

(u) Have you been dishonorably discharged from the military forces within the past 5 years?

(v) Are you an illegal alien?³

(w) Have you been convicted in a Maine court of a violation of Title 17-A, section 1057 [Possession of firearms in an establishment licensed for on- premises consumption of liquor] within the past 5 years?

(x) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would be a violation of Title 17-A, section 1057 [Possession of firearms in an establishment licensed for on-premises consumption of liquor]?

(y) To your knowledge, have you been the subject of an investigation by any law enforcement agency within the past 5 years regarding the alleged abuse by you of family or household members?

(z) Have you been convicted in any jurisdiction within the past 5 years of 3 or more crimes punishable by a term of imprisonment of less than one year or of crimes

³ "Alien" means a person who is not a citizen of the United States.

classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?

(aa) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?

(bb) Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?

(cc) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45 [Criminal Code, Drugs]?

(dd) Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

(ee) Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and

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 handguns 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 for an original application and \$20 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; 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 handgun 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 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.

2. Complete application; certification by applicant. The requirements set out in subsection 1, constitute a complete application. By affixing the applicant's signature to the application, the applicant certifies the following:

A. That the statements the applicant makes in the application and any documents the applicant makes a part of the application are true and correct;

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393;

A-2. That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4;

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q) to (x) is cause for refusal;

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

C. That the applicant understands any false statements made in the application or in any document made a part of the application may result in prosecution as provided in section 2004.

3. Copy of laws furnished to applicant. A copy of this chapter and the definitions from

other chapters that are used in this chapter must be provided to every applicant.

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

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

Each issuing authority shall utilize only the model forms.

4. Good moral character. The issuing authority in judging good moral character shall make its determination in writing based solely upon information recorded by governmental entities within 5 years of receipt of the application, including, but not limited to, the following matters:

- A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section 4012, subsection 1;
- B. Information of record relative to 3 or more convictions of the applicant for crimes punishable by less than one year imprisonment or one or more adjudications of the applicant for juvenile offenses involving conduct that, if committed by an adult, is punishable by less than one year imprisonment;
- C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or
- D. Information of record indicating that the applicant has been convicted of or adjudicated as having committed a violation of Title 17-A, chapter 45 [Criminal Code, Drugs] or Title 22, section 2383 [Possession of marijuana, butyl nitrite or isobutyl nitrite], or adjudicated as having committed a juvenile crime that is a violation of Title 22, section 2383 or a juvenile crime that would be defined as a criminal violation under Title 17-A, chapter 45 if committed by an adult.

5. Access to confidential records. Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section 4012, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

6. Repealed, P.L. 1993, c. 524 § 10.

7. Repealed, P.L. 1993, c. 524 § 11.

8. Term of permit. All concealed handgun permits are valid for 4 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 years from the expiration date of the permit being renewed.

9. Information contained in permit. Each permit to carry concealed handguns issued must contain the following: The name, address and physical description of the permit holder; the holder's signature; the date of issuance; and the date of expiration. A permit to carry concealed handguns may additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed handguns.

10. Validity of permit throughout the State. Permits issued authorize the person to carry those concealed handguns throughout the State.

11. Permit to be in permit holder's immediate possession. Every permit holder shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days. The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

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

14. Lapsed permit. A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

15. Duty of issuing authority; application fees. The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following:

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

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police.

16. Application fee; use. The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed handguns issued by the issuing authority.

17. Waiver of law enforcement agency record and background check fees. Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.

18. Certain persons on active duty in United States Armed Forces. A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a).

25 M.R.S. § 2004, Duty to inform law enforcement

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun.

25 M.R.S. § 2004. Penalty

1. False statements. A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed handgun or any documents made a part of the application commits a Class D crime.

2. Carries or conceals dangerous weapon. A person who violates section 2001-A commits a Class D crime.

3. Failure to possess permit. A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

4. Violation of confidentiality. A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

5. Failure to inform law enforcement. A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

25 M.R.S. § 2005. Revocation; change of residence

1. Revocation. The issuing authority shall revoke a permit on the basis of one or more of

the following determinations:

- A. The application or any documents made part of the application contained a material misstatement;
 - B. The permit holder has been convicted of a violation of section 2001-A;
 - C. The permit holder becomes ineligible to possess a permit under this chapter. Ineligibility is determined on the basis of the criteria contained in section 2003;
 - D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; or
 - E. For conduct that occurred after a permit was issued, that the permit holder was convicted of any violation of Title 17-A, chapter 45 [Criminal Code, Drugs].
- 2. Change of residence.** Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.
- A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2.
 - B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority.
- 3. Reapplication.** If a permit has been revoked solely under subsection 1, paragraph D, the former permit holder may reapply upon successful completion of a substance abuse treatment program approved by the Department of Health and Human Services as appropriate for the permit holder's problem or condition. Except as specified in this subsection, no person, otherwise eligible, who has had a permit revoked, is eligible for reapplication until the expiration of 5 years from the date of revocation.

25 M.R.S. § 2005-A. Suspension of permit upon refusal

- 1. Immediate suspension.** If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the permit holder is in possession of a loaded firearm, and the permit holder refuses to submit to the required testing, the permit to carry a concealed handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.
- 2. Notice to issuing authority.** The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521, 2522 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

4. Suspension terminated. If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

25 M.R.S. § 2006. Access to information and proceedings

1. Application, refusals and collected information; proceedings. All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing agency during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence;
- B. The date the permit was issued; and
- C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

[End Title 25, Chapter 252]

25 M.R.S. §2011. STATE PREEMPTION

1. Preemption. The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

2. Regulation restricted. Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale,

purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

3. Exception. This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

4. Law enforcement agency. Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section "law enforcement agency" has the same meaning as set forth in section 3701.

5. Restrictions on firearms and ammunition prohibited during state of emergency. The provisions of this subsection apply to restrictions on firearms and ammunition during a state of emergency, as declared by the Governor pursuant to Title 37-B, section 742, subsection 1.

A. During a state of emergency, notwithstanding any provision of law to the contrary, a person acting on behalf or under the authority of the State or a political subdivision of the State may not:

- (1)** Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition. The provisions of this paragraph regarding the lawful transfer of a firearm or ammunition do not apply to the commercial sale of a firearm or ammunition if an authorized person has ordered an evacuation or general closure of businesses in the area of the business engaged in the sale of firearms or ammunition;
- (2)** Seize or confiscate, or authorize the seizure or confiscation of, an otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the State is:
 - (a)** Acting in self-defense against an assault;
 - (b)** Defending another person from an assault;
 - (c)** Arresting a person in actual possession of a firearm or ammunition for a violation of law; or
 - (d)** Seizing or confiscating the firearm or ammunition as evidence of a crime; or
- (3)** Require registration of a firearm or ammunition for which registration is not otherwise required by state law.

B. An individual aggrieved by a violation of this subsection may seek relief in an action at law or in equity for redress against any person who subjects that individual, or causes that individual to be subjected, to an action prohibited by this subsection.

C. In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this subsection may bring an action for the return of the firearm or ammunition in the Superior Court of the county in which that individual resides or in which the firearm or ammunition is located.

D. In an action or proceeding to enforce this subsection, the court shall award a prevailing plaintiff costs and reasonable attorney's fees.

Title 25: INTERNAL SECURITY AND PUBLIC SAFETY
Chapter 252-A: FIREARMS REGULATION HEADING: PL 1989, c. 359

§2012. SALE OF FIREARMS TO INCLUDE SAFETY BROCHURE

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that contains the following information relating to firearms:

- (1) Rules for safe handling, storage and use of firearms;
- (2) Nomenclature and descriptions of various types of firearms; and
- (3) Responsibilities of firearm ownership and
- (4) The following information developed by the Department of Public Safety:
 - (a) A list of locations where handguns are prohibited; and
 - (b) Information concerning the use of handguns for self-defense.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Firearm dealer" means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

2. Requirement. A firearm dealer must:

A. Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer's cost to obtain the brochure; [1991, c. 127, (NEW).]

B. Offer to demonstrate to the purchaser the use of a trigger locking device; and

C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

3. No liability. Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

26 M.R.S. §600. Concealed firearms in vehicles

1 Firearms in vehicles. An employer or an agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. This subsection applies to the State as an employer when a state employee's vehicle is on property owned or leased by the State. This subsection does not authorize an employee or state employee to carry a firearm in a place where carrying a firearm is prohibited by law. For purposes of this section, "state employee" means an

employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

2 Immunity from liability. An employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this section, including, but not limited to, the theft of a firearm from an employee's vehicle, unless the employer or an agent of the employer intentionally solicited or procured the other person's injurious actions. Nothing in this section affects provisions in the Maine Workers' Compensation Act of 1992.

30-A M.R.S. § 2801. Annual report [relevant subsection]

3-A. Names of those issued concealed handgun permits. The names of persons issued concealed handgun permits under Title 25, chapter 252, may not be printed in the annual report.

12 M.R.S. § 1803. General powers and duties of the bureau [subsections 1-5 are omitted]

6. Rules. From time to time shall adopt, amend, repeal and enforce reasonable rules necessary to carry out the duties assigned to it, including, but not limited to, rules:

- A.** For the protection and preservation of state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands
- B.** For the protection and safety of the public;
- C.** For observance of the conditions and restrictions, expressed in deeds of trust or otherwise, of the state parks, historic sites, the Allagash Wilderness Waterway, public boating facilities owned or managed by the bureau, submerged lands, public reserved lands and nonreserved public lands of the State and of monuments thereon; and
- D.** For preservation of the natural beauty, historic integrity and character of the Allagash Wilderness Waterway.

All rules of the bureau must be adopted in accordance with Title 5, chapter 375, subchapter II.

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

- A.** A person to whom a valid permit to carry a concealed handgun has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- B.** A person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;
- C.** An authorized federal, state or local law enforcement officer in the performance of

that officer's official duties;

- D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in that law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and
- E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:
 - (1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun; or
 - (2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a handgun of the same type as the concealed handgun.

Note: Pursuant to 25 M.R.S.2001-A(2)(E), the provisions of Chapter 252 concerning concealed firearms do not apply to handguns carried by resident persons engaged in conduct expressly authorized by 12 M.R.S.§§ 11108 and 12202, which are reproduced below.

12 M.R.S. § 11108. Hunting without license.

- 1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident over 10 years of age and a member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow hunting license and a muzzle-loading license, on a single plot of land:
 - A. To which they are legally entitled to possession;
 - B. On which they are actually domiciled;
 - C. That is used exclusively for agricultural purposes; and
 - D. That is in excess of 10 acres.
- 2. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**
- 3. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**
- 4. Repealed, P.L. 2003, c. 655, Pt. B, § 113.**
- 5. Hunting Assistance.** A person may assist in a hunt without a license or permit for that

activity as long as that person does not carry hunting equipment or engage in driving deer as described in section 11453.

12 M.R.S §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 21 years of age or older and is not otherwise prohibited from possessing a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may have in or on a motor vehicle or trailer or other type of vehicle a loaded pistol or revolver covered by that permit.

12 M.R.S. § 11403. Regular archery only-deer hunting season [relevant subsections]

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952 subsection 2 and section 10953, subsection 1-B, the following restrictions apply.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun.

12 M.R.S § 12202. Trapping by landowner.

A resident and a member of the resident's immediate family, as long as the trapper's license to trap is not under suspension or revocation, may trap for wild animals without a trapping license issued under section 12201 on land:

- 1. Possession.** To which they are legally entitled to possession;
- 2. Domiciled.** On which they are actually domiciled; and
- 3. Agricultural purposes.** That is used exclusively for agricultural purposes.

Note: For the purposes of the Title 12 provisions above, “resident” is defined by 12 M.R.S. § 10001(53)

“Resident” means a citizen of the United States or an alien who has been domiciled in the State for one year who:

- A. If registered to vote, registered in this State;
- B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
- C. If owning a motor vehicle located within the State, registered each such vehicle in the State; and
- D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

DEFINITIONS FROM OTHER CHAPTERS OF THE MAINE REVISED STATUTES THAT ARE USED IN 25 M.R.S. CHAPTER 252

Bodily injury, 17-A M.R.S. § 2(5)

"Bodily injury" means physical pain, physical illness or any impairment of physical condition.

Civil Violations, 17-A M.R.S. § 4-B [relevant subsections]

1. All civil violations are expressly declared not to be criminal offenses. They are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine, penalty or other sanction, or to secure the forfeiture that may be decreed by the law.
2. A law or ordinance may be expressly designated as a civil violation.
3. A law or ordinance which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with subsection 1. A law or ordinance which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with subsection 1, unless the law or ordinance is an exception to the operation of this subsection.

Corrections Officer, 25 M.R.S. § 2801-A(2)(A)

"Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2903-A.

Dangerous weapon, 17-A M.R.S. § 2(9)

- A. "Use of a dangerous weapon" means the use of a firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which, in the manner it is used or threatened to be used is capable of producing death or serious bodily injury.
- B. "Armed with a dangerous weapon" means in actual possession, regardless of whether the possession is visible or concealed, of:
 - (1) A firearm;

(2) Any device designed as a weapon and capable of producing death or serious bodily injury; or

(3) Any other device, instrument, material or substance, whether animate or inanimate, which, in the manner it is intended to be used by the actor, is capable of producing or threatening death or serious bodily injury. For purposes of this definition, the intent may be conditional.

C. When used in any other context, "dangerous weapon" means a firearm or any device designed as a weapon and capable of producing death or serious bodily injury.

D. For purposes of this subsection, proof that a thing is presented in a covered or open manner as a dangerous weapon gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that it, in fact, is a dangerous weapon.

Dependency-related drug, 5 M.R.S. § 20003(7)

"Dependency-related drug" means alcohol or any substance controlled under Title 22, chapter 558 [§§ 2383-2389] or Title 32, chapter 117 [§§ 13701-13810].

Drug Abuser, 5 M.R.S. § 20003(10)

"Drug abuser" means a person who uses any drugs, dependency-related drugs or hallucinogens in violation of any law of the State.

Drug Addict, 5 M.R.S. § 20003(11)

"Drug addict" means a drug-dependent person who, due to the use of a dependency-related drug, has developed such a tolerance to the dependency-related drug that abrupt termination of its use would produce withdrawal symptoms.

Drug-dependent person, 5 M.R.S. § 20003(12)

"Drug-dependent person" means any person who is unable to function effectively and whose inability to do so causes, or results from, the use of a dependency-related drug.

Firearm, 17-A M.R.S. § 2(12-A)

"Firearm" means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

Fugitive from justice, 15 M.R.S. § 201(4)

"Fugitive from justice" means:

A. Any person accused of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release. This definition shall include both a person who was present in the demanding state at the time of the commission of the alleged crime and thereafter left the demanding state and a person who committed an act in this State or in a 3rd state or elsewhere resulting in or constituting a crime in the demanding state; or

B. Any person convicted of a crime in the demanding state who is not in that state, unless he is lawfully absent pursuant to the terms of his bail or other release, who has not

served or completed a sentence imposed pursuant to the conviction. This definition shall include, but not be limited to, a person who has been released pending appeal or other review of the conviction, the review having been completed; a person who has been serving a sentence in this State; a person who has escaped from confinement in the demanding state; or a person who has broken the terms of his bail, probation or parole.

Fish, Hunt or Trap, 12 M.R.S. § 10001(23), (31), (64)

To "fish" means to take, catch, kill, molest or destroy fish or to attempt to take, catch, kill, molest or destroy fish.

To "hunt" means to pursue, catch, take, kill or harvest wild animals or wild birds or to attempt to catch, take, kill or harvest wild animals or wild birds.

To "trap" means to set, place or tend a trap within the fields, forests or waters of the State, to kill an animal that is caught in a trap or to aid or assist another person in setting or placing a trap, tending a trap or killing an animal that is caught in a trap.

Incapacitated person, 18-A M.R.S. § 5-101(1)

"Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause except minority to the extent that [the person] lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his [or her] person.

Juvenile crimes (“Juvenile offenses”), 15 M.R.S. § 3103(1)

1. Definition. The term "juvenile crime," as used in this Part, means the following offenses:

- A.** Conduct that, if committed by an adult, would be defined as criminal by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code, including any rule or regulation under a statute, except for those provisions of Titles 12 and 29-A not specifically included in paragraphs E and F;
- B.** Offenses involving illegal drugs or drug paraphernalia as follows:
 - (1)** The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, chapter 558-C;
 - (2)** The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and
 - (3)** Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;
- C.** Offenses involving intoxicating liquor, as provided in Title 28-A, sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;
- D.** Repealed, P.L. 2009, c. 93 § 2.
- E.** Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223;

- F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes;
- G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A; and
- H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting fine or willful violation of the terms of a resulting administrative release or willful failure to comply with the terms of any other resulting court order.

Law enforcement officer, 17-A M.R.S. § 2(17)

"Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor.

Not criminally responsible by reason of mental disease or defect Insanity, 17-A M.R.S. § 39 [relevant subsections]

1. A defendant is not criminally responsible by reason of insanity if, at the time of the criminal conduct, as a result of mental disease or defect, the defendant lacked substantial capacity to appreciate the wrongfulness of the criminal conduct.
2. As used in this section, "mental disease or defect" means only those severely abnormal mental conditions that grossly and demonstrably impair a person's perception or understanding of reality. An abnormality manifested only by repeated criminal conduct or excessive use of alcohol, drugs or similar substances, in and of itself, does not constitute a mental disease or defect.

Public proceedings, 1 M.R.S. § 402(2)

The term "public proceedings" as used in this subchapter [Chapter 13, Subchapter I] means the transactions of any functions affecting any or all citizens of the State by any of the following:

- A. The Legislature of Maine and its committees and subcommittees;
- B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees;
- C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision;
- D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities;
- E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and

subcommittees;

- F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and
- G. The committee meetings, subcommittee meetings and full membership meetings of any association that:
 - (1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and
 - (2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach.

OTHER SECTIONS OF THE MAINE REVISED STATUTES REFERENCED IN 25 M.R.S. CHAPTER 252

15 M.R.S. § 393, Possession of firearms prohibited for certain persons

Possession prohibited. A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

- (1) A crime in this State that is punishable by imprisonment for a term of one year or more;
- (2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;
- (3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;
- (4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon;

Violation of this paragraph is a Class C crime;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5);

Violation of this paragraph is a Class C crime;

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury;

Violation of this paragraph is a Class D crime;

E. Has been:

(1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or

(3) Found not competent to stand trial with respect to a criminal charge;

Violation of this paragraph is a Class D crime;

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D crime;

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D crime;

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D crime;

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D crime; or

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D crime.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not possess a firearm during the deferred disposition period. Violation of this paragraph is a Class C crime.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

1. 1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.

1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of

insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Violation of this paragraph is a Class C crime; or

B. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime.

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after October 15, 2015.

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 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. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

3. Contents. An application under subsection 2 must be on a form prepared by the Commissioner of Public Safety. 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 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.

4. Notification, objection and decision. Upon receipt of an application, the commissioner shall determine if the application 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.

- A. 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.
- 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 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.

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

4-A. Application for relief. [Sub-section omitted]

[NOTE: Title 15 M.R.S. § 393(4-A) sets forth a process for applying for relief from one particular Federal prohibition against possession of firearms and ammunition. The specific prohibition is based on involuntary commitment to a hospital. 18 U.S.C. § 922(g)(4). The Federal government has determined that Maine's process, as outlined in sub-section 4-A, Application for relief, is not in complete compliance with the NICS Improvement Amendments Act of 2007. Thus, even if the Commissioner were to grant an application submitted by a person pursuant to the Maine statute, the person would still be prohibited from possessing firearms and ammunition under Federal law.]

5. Appeal. Any person to whom a permit under subsection 2 has been denied may file a petition for review pursuant to Title 5, chapter 375, subchapter 7.

6. Filing fee. The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

7. Definitions. As used in this section, unless the context otherwise indicates, the following

terms have the following meanings.

- A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.
- B. "Not criminally responsible by reason of insanity" has the same meaning as used in section 103 and any comparable finding under the laws of the United States or any other state.
- C. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.
- D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.
- E. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

8. Repealed

9. Prima facie evidence. Notwithstanding any other law or rule of evidence, a copy of a court abstract provided by a court to the Department of Public Safety, State Bureau of Identification pursuant to Title 34-B, section 3864, subsection 12, if certified by the custodian of the records of that bureau, or the custodian's designee, is admissible in a criminal prosecution brought pursuant to this section as prima facie evidence that the person identified in the abstract has been involuntarily committed by the court issuing the abstract and has been provided the notice required in Title 34-B, section 3864, subsection 5, paragraph A-1 and Title 34-B, section 3864, subsection 13.

10. Subpoena power. The commissioner is authorized to issue a subpoena in the name of the commissioner in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this section and is not limited to an adjudicatory hearing. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the commissioner, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

11. Rules. The commissioner may adopt rules to implement the provisions of subsections 2 to 4-A. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

17-A M.R.S. § 1002, Criminal use of disabling chemicals

1. A person is guilty of criminal use of disabling chemicals if he intentionally sprays or otherwise uses upon any other person chemical mace or any similar substance composed of a mixture of gas and chemicals which has or is designed to have a disabling effect upon human beings.

2. Criminal use of disabling chemicals is a Class D crime. This section shall not apply to the use of those disabling chemicals when that use is for the purpose of:

- A. Defending a person under section 108;
- B. Defending premises under section 104; or
- C. Retaking property, preventing that taking or preventing criminal mischief under section 105;

17-A M.R.S. § 1057, Possession of firearms in an establishment licensed for on-premises consumption of liquor

1. A person is guilty of criminal possession of a firearm if:
 - A. Not being a law enforcement officer or a professional investigator licensed under Title 32, chapter 89 and actually performing as a professional investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or
 - B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level, the person possesses a firearm in a licensed establishment.
2. For the purposes of this section, "licensed establishment" means a licensed establishment as defined by Title 28-A, section 2, subsection 15, the license for which is held by an on-premise retail licensee, as defined by Title 28-A, section 2, subsection 27, paragraph B. For the purposes of this section, "premises" has the same meaning as set forth in Title 28-A, section 2, subsection 24.
3. Repealed, P.L. 2011, c. 394 § 2.
4. A law enforcement officer who has probable cause to believe that a person has violated subsection 1, paragraph B, may require that person to submit to chemical testing to determine alcohol level or drug concentration. If the court is satisfied that the law enforcement officer had probable cause to believe that the defendant was in violation of subsection 1, paragraph B, and that the person was informed of the requirement to submit to chemical testing, the person's failure to comply with the requirement to submit to chemical testing is admissible evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs.
5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to Title 29- A, sections 2411 and 2431; except that the suspension of a permit to carry concealed handguns issued pursuant to Title 25, chapter 252, or of the authority of a professional investigator licensed to carry a concealed handgun pursuant to Title 32, chapter 89, is as provided in those chapters.
6. Criminal possession of a firearm is a Class D crime. In addition, as part of every judgment of conviction and sentence imposed, the court shall:
 - A. Revoke any permit to carry a concealed firearm issued to the person so convicted; and

- B. If the person so convicted is licensed as a professional investigator, suspend for a period of 5 years that person's permit to carry a concealed firearm.

A person convicted of a violation of this section is not eligible to obtain or apply for a permit to carry a concealed handgun for 5 years from the date of that conviction.

17-A M.R.S. § 1058, Unauthorized possession of firearm in courthouse

1. A person is guilty of unauthorized possession of a firearm in a courthouse if that person in fact possesses a firearm in a courthouse.
2. This section does not apply to:
 - A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty;
 - B. A person possessing an unloaded firearm for the purpose of offering the firearm as evidence in a civil or criminal proceeding if the presiding judge or justice has granted prior approval in writing to the person and the person possesses a copy of the written approval; or
 - C. An employee of a courier or security service in the course and scope of employment for the courier or security service, as approved by the judicial marshal.
- 2-A. It is not a defense to a prosecution under this section that the person holds a valid permit to carry a concealed firearm issued under Title 25, chapter 252.
3. Unauthorized possession of a firearm in a courthouse is a Class D crime.

19-A M.R.S. § 4012, Law enforcement agency responsibilities [relevant provision]

1. **Reports.** A law enforcement agency shall report all incidents of abuse by adults of family or household members as required by the State Bureau of Identification under Title 25, section 1544.

22 M.R.S. § 2383, Possession

1. **Marijuana.** Except as provided in chapter 558-C, a person may not possess marijuana.
 - A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended.
2. **Butyl nitrite and isobutyl nitrite.** A person who possesses a usable amount of butyl nitrite or isobutyl nitrite commits a civil violation for which a fine of not more than \$200 may be adjudged.

18-A M.R.S. § 5-307, Removal or resignation of guardian, termination of guardianship [relevant provision]

- (b) The ward or any person interested in the ward's welfare may petition for an order that he is no longer incapacitated, and for removal or resignation of the guardian. A

request for this order may be made by informal letter to the court or judge and any person who knowingly interferes with transmission of this kind of request to the court or judge may be adjudged guilty of contempt of court.

OTHER REFERENCED STATUTES

18 U.S.C. § 921(a)(32). Intimate partner

The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

18 U.S.C. § 921(a)(33)(A). Misdemeanor Crime of Domestic Violence

Except as provided in subparagraph (C), the term "misdemeanor crime of domestic violence" means an offense that--

- (i) is a misdemeanor under Federal, State, or Tribal law; and
- (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Note: The language in the statute references subparagraph C, but subparagraph C was not enacted into law.

OTHER RELEVANT STATUTES

32 M.R.S. §8120-A. HANDGUNS

A professional investigator licensed under this chapter may carry a handgun while performing the duties of a professional investigator only after being issued a concealed handgun permit by the chief pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief.

25 M.R.S. § 2904 & DPS Rule Chapter 41

§2904. SECURITY AT CAPITOL AREA AND OTHER STATE-CONTROLLED LOCATIONS

1. Commissioner of Public Safety. Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to adopt rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta. Prior to adoption of new or amended rules, the commissioner shall provide notice of rulemaking to the Legislative

Council. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

2. Officials of governmental units. The officials of the governmental units listed in paragraphs A to E are authorized and empowered to adopt rules governing the access, use and occupancy of buildings or parts of buildings and of other public property that are under their respective supervisions. Rules adopted by the Legislative Council may include provisions governing security at legislative offices. Prior to adopting any such rule, the official shall consult with the Commissioner of Public Safety; the commissioner must be given an opportunity to review the rule and to comment upon its content and enforcement. These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec. These rules are suspended to the extent necessary at any time when the Commissioner of Public Safety determines that an emergency exists within the facilities to which they apply, except that the commissioner may not suspend the rules governing the legislative offices without the consent of the Legislative Council. The Commissioner of Public Safety shall enforce rules adopted pursuant to this subsection, consistent with available resources and funding.

The governmental officials authorized and empowered by this subsection are:

- A. The Legislative Council, for all legislative offices, including the Law and Legislative Reference Library, as established by Title 3, section 162;
- B.
- C. The State Librarian, for the State Library;
- D. The Director of the State Museum, for the State Museum; and
- E. The State Archivist, for the State Archives.

**16-219 DEPARTMENT OF PUBLIC SAFETY
BUREAU OF CAPITOL SECURITY
CHAPTER 41 - Capitol Area Security Rules**

No person, except a police officer on duty, shall carry firearms, dangerous weapons, explosives, incendiary devices, or implements which by their nature are capable of being used to destroy or injure a person or property in the Capitol Area.

12 M.R.S. § 756, Acadia National Park

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. “Firearm” has the same meaning as in section 10001, subsection 21.
- B. “Residential Dwelling” means a fixed housing structure that either is the principal residence of its occupants or is occupied on a regular and recurring basis by its occupants as an alternate residence or vacation home.

2. Possession of Firearms. A person may not use or possess a firearm in Acadia National Park except:

- A. Within a residential dwelling;
- B. To the extent the firearm is used in connection with hunting when and where

authorized by state or federal law;

- C. Within a mechanical mode of conveyance as long as the firearm is rendered temporarily inoperable or is packed, cased or stored in a manner that prevents its ready use;
- D. When the firearm is carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties.
- E. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer;
- F. When the firearm is a concealed firearm carried by a qualified law enforcement officer pursuant to 18 U.S.C. § 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:
 - (1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or
 - (2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and has certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active law enforcement officers to carry a firearm of the same type as a the concealed firearm; or
- G. When the firearm is a concealed firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued as provided in Title 25, chapter 252. The person must have that person's possession the permit as required in Title 25, section 2003.

3. Violation. The following penalties apply to violations of this section.

- A. A person who, in violation of subsection 2, possesses or uses a firearm that is not concealed commits a Class E crime, which is a strict liability crime as defined in Title 17A, section 34, subsection 4A.
- B. A person who, in violation of subsection 2, possesses or uses a concealed firearm commits a Class D crime, which is a strict liability crime as defined in Title 17A, section 34, subsection 4A.
- C. A person who is authorized to use or possess a firearm under subsection 2, paragraphs E to G who does not have the required identification or permit in that person's possession at all times when possessing or using the firearm commits a civil violation for which a fine of not more than \$100 may be adjudged.

20-A M.R.S. § 6552, Firearms on School Property

1. Prohibition. A person may not possess a firearm on public school property or the property of an approved private school or discharge a firearm within 500 feet of a public school property or the property of an approved private school.

2. Exceptions. The provisions under subsection 1 do not apply to the following:

- A.** The prohibition on the possession and discharge of a firearm does not apply to law enforcement officials.
- B.** The prohibition on the possession and discharge of a firearm does not apply to the following persons, if the possession is authorized by a written policy adopted by the school board:
 - (1)** A person who possesses an unloaded firearm for use in a supervised educational program authorized by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; and
 - (2)** A person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while the person is attending a hunter's breakfast or similar event that:
 - (a)** Is held during an open firearm season established under Title 12, Part 13 for any species of wild bird or animals;
 - (b)** Takes place outside of regular school hours; and
 - (c)** Is authorized by the school board.
- C.** The prohibition on possession and discharge of a firearm does not apply to a person possessing a firearm at a school-operated gun range or a person discharging the firearm as part of a school-sanctioned program at a school-operated gun range if the gun range and the program are authorized by a written policy adopted by the school's governing body.

3. Penalty. A person who violates this section is guilty of a Class E crime.

20-A M.R.S. §10009. REGULATION OF PUBLIC SAFETY ON COLLEGE AND UNIVERSITY CAMPUSES

1. Definition. As used in this section the following terms have the following meanings.

- A.** "College or university" means any postsecondary educational institution, including:
 - (1)** Any degree-granting educational institution regulated under chapter 409;
 - (2)** Any university in the University of Maine System;
 - (3)** Any college in the Maine Community College System; and
 - (4)** The Maine Maritime Academy.

2. Power to regulate. Nothing in Title 25, section 2011 limits the power of any college or university to regulate the possession of firearms on the property of the college or university.

14 M.R.S. §6030-F. FIREARMS IN PUBLIC HOUSING

1. Definitions. As used in this section, unless the context otherwise indicates, the following

terms have the following meanings.

A. "Firearm" has the same meaning as in Title 12, section 10001, subsection 21.

B. "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

C. "Subsidized apartment" means a rental unit for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States Department of Agriculture under the multifamily housing rental assistance program under Title V of the federal Housing Act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States Department of Housing and Urban Development under the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program under Section 8 of the United States Housing Act of 1937. "Subsidized apartment" does not include owner-occupied housing accommodations of 4 units or fewer.

2. Prohibition or restriction on firearms prohibited. A rental agreement for a subsidized apartment may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to a prohibition or restriction on the lawful ownership, use or possession of a firearm, a firearm component or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use or transport of a firearm, a firearm component or ammunition within common areas as long as those restrictions do not circumvent the purpose of this subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component or ammunition.

3. Damages; attorney's fees. If a landlord brings an action to enforce a provision or rule prohibited under subsection 2, a tenant, tenant's household member or guest may recover actual damages sustained by that tenant, tenant's household member or guest and reasonable attorney's fees.

4. Immunity. Except in cases of willful, reckless or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component or ammunition that the landlord is required to allow on the property under this section.

5. Exception. This section does not apply to any prohibition or restriction that is required by federal or state law, rule or regulation.

30-A M.R.S. §3838. REFUSAL OR DENIAL OF ACCOMMODATIONS; EJECTION

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel, lodging house or campground to or may eject from the hotel, lodging house or campground premises or may request a law enforcement officer to remove from the premises:

1. Person unwilling or unable to pay. Any person who is unwilling or unable to pay for accommodations and services of the hotel, lodging house or campground. The innkeeper or campground owner may require the prospective guest to demonstrate the ability

to pay by cash, valid credit card or a validated check;

2. Minor. Any person who has not attained 18 years of age. An innkeeper or campground owner may, at the innkeeper's or campground owner's discretion, grant the accommodations, facilities and privileges of a hotel, lodging house or campground to a minor if that minor:

- A. Presents a signed notification from a parent that the parent accepts liability for the guest room or campground site costs, taxes, all charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor while a guest at the hotel, lodging house or campground; and
- B. Provides the innkeeper or campground owner with a valid credit card number or cash deposit to cover the guest room or campground site costs, taxes, charges by the minor and any damages to the guest room or its furnishings or to the campground site caused by the minor. Any cash deposit provided must be refunded to the extent not used to cover any charges or damages as determined by the innkeeper or campground owner following room or campground site inspection at check-out;

3. Property dangerous to others. Any person the innkeeper or campground owner reasonably believes is bringing in property that may be dangerous to other persons, such as firearms or explosives;

4. Limit on occupants exceeded. Any person or persons, if admitting that person or those persons would cause the limit on the number of persons who may occupy any particular guest room in the hotel or lodging house or a site in the campground to be exceeded. For purposes of this subsection, the limit represents the number permitted by local ordinances or reasonable standards of the hotel, lodging house or campground relating to health, safety or sanitation; or

5. Violates laws or rules; endangers others. Any person who:

- A. Disturbs, threatens or endangers other guests;
- B. Is a minor and possesses or uses alcohol;
- C. Possesses or uses illegal drugs; or
- D. Violates any rule of the hotel, lodging house or campground that is posted in a conspicuous place and manner at the guest registration desk and in each guest room. Nothing in this section authorizes an innkeeper or campground owner to violate the Maine Human Rights Act, Title 5, chapter 337.

See 18 U.S.C. Chapter 44 for federal prohibitions regarding possession of firearms.



Appendix 8



Concealed Weapons and Regulating Firearms

MMA Legal Services Information Packet

This packet is intended for general informational purposes only. It is not meant, nor should it be relied upon, as legal advice in any particular situation. Links to documents herein are provided as examples for informational purposes only and have not been reviewed by MMA Legal Services. Do not use any sample unless it has been reviewed by your legal counsel. The information herein is not a substitute for consultation with legal counsel and legal review or other specific guidance on the subject. The statutes and other information herein are only current as of the date of publication.

Date of last revision: 10/2021

This packet includes the following attachments:

- Title 25 M.R.S. §§ [2001-A to 2006](#) and [2011](#)
- [Title 30-A M.R.S. § 3007](#) and [3011](#)
- [Title 12 M.R.S. §§ 11209; 11212-A; 11301; 13201](#)
- [Title 17-A M.R.S. § 1057](#)
- [Title 14 M.R.S. §§ 8101-8118](#)
- Maine Department of Public Safety, Maine State Police [Concealed Carry in Maine webpage](#)
- [Summary of 2015 Concealed Weapons Legislation](#), Maine Department of Public Safety
- [Concealed Handguns Permit Booklet](#), and [Frequently Asked Questions](#), Maine Department of Public Safety
- "[New Requirements for Firearms Ordinances](#)," Legal Note, Maine Townsman, August 2003
- "[Hunting & Use of Firearms](#)," Legal Note, Maine Townsman, October 2006
- "[Sport Shooting Ranges](#)," Legal Note, Maine Townsman, April 2012
- "[Carrying Firearms in Municipal Buildings](#)," Legal Note, Maine Townsman, November 2014
- "[New Concealed Handgun Law](#)," Legal Note, Maine Townsman, October 2015
- "[Sport Shooting Ranges 2.0](#)," Legal Note, Maine Townsman, June 2016
- "[Second Amendment 'Sanctuaries'](#)," Legal Note, Maine Town & City, March 2021

Important issues and considerations include:

I. The Right to Bear Arms

The right to keep and bear arms is guaranteed by the Second Amendment to the U.S. Constitution, and by Article 1 § 16 of Maine's Constitution. However, the Maine Supreme Court has held on several occasions that this right is not absolute and that the State may regulate the carrying of concealed weapons. See e.g., *Hilly v. City of Portland*, 582 A.2d 1213 (Me. 1990); *State v. Brown*, 571 A.2d 816 (Me. 1990); *State v. Goodno*, 511 A.2d 456 (Me. 1986).

II. State Preemption

Municipal "home rule" authority to regulate firearms is entirely preempted by statute except as to the discharge of firearms. Maine law specifically prohibits municipalities from enacting any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies. 25 M.R.S. § 2011. See also, *Doe v. Portland Housing Authority*, 656 A.2d 1200 (Me. 1995).

III. Concealed Weapons

A. Generally

Maine law generally prohibits displaying in a threatening manner firearms and other dangerous or deadly weapons and concealing or wearing a firearm or dangerous or deadly weapon under a person's clothes. 25 M.R.S. § 2001-A. However, the provision concerning the carrying of concealed weapons do not apply in certain circumstances. For example, a person who has a valid permit may carry a concealed handgun under state law. 25 M.R.S. § 2001-A(2)(A). In addition, effective October 15, 2015, persons aged 21 years and older may carry a concealed handgun without a permit if the person is not otherwise prohibited from carrying a firearm. Also, persons over 18 years and under 21 years may carry a concealed handgun if on active duty with, or honorably discharged from, the military (assuming the person is not otherwise prohibited from carrying a firearm). Otherwise, a person aged 18 to 20 years old must have a concealed weapons permit to carry a concealed handgun. See 25 M.R.S. § 2001 et seq.

Additional situations in which a person may carry certain concealed weapons are described in detail in 25 M.R.S. § 2001-A, and include, but are not limited to: (1) disabling chemicals described in 17-A M.R.S. § 1002 (mace, etc.); (2) knives used for hunting, fishing, trapping as defined in 12 M.R.S. § 7001; (3) certain law enforcement officers and corrections officers with written permission from their employer to carry a concealed weapon; and (4) a firearm carried by a person engaged in conduct for which a state-issued hunting or trapping licenses is required.

The law obligates any individual carrying a concealed handgun without a permit as allowed by law to immediately inform any law enforcement officer of the fact the individual is carrying a concealed handgun whenever the individual first comes into contact with a law enforcement officer during any arrest, detainment or routine traffic stop. 25 M.R.S. § 2003-A. Failure to so inform a law enforcement officer is a civil violation subject to a fine of not more than \$100. 25 M.R.S. § 2004(5).

The Maine Department of Public Safety maintains a firearm safety brochure on its website and a list of firearm safety programs, as required by law. 25 M.R.S. § 2001-A(3) (See links above). The department also makes available an acknowledgement form that must be signed by persons exempt from concealed firearms permit requirements in the presence of a gun dealer upon purchase of a handgun. 25 M.R.S. § 2001-A(3).

B. Concealed Weapons Permits

There are still some situations in which a person may need or want a concealed weapons permit. For example a permit may be needed to carry a concealed weapon in another state or in a location such as some state parks. The issuing authority for municipal residents is the municipal officers unless the municipality has a full-time chief of police who the municipal officers have designated as the issuing authority. 25 M.R.S. § 2002(9). If a municipality has no full-time police chief, the municipal officers may enter into a written agreement with the Chief of the State Police designating the State Police as the issuing authority, but the Chief of the State Police has no obligation to make such an agreement. 25 M.R.S. § 2002-A. Residents of the unorganized territories, nonresidents and licensed private investigators must apply to the Chief of the State Police. Applications must be submitted on model forms developed by the Maine Attorney General's Office. 25 M.R.S. § 2003(3-A).

The criteria for grant of a permit are listed in the law at 25 M.R.S. § 2003. Since the State Legislature expressly preempts the entire field of legislation concerning the regulation of firearms, municipal authorities must issue a concealed firearms permit to anyone meeting the statutory criteria listed in the law and may not require more of, or impose additional restrictions on, applicants or permit holders. *Schwanda v. Bonney*, 418 A.2d 163 (Me. 1980).

The Maine Department of Public Safety has detailed guidance on concealed weapons application review and permitting on their website. (See links above).

C. Confidentiality. Applications, supporting documents, and refusals (presumably, refusals also include suspensions and revocations) and information of record collected by the issuing authority are confidential unless waived in writing by the applicant. 25 M.R.S. § 2006.

Permit-related proceedings are not public proceedings under Maine's Freedom of Access Act unless so requested by the applicant. This means that no public notice of the municipal officers' meeting/hearing should be given and no public attendance should be allowed during permit proceedings.

The issuing authority must make a permanent record of each permit issued which "shall include the information contained in the permit itself" and must be kept in a file or book. 25 M.R.S. § 2006. However, virtually all information in the permit and in

the record of the permit is confidential (including the name of the permit holder) except the following information about each permit holder is a public record: (1) the municipality of residence; (2) the date the permit was issued; and (3) the date the permit expires. Consequently, it may be more convenient for municipalities to create a separate file or book with the public information listed above. In addition, the names of permit holders may not be printed in the annual municipal report.

Intentionally or knowingly violating the confidentiality of applicants or applications is a Class E crime. 25 M.R.S. § 2004.

D. Liability for Permits. Under the Maine Tort Claims Act (14 M.R.S. §§ 8101-8118), neither municipalities nor municipal officials are liable for damages for the issuance (or denial) of licenses or permits (14 M.R.S. §§ 8104-B(2) and 8111(1)(B), respectively) unless immunity is waived by the purchase of excess liability insurance (14 M.R.S. § 8116); thus, for example, municipal authorities would not be liable to someone injured by a concealed firearms permit holder.

IV. Firearm Discharge Ordinances

Municipalities may adopt firearm discharge ordinances prohibiting the discharge of firearms within the municipality or any part of the municipality. 25 M.R.S. § 2011(3); 30-A M.R.S. § 3007(5); 12 M.R.S. § 13201. The area in which the discharge of firearms is prohibited by a firearm discharge ordinance must be described in the ordinance using clearly defined physical boundaries as points of reference, such as roads, waterways and utility corridors. Municipalities must consult with the Department of Inland Fisheries and Wildlife when considering adoption or amendment of a firearms discharge ordinance. Within 30 days following enactment or amendment of such an ordinance, the municipality must provide the Department with a copy of the ordinance as well as a map depicting the area(s) of the municipality affected by the ordinance or amendment. A municipality may not adopt or enforce any ordinance prohibited under 12 M.R.S. § 13201.

Unless a relevant ordinance provides otherwise, a person may not discharge a firearm or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without permission of the owner, or in the owner's absence, of an adult occupant of the building or dwelling authorized to act on behalf of the owner. 12 M.R.S. § 11209(1). Under this law, a person also may not discharge an arrow from a bow and arrow on another person's land or cause an arrow from a bow and arrow to pass across the land of another person and within 100 yards of a building or residential dwelling without permission from of the owner or an adult occupant authorized to act on behalf of the owner.

V. Sport Shooting Ranges

Municipal authority to regulate sport shooting ranges is limited. Municipal noise control or other ordinances may not require, or be applied so as to require, a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance, as long as the range conforms to generally accepted gun safety and shooting range operation practices or is constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range. 30-A M.R.S. § 3011. However, a municipal ordinance may regulate the location and construction of new sport shooting ranges and substantial changes or expansions of existing ranges. 30-A M.R.S. § 3011(3). Municipalities may not restrict a sport shooting range established before September 1, 2016 from performing maintenance or otherwise making improvements to the sport shooting range and its buildings, structures and grounds with regard to: (1) Enhancing public safety and shot containment; (2) Providing access for persons with disabilities and providing rest room facilities; (3) Otherwise maintaining or improving the habitability of buildings and grounds, if such maintenance or improvements are otherwise in compliance with the municipality's generally applicable building codes and zoning ordinances; and (4) Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God, if such repairs or rebuilding is otherwise in compliance with the municipality's generally applicable building codes and is completed within 2 years of the loss or damage. 30-A M.R.S. § 3011.

VI. Hunting Regulation

The authority to regulate hunting is expressly reserved to the State. 12 M.R.S. § 13201. Municipalities may not enact ordinances or rules regulating or charging a fee for the hunting, trapping, or fishing for any species or wildlife, except a municipality may enact an ordinance generally regulating the discharge of firearms within or in any part of the municipality (see discussion above). 25 M.R.S. § 2011(3); 30-A M.R.S. § 3007(5).

For more information on hunting laws and licensing requirements see the Maine Department of Inland Fisheries and Wildlife website: <https://www.maine.gov/ifw/hunting-trapping/hunting-laws/index.html>.

VII. Firearms on Municipal Property

Municipalities in Maine generally cannot prohibit firearms in municipal buildings or on municipal land. As discussed above, state law expressly preempts virtually the entire field of regulation of firearms, components, ammunition and supplies. 25 M.R.S. § 2011. This preemption is broadly construed by the courts. For instance, in *Doe v. Portland Housing Authority*, 656 A.2d 1200, cert. denied 116 S.Ct. 171, 516 U.S. 861, 133 L.Ed.2d 112, a local public housing authority's ban on the possession of firearms on leased premises was held invalid and unenforceable under this law. As a result, municipalities (whether acting through by vote of the legislative body or municipal officers) generally cannot adopt any ordinance, rule or regulation prohibiting the possession or use of firearms in town facilities (i.e. a town or city hall) or on town property. For the record, the State's nearly total preemption of municipal home rule authority in this field has no bearing on the authority of private entities or individuals to prohibit firearms on private property.

However, some attorneys have argued that a municipality can prohibit municipal employees and certain officials from possessing firearms on municipal property as a condition of employment during the course of their duties.

VIII. Cars and Bars

Generally, hunters may not carry a concealed or loaded weapon in or on a motor vehicle. 12 M.R.S. § 11212-A; 25 M.R.S. § 2001-A(2)(E). However, there are exceptions to this rule. 12 M.R.S. § 11212-A(3)(A) to (E). For example, while hunting, a person who is on, but not in an enclosed area of, an ATV or snowmobile may shoot a firearm or cross bow or rest a loaded firearm or cross bow on the ATV or snowmobile, if the ATV or snowmobile is not in motion and the engine is not running. Also, persons older than 21 (who are not otherwise prohibited from possessing a firearm) or persons 18 to 21 who are on active duty or have been honorably discharged from the Armed Forces (and are not otherwise prohibited from carrying a firearm) may have a loaded pistol or revolver in or on a vehicle.

In a licensed liquor establishment possessing a firearm is a Class D crime if: (1) the establishment is conspicuously posted against possession, or (2) the person is under the influence of drugs or alcohol (17-A M.R.S. § 1057); holding a concealed firearms permit is no defense (17-A M.R.S. § 1057(3)). If a permit holder is convicted, the permit is revoked and the holder is ineligible for another 5 years (17-A M.R.S. § 1057(6)).

IX. Firearms Prohibited

There are several state and federal laws that prohibit firearms in specific locations. For example, firearms are prohibited in Maine courthouses, state parks, and schools. The Maine Department of Public Safety maintains a list of such prohibitions on its website at: <https://www.maine.gov/dps/msp/licenses-permits/concealed-carry-maine> .

X. Second Amendment Sanctuaries

Recently, municipalities have adopted declarations of support for the constitutional right to keep and bear arms and/or opposition to any law that would unconstitutionally restrict that right. Whether approved by the municipality's legislative body or municipal officers, such declaration is simply a collective expression of the opinion or point of view of the body adopting the declaration; it has symbolic value but no legal effect.

But if and to the extent the declaration purports to invalidate allegedly unconstitutional laws restricting the Second Amendment, or immunize people from prosecution under these laws, it is legally unenforceable for at least two reasons. First, the U.S. Constitution's Supremacy Clause declares the Constitution and federal law to be the "supreme Law of the Land," thus preempting all other laws and acts that conflict with federal law (see U.S. Const. art. VI, cl. 2). Second, Maine law expressly preempts or prohibits municipalities from adopting any order, ordinance, rule or regulation concerning firearms (see 25 M.R.S. § 2011). Any declaration of local sovereignty or exemption from state or federal firearm laws is therefore legally null and void. Local governments cannot invalidate state or federal laws, only courts can.

Although the Second Amendment's right to keep and bear arms is a fundamental right for all, it is not unlimited, and not every restriction on firearms is an unconstitutional infringement of this right. For instance, in *District of Columbia v. Heller*, 554 U.S. 570 (2008), the U.S. Supreme Court, while striking down a ban on handguns in the home, affirmed the constitutionality of "long-standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."

CHAPTER 252**PERMITS TO CARRY CONCEALED HANDGUNS****§2001. Threatening display of or carrying a concealed weapon****(REPEALED)****SECTION HISTORY**

PL 1985, c. 478, §2 (NEW). PL 1987, c. 602, §1 (AMD). PL 1989, c. 917, §§3-6 (AMD). PL 1997, c. 360, §1 (AMD). PL 2001, c. 459, §§1,2 (AMD). PL 2003, c. 414, §§B36,37 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 452, §N1 (RP). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 614, §9 (AFF). PL 2007, c. 695, Pt. A, §31 (RP).

§2001-A. Threatening display of or carrying concealed weapon

1. Display or carrying prohibited. A person may not, unless excepted by a 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 [PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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. [PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. N, §2 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

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

A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter; [PL 2011, c. 691, Pt. A, §24 (RPR).]

A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm; [PL 2015, c. 327, §2 (NEW).]

B. Disabling chemicals as described in Title 17-A, section 1002; [PL 2011, c. 691, Pt. A, §24 (RPR).]

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001; [PL 2011, c. 691, Pt. A, §24 (RPR).]

D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer; [PL 2011, c. 691, Pt. A, §24 (RPR).]

E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; [PL 2011, c. 691, Pt. A, §24 (RPR).]

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter; [PL 2015, c. 144, §1 (RPR).]

G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties; [PL 2011, c. 691, Pt. A, §24 (RPR).]

H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and [PL 2011, c. 691, Pt. A, §24 (RPR).]

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

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

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun. [PL 2011, c. 691, Pt. A, §24 (RPR).]

[PL 2015, c. 144, §1 (AMD); PL 2015, c. 327, §2 (AMD).]

3. Firearm safety brochure. Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns. [PL 2015, c. 327, §3 (NEW).]

SECTION HISTORY

PL 2003, c. 452, §N2 (NEW). PL 2003, c. 452, §X2 (AFF). PL 2005, c. 488, §7 (AMD). PL 2007, c. 555, §1 (AMD). PL 2011, c. 298, §§4, 5 (AMD). PL 2011, c. 394, §3 (AMD). PL 2011, c. 396, §§1-3 (AMD). PL 2011, c. 691, Pt. A, §24 (AMD). PL 2015, c. 144, §1 (AMD). PL 2015, c. 327, §§2, 3 (AMD).

§2002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1985, c. 478, §2 (NEW).]

1. Corrections officer. "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2. [PL 2013, c. 147, §3 (AMD).]

1-A. Conviction. "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction. [PL 2003, c. 341, §1 (NEW).]

1-B. Corrections supervisor. "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B. [RR 2005, c. 2, §21 (COR).]

2. Dependency-related drug. "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7. [PL 1993, c. 524, §1 (AMD).]

3. Drug user. "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10. [PL 2017, c. 407, Pt. A, §100 (AMD).]

4. Person with substance use disorder. "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A. [PL 2017, c. 407, Pt. A, §100 (AMD).]

5. Drug-dependent person. [PL 2017, c. 407, Pt. A, §101 (RP).]

6. Firearm. "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A. [PL 1985, c. 478, §2 (NEW).]

7. Formal charging instrument. "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense. [PL 1985, c. 478, §2 (NEW).]

8. Fugitive from justice. "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4. [PL 1985, c. 478, §2 (NEW).]

8-A. Handgun. "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand. [PL 2011, c. 298, §6 (NEW).]

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A; [PL 1993, c. 524, §2 (NEW).]

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; [PL 1997, c. 360, §2 (AMD).]

C. To a nonresident:

(1) The Chief of the State Police; and [PL 1997, c. 360, §2 (AMD).]

D. To a professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police. [PL 2011, c. 366, §5 (AMD).]
[PL 2011, c. 366, §5 (AMD).]

10. Law enforcement officer. "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.
[PL 1985, c. 478, §2 (NEW).]

10-A. Not criminally responsible by reason of mental disease or defect. "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.
[PL 2003, c. 341, §2 (NEW).]

11. Reckless or negligent conduct. "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that his conduct would cause such a result, engaged in conduct which in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to him, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.
[PL 1985, c. 478, §2 (NEW).]

12. Bodily injury. "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.
[PL 1993, c. 524, §3 (NEW).]

13. State and state. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.
[PL 2003, c. 341, §2 (NEW).]

14. Use of a dangerous weapon. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.
[PL 2003, c. 341, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §7 (AMD). PL 1993, c. 524, §§1-3 (AMD). PL 1997, c. 360, §§2,3 (AMD). PL 2003, c. 341, §§1,2 (AMD). RR 2005, c. 2, §21 (COR). PL 2005, c. 488, §8 (AMD). PL 2011, c. 298, §6 (AMD). PL 2011, c. 366, §5 (AMD). PL 2013, c. 147, §3 (AMD). PL 2017, c. 407, Pt. A, §§100, 101 (AMD).

§2002-A. Assignment of authority

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation.
[PL 1993, c. 524, §4 (AMD).]

SECTION HISTORY

PL 1991, c. 440 (NEW). PL 1993, c. 340, §1 (AMD). PL 1993, c. 524, §4 (AMD).

§2003. Permits to carry concealed handguns

1. Criteria for issuing permit. The issuing authority shall, upon written application, issue a permit to carry concealed handguns to an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

- A. Is 18 years of age or older; [PL 1985, c. 478, §2 (NEW).]
- B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not disqualified as a permit holder under that same section and is not disqualified to possess a firearm based on federal law as a result of a criminal conviction; [PL 2011, c. 298, §7 (AMD).]
- C. [PL 1993, c. 368, §4 (RP).]
- D. Submits an application that contains the following:
 - (1) Full name;
 - (2) Full current address and addresses for the prior 5 years;
 - (3) The date and place of birth, height, weight, color of eyes, color of hair, sex and race;
 - (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms, handguns or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and
 - (5) Answers to the following questions:
 - (a) Are you less than 18 years of age?
 - (b) Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?
 - (c) Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?
 - (d) Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?
 - (e) If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
 - (f) Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?
 - (g) Is there a formal charging instrument now pending against you under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority has pleaded that you committed the crime with the use of a firearm against a person or with the use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A?
 - (h) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described

in division (b), (c), (d) or (f) and involves bodily injury or threatened bodily injury against another person?

(i) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (g)?

(j) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f), but does not involve bodily injury or threatened bodily injury against another person?

(k) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (b), (c), (f) or (g)?

(l) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (d)?

(m) If your answer to the question in division (l) is "yes," was that crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?

(n) Have you ever been adjudicated as having committed a juvenile offense described in division (h) or (i)?

(o) Have you ever been adjudicated as having committed a juvenile offense described in division (j)?

(p) Are you currently subject to an order of a Maine court or an order of a court of the United States or another state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening your intimate partner, as defined in 18 United States Code, Section 921(a), or a child of your intimate partner, or from engaging in other conduct that would place your intimate partner in reasonable fear of bodily injury to that intimate partner or the child?

(q) Are you a fugitive from justice?

(r) Are you a drug user or a person with substance use disorder?

(s) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?

(t) Do you currently have a guardian or conservator who was appointed for you under Title 18-C, Article 5, Part 3 or 4?

(u) Have you been dishonorably discharged from the military forces within the past 5 years?

(v) Are you an illegal alien?

(w) Have you been convicted in a Maine court of a violation of Title 17-A, section 1057 within the past 5 years?

(x) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would be a violation of Title 17-A, section 1057?

(y) To your knowledge, have you been the subject of an investigation by any law enforcement agency within the past 5 years regarding the alleged abuse by you of family or household members?

- (z) Have you been convicted in any jurisdiction within the past 5 years of 3 or more crimes punishable by a term of imprisonment of less than one year or of crimes classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?
- (aa) Have you been adjudicated in any jurisdiction within the past 5 years to have committed 3 or more juvenile offenses described in division (o)?
- (bb) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?
- (cc) Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?
- (dd) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45?
- (ee) Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?
- (ff) Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and [PL 2017, c. 402, Pt. C, §79 (AMD); PL 2017, c. 407, Pt. A, §102 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

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 handguns 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 for an original application and \$20 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; 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 handgun 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 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. [PL 2011, c. 298, §7 (AMD).]

[PL 2017, c. 402, Pt. C, §79 (AMD); PL 2017, c. 407, Pt. A, §102 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Complete application; certification by applicant. The requirements set out in subsection 1, constitute a complete application. By affixing the applicant's signature to the application, the applicant certifies the following:

A. That the statements the applicant makes in the application and any documents the applicant makes a part of the application are true and correct; [PL 1993, c. 524, §9 (AMD).]

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393; [PL 2003, c. 341, §5 (AMD).]

A-2. That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4; [PL 2003, c. 341, §6 (NEW).]

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q) to (x) is cause for refusal; [PL 2003, c. 341, §7 (AMD).]

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and [PL 2003, c. 341, §8 (AMD).]

C. That the applicant understands any false statements made in the application or in any document made a part of the application may result in prosecution as provided in section 2004. [PL 1993, c. 524, §9 (AMD).]

[PL 2003, c. 341, §§5-8 (AMD).]

3. Copy of laws furnished to applicant. A copy of this chapter and the definitions from other chapters that are used in this chapter must be provided to every applicant.

[PL 2011, c. 298, §7 (AMD).]

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

- A. An application for a resident permit to carry concealed handguns; [PL 2011, c. 298, §7 (AMD).]
- B. An application for a nonresident permit to carry concealed handguns; [PL 2011, c. 298, §7 (AMD).]
- C. A resident permit to carry concealed handguns of which a photograph is an integral part; [PL 2011, c. 298, §7 (AMD).]
- D. A resident permit to carry concealed handguns of which a photograph is not an integral part; [PL 2011, c. 298, §7 (AMD).]
- E. A nonresident permit to carry concealed handguns; and [PL 2011, c. 298, §7 (AMD).]
- F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application. [PL 1989, c. 917, §12 (NEW).]

Each issuing authority shall utilize only the model forms.

[PL 2011, c. 298, §7 (AMD).]

4. Good moral character. The issuing authority in judging good moral character shall make its determination in writing based solely upon information recorded by governmental entities within 5 years of receipt of the application, including, but not limited to, the following matters:

- A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section 4012, subsection 1; [PL 1995, c. 694, Pt. D, §51 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]
- B. Information of record relative to 3 or more convictions of the applicant for crimes punishable by less than one year imprisonment or one or more adjudications of the applicant for juvenile offenses involving conduct that, if committed by an adult, is punishable by less than one year imprisonment; [PL 1989, c. 924, §14 (AMD).]
- C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or [PL 1989, c. 924, §14 (AMD).]
- D. Information of record indicating that the applicant has been convicted of or adjudicated as having committed a violation of Title 17-A, chapter 45 or Title 22, section 2383, or adjudicated as having committed a juvenile crime that is a violation of Title 22, section 2383 or a juvenile crime that would be defined as a criminal violation under Title 17-A, chapter 45 if committed by an adult. [PL 1989, c. 924, §15 (NEW).]

[PL 1995, c. 694, Pt. D, §51 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF).]

5. Access to confidential records. Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section 4012, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

[PL 1995, c. 694, Pt. D, §52 (AMD); PL 1995, c. 694, Pt. E, §2 (AFF); PL 2005, c. 236, §§3, 4 (REV).]

6. Unorganized territory.

[PL 1993, c. 524, §10 (RP).]

7. Nonresident.

[PL 1993, c. 524, §11 (RP).]

8. Term of permit. All concealed handgun permits are valid for 4 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 years from the expiration date of the permit being renewed.

[PL 2011, c. 298, §7 (AMD).]

9. Information contained in permit. Each permit to carry concealed handguns issued must contain the following: The name, address and physical description of the permit holder; the holder's signature; the date of issuance; and the date of expiration. A permit to carry concealed handguns may additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed handguns.

[PL 2011, c. 298, §7 (AMD).]

10. Validity of permit throughout the State. Permits issued authorize the person to carry those concealed handguns throughout the State.

[PL 2011, c. 298, §7 (AMD).]

11. Permit to be in permit holder's immediate possession. Every permit holder, including a nonresident who holds a permit issued by the nonresident's state of residence, shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

[PL 2015, c. 144, §2 (AMD).]

12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days. The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

[PL 1991, c. 865, §3 (AMD).]

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

[PL 1991, c. 865, §4 (NEW).]

14. Lapsed permit. A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

[PL 1991, c. 865, §5 (NEW).]

15. Duty of issuing authority; application fees. The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following.

A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [PL 1993, c. 524, §12 (NEW).]

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [PL 1993, c. 524, §12 (NEW).]

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police. [PL 2015, c. 123, §1 (AMD).]

[PL 2015, c. 123, §1 (AMD).]

16. Application fee; use. The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed handguns issued by the issuing authority. [PL 2011, c. 298, §7 (AMD).]

17. Waiver of law enforcement agency record and background check fees. Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority. [PL 2011, c. 298, §7 (NEW).]

18. Certain persons on active duty in United States Armed Forces. A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a). [PL 2015, c. 123, §2 (NEW).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §§8-12 (AMD). PL 1989, c. 924, §§14,15 (AMD). PL 1991, c. 528, §§EE1,2 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 591, §§EE1,2 (AMD). PL 1991, c. 622, §§PP2,3 (AMD). PL 1991, c. 624, §§2,3 (AFF). PL 1991, c. 865, §§1-5 (AMD). PL 1993, c. 289, §1 (AMD). PL 1993, c. 340, §§2,3 (AMD). PL 1993, c. 368, §§4-7 (AMD). PL 1993, c. 524, §§5-12 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 694, §§D51,52 (AMD). PL 1995, c. 694, §E2 (AFF). PL 2001, c. 354, §3 (AMD). PL 2001, c. 549, §§6,7 (AMD). PL 2003, c. 341, §§3-8 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 236, §§3,4 (REV). PL 2007, c. 194, §5 (AMD). PL 2011, c. 298, §7 (AMD). PL 2015, c. 123, §§1, 2 (AMD). PL 2015, c. 144, §2 (AMD). PL 2017, c. 402, Pt. C, §79 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2017, c. 407, Pt. A, §102 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

§2003-A. Duty to inform law enforcement

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun. [PL 2015, c. 327, §4 (NEW).]

SECTION HISTORY

PL 2015, c. 327, §4 (NEW).

§2004. Penalty

1. False statements. A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed handgun or any documents made a part of the application commits a Class D crime.

[PL 2011, c. 298, §8 (AMD).]

2. Carries or conceals dangerous weapon. A person who violates section 2001-A commits a Class D crime.

[PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Failure to possess permit. A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

[PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Violation of confidentiality. A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

[PL 2003, c. 452, Pt. N, §3 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Failure to inform law enforcement. A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

[PL 2015, c. 327, §5 (NEW).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 2003, c. 452, §N3 (RPR). PL 2003, c. 452, §X2 (AFF). PL 2011, c. 298, §8 (AMD). PL 2015, c. 327, §5 (AMD).

§2005. Revocation; change of residence

1. Revocation. The issuing authority shall revoke a permit on the basis of one or more of the following determinations:

A. The application or any documents made part of the application contained a material misstatement; [PL 1985, c. 478, §2 (NEW).]

B. The permit holder has been convicted of a violation of section 2001-A; [PL 2003, c. 452, Pt. N, §4 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. The permit holder becomes ineligible to possess a permit under this chapter. Ineligibility is determined on the basis of the criteria contained in section 2003; [PL 1989, c. 917, §13 (AMD).]

D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; or [PL 2009, c. 447, §25 (AMD).]

E. For conduct that occurred after a permit was issued, that the permit holder was convicted of any violation of Title 17-A, chapter 45. [PL 1989, c. 917, §13 (NEW).]

[PL 2009, c. 447, §25 (AMD).]

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

A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days

of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2. [PL 2011, c. 298, §9 (AMD).]

B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority. [PL 1989, c. 917, §14 (NEW).]
[PL 2011, c. 298, §9 (AMD).]

3. Reapplication. If a permit has been revoked solely under subsection 1, paragraph D, the former permit holder may reapply upon successful completion of a substance use disorder treatment program approved by the Department of Health and Human Services as appropriate for the permit holder's problem or condition. Except as specified in this subsection, a person, otherwise eligible, who has had a permit revoked, is not eligible for reapplication until the expiration of 5 years from the date of revocation.

[PL 2017, c. 407, Pt. A, §103 (AMD).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). PL 1989, c. 917, §§13-15 (AMD). PL 2003, c. 452, §N4 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §25 (AMD). PL 2011, c. 298, §9 (AMD). PL 2017, c. 407, Pt. A, §103 (AMD).

§2005-A. Suspension of permit upon refusal

1. Immediate suspension. If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the permit holder is in possession of a loaded firearm, and the permit holder refuses to submit to the required testing, the permit to carry a concealed handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.

[PL 2011, c. 298, §10 (AMD).]

2. Notice to issuing authority. The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

[PL 1989, c. 917, §16 (NEW).]

3. Suspension in effect during pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521, 2522 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

[PL 1995, c. 65, Pt. A, §77 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Suspension terminated. If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

[PL 1989, c. 917, §16 (NEW).]

SECTION HISTORY

PL 1989, c. 917, §16 (NEW). PL 1995, c. 65, §A77 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 2011, c. 298, §10 (AMD).

§2006. Access to information and proceedings

1. Application, refusals and collected information; proceedings. All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant. [PL 2013, c. 54, §1 (NEW).]

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence; [PL 2013, c. 54, §1 (NEW).]
- B. The date the permit was issued; and [PL 2013, c. 54, §1 (NEW).]
- C. The date the permit expires. [PL 2013, c. 54, §1 (NEW).]

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities. [PL 2013, c. 54, §1 (NEW).]

SECTION HISTORY

PL 1985, c. 478, §2 (NEW). RR 1999, c. 2, §28 (COR). PL 2011, c. 298, §11 (AMD). PL 2011, c. 662, §15 (AMD). PL 2013, c. 54, §1 (RPR).

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