

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

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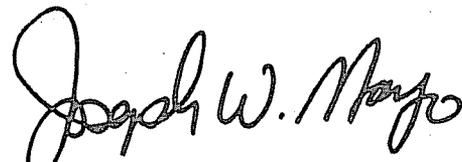
House of Representatives, January 27, 1994

**An Act to Clarify the Laws Relating to Permits to Carry Concealed
Firearms.**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Legal Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DAGGETT of Augusta.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature believes that it is important that these changes to the laws relating to permits to carry concealed firearms be effective immediately so as to give needed guidance to both the applicant and the issuing authority; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2002, sub-§§2 to 5, as enacted by PL 1985, c. 478, §2, are amended to read:

2. ~~Dependency-related~~ drug. "~~Dependency-----related~~ Dependency-related drug" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 7.

3. Drug abuser. "Drug abuser" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 9 10.

4. Drug addict. "Drug addict" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 11.

5. Drug-dependent person. "~~Drug--dependent~~ Drug-dependent person" has the same meaning as set forth in Title 22 5, section 7103 20003, subsection 12.

Sec. 2. 25 MRSA §2002, sub-§9, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

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;

2 B. To a resident of an unorganized territory:

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

6 C. To a nonresident:

8 (1) The Chief of the State Police.

10 **Sec. 3. 25 MRSA §2002, sub-§12 is enacted to read:**

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

16 **Sec. 4. 25 MRSA §2002-A, as amended by PL 1993, c. 340, §1,**
18 **is further amended to read:**

20 **§2002-A. Assignment of authority**

22 The municipal officers of a municipality without a
24 full-time chief of police may designate, if the Chief of the
26 State Police agrees, the State Police as the issuing authority
28 for that municipality. The designation must be made by written
30 agreement with the Chief of the State Police. The agreement must
32 include provisions for termination of the agreement. During the
34 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 State Police are entitled to receive any fees~~
 ~~authorized for performing the functions of the 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
 determination designation.

36 **Sec. 5. 25 MRSA §2003, sub-§1, as amended by PL 1993, c. 368,**
38 **§§4 and 5, is further amended by amending the first paragraph to**
 read:

40 **1. Criteria for issuing permit.** The issuing authority
42 shall, upon written application, issue a permit to carry
44 concealed firearms to ~~any legal resident of that municipality~~ an
 applicant over whom it has issuing authority and who has
 demonstrated good moral character and who meets the following
 requirements:

46 **Sec. 6. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c.**
48 **368, §5, is further amended by amending subparagraph (5),**
50 **division (o) to read:**

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

6 **Sec. 7. 25 MRSA §2003, sub-§1, ¶D,** as amended by PL 1993, c.
368, §5, is further amended by enacting subparagraph (5),
8 divisions (p) to (s) to read:

10 (p) Have you been convicted within the past 5
12 years of any Title 17-A, chapter 45 drug crime?

14 (q) Have you been adjudicated within the past 5
16 years as having committed a juvenile offense
18 involving conduct that, if committed by an adult,
20 would have been a violation of Title 17-A, chapter
22 45?

24 (r) Have you been adjudged to have committed the
26 civil violation of possession of a useable amount
28 of marijuana, butyl nitrite or isobutyl nitrite in
30 violation of Title 22, section 2383 within the
32 past 5 years?

34 (s) Have you been adjudicated within the past 5
36 years as having committed the juvenile crime
38 defined in Title 15, section 3103, subsection 1,
40 paragraph B of possession of a useable amount of
42 marijuana, as provided in Title 22, section 2383?;
44 and

46 **Sec. 8. 25 MRSA §2003, sub-§1, ¶E,** as amended by PL 1993, c.
368, §§4 and 5, is further amended by repealing subparagraph (4)
38 and enacting the following in its place:

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

46 (a) Resident of a municipality or unorganized
48 territory, \$35 for an original application and \$20
50 for a renewal, except that a person who paid \$60
for a concealed weapons 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

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

8 **Sec. 9. 25 MRSA §2003, sub-§2**, as amended by PL 1993, c. 368,
10 §§6 and 7, is further amended to read:

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

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

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

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

32 B-1. That the applicant understands that an affirmative
34 answer to one or more of the questions in subsection 1,
36 paragraph D, subparagraph (5), divisions (a), (b), (b-1),
 (c-1), (l), (m), (n) and (o) to (s) is used by the issuing
 authority, along with other information, in judging good
 moral character under subsection 4; and

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

44 **Sec. 10. 25 MRSA §2003, sub-§6**, as amended by PL 1993, c. 340,
 §3, is repealed.

46 **Sec. 11. 25 MRSA §2003, sub-§7**, as amended by PL 1991, c. 865,
48 §2, is repealed.

50 **Sec. 12. 25 MRSA §2003, sub-§§15 and 16** are enacted to read:

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 either a resident of an unorganized territory or a nonresident, 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 firearms issued by the issuing authority.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

The bill makes changes to the laws relating to concealed firearms permits by correcting cross-references, defining the terms "issuing authority" and "bodily injury," adding questions to the application pertaining to the good moral character of an applicant and by making gender-specific changes.

This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.