

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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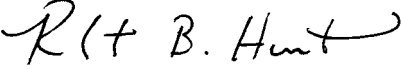
House of Representatives, March 11, 2025

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**An Act to Restore Full Civil Rights to Possess Firearms to Persons  
Previously Convicted of Certain Nonviolent Felony Crimes**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative PERKINS of Dover-Foxcroft.  
Cosponsored by Senator HAGGAN of Penobscot and  
Representatives: ARDELL of Monticello, BOYER of Poland, HENDERSON of Rumford,  
THORNE of Carmel, Senators: HARRINGTON of York, HICKMAN of Kennebec.

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

2 **Sec. 1. 12 MRSA §11103**, as amended by PL 2021, c. 54, §6, is further amended to  
3 read:

4 **§11103. Prohibition for convicted felons, domestic violence offenders and certain**  
5 **nonviolent juvenile offenders**

6 A person who is prohibited from possessing a firearm under Title 15, section 393,  
7 subsection 1, 1-A or 1-B is ineligible to obtain or possess any license or permit issued by  
8 the department that authorizes a person to hunt with a firearm unless that person possesses  
9 a valid permit in accordance with Title 15, section 393, subsection 2 or has had that person's  
10 civil rights relating to firearm possession restored under Title 15, section 396.

11 **Sec. 2. 15 MRSA §393, sub-§1**, as amended by PL 2023, c. 491, §§1 to 8 and c.  
12 675, §1, is further amended to read:

13 **1. Possession prohibited.** A Except as provided in section 396, a person may not  
14 own, possess or have under that person's control a firearm, unless that person has obtained  
15 a permit under this section, if that person:

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

18 (1) A crime in this State that is punishable by imprisonment for a term of one year  
19 or more;

20 (2) A crime under the laws of the United States that is punishable by imprisonment  
21 for a term exceeding one year;

22 (3) A crime under the laws of another jurisdiction that, in accordance with the laws  
23 of that jurisdiction, is punishable by a term of imprisonment exceeding one year.  
24 This subparagraph does not include a crime under the laws of another jurisdiction  
25 that is classified by the laws of that jurisdiction as a misdemeanor and is punishable  
26 by a term of imprisonment of 2 years or less;

27 (4) A crime under the laws of another jurisdiction that, in accordance with the laws  
28 of that jurisdiction, does not come within subparagraph (3) but is elementally  
29 substantially similar to a crime in this State that is punishable by a term of  
30 imprisonment of one year or more; or

31 (5) A crime under the laws of this State or another jurisdiction in a proceeding in  
32 which the prosecuting authority was required to plead and prove that the person  
33 committed the crime with the use of:

34 (a) A firearm against a person; or

35 (b) Any other dangerous weapon.

36 Violation of this paragraph is a Class B crime;

37 C. Has been adjudicated in this State or under the laws of another jurisdiction to have  
38 engaged in conduct as a juvenile that, if committed by an adult, would have been a  
39 disqualifying conviction:

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

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

2 Violation of this paragraph is a Class C crime;

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

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

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

16 Violation of this paragraph is a Class C crime;

17 E. Has been:

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

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

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

25 Violation of this paragraph is a Class C crime;

26 E-1. Is currently a restricted person pursuant to Title 34-B, section 3862-A, subsection  
27 4 or Title 34-B, section 3862-A, subsection 6, paragraph D or a similar order issued by  
28 another jurisdiction, except that the prohibition applies to possession and control and  
29 not ownership. A permit issued pursuant to subsection 2 is not a defense to a violation  
30 of this paragraph. Violation of this paragraph is a Class D crime;

31 E-2. Has been ordered to participate in a progressive treatment program pursuant to  
32 Title 34-B, section 3873-A and, as part of that order, directed not to possess a  
33 dangerous weapon pursuant to Title 34-B, section 3873-A, subsection 7-A for the  
34 duration of the treatment program, except that the prohibition applies to possession and  
35 control, and not ownership. Violation of this paragraph is a Class D crime;

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

39 G. Is an unlawful user of or is addicted to any controlled substance and as a result is  
40 prohibited from possession of a firearm under 18 United States Code, Section  
41 922(g)(3). Notwithstanding the prohibition under 18 United States Code, Section  
42 922(g)(3), the use, possession or transport of cannabis in accordance with Title 22,

1 chapter 558-C or Title 28-B may not serve as the basis for the prohibition to own,  
2 possess or have under a person's control a firearm in this section. Violation of this  
3 paragraph is a Class C crime;

4 H. Is an alien who is illegally or unlawfully in the United States or who was admitted  
5 under a nonimmigrant visa and who is prohibited from possession of a firearm under  
6 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class C  
7 crime;

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

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

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

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

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

25 **Sec. 3. 15 MRSA §396** is enacted to read:

26 **§396. Restoration of civil rights relating to firearm possession**

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

29 A. "Another jurisdiction" has the same meaning as in Title 17-A, section 2, subsection  
30 3-B.

31 B. "Department" means the Department of Public Safety.

32 C. "Felony crime" means:

33 (1) A crime in this State that is punishable by imprisonment for a term of one year  
34 or more;

35 (2) A crime under the laws of the United States that is punishable by imprisonment  
36 for a term exceeding one year;

37 (3) A crime under the laws of another jurisdiction that, in accordance with the laws  
38 of that jurisdiction, is punishable by a term of imprisonment exceeding one year,  
39 not including a crime under the laws of another jurisdiction that is classified by the  
40 laws of that jurisdiction as a misdemeanor and is punishable by a term of  
41 imprisonment of 2 years or less; or

1                   (4) A crime under the laws of another jurisdiction that, in accordance with the laws  
2                   of that jurisdiction, does not come within subparagraph (3) but is elementally  
3                   substantially similar to a crime in this State that is punishable by a term of  
4                   imprisonment of one year or more.

5                   D. "Final discharge" means the completion by a person of all authorized sentences  
6                   imposed as a result of a criminal conviction, including, but not limited to, a sentence  
7                   of imprisonment, a period of administrative release, a period of supervised release, a  
8                   period of probation, community service and the full payment of any fine or restitution.

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

10                  **2. Eligibility for restoration of civil rights.** Except as provided in subsection 5, a  
11                  person prohibited pursuant to the federal Gun Control Act of 1968, 18 United States Code,  
12                  Section 922(g)(1) or section 393, subsection 1, paragraph A-1 or C from owning,  
13                  possessing or having under the person's control a firearm as the result of a criminal  
14                  conviction or adjudication by a court in this State, 10 years after the date of final discharge  
15                  from any sentence imposed as a result of the conviction or adjudication, becomes eligible  
16                  to apply for a restoration of the person's civil rights in accordance with subsection 3. To be  
17                  eligible for a restoration of civil rights under subsection 3, a person must satisfy the  
18                  following conditions:

19                  A. The person has not been convicted or adjudicated of a felony crime in this State or  
20                  in another jurisdiction prior to or concurrently with the underlying conviction or  
21                  adjudication;

22                  B. The person has not been convicted or adjudicated of any crime in this State or in  
23                  another jurisdiction for a period of 10 years since the date of final discharge from any  
24                  sentence imposed as a result of the underlying conviction or adjudication and is not  
25                  subject to any adjudication for committing a crime in this State or in another  
26                  jurisdiction; and

27                  C. The underlying criminal conviction or adjudication is for a Class B or Class C crime,  
28                  except that if the underlying conviction or adjudication is for any of the following Class  
29                  B or Class C crimes, the person is not eligible to apply under subsection 3:

30                    (1) Any Class B or Class C crime in violation of Title 17-A, chapter 9, 11, 12, 13,  
31                    33 or 45;

32                    (2) Robbery in violation of Title 17-A, section 651;

33                    (3) Assault on an officer in violation of Title 17-A, section 752-A;

34                    (4) Assault on an emergency medical services person in violation of Title 17-A,  
35                    section 752-C;

36                    (5) Assault on a firefighter in violation of Title 17-A, section 752-E;

37                    (6) Aggravated sex trafficking in violation of Title 17-A, section 852; or

38                    (7) Sex trafficking in violation of Title 17-A, section 853.

39                  **3. Application for restoration of civil rights.** A person meeting the eligibility  
40                  requirements of subsection 2 may submit a request to the department to have restored the  
41                  person's right to own, possess and have under the person's control a firearm. Upon receipt  
42                  of a request, the department shall conduct a review of the person's criminal history to ensure

1 the person is eligible under subsection 2. Upon a determination that the person is eligible,  
2 the department shall notify the court having jurisdiction over the crime on which the  
3 person's firearm prohibition is based, and that court shall issue an order restoring the  
4 person's right to own, possess and have under the person's control a firearm.

5 **4. Effect of restoration.** Except as provided in subsection 5, if a court issues an order  
6 restoring the civil rights of a person pursuant to subsection 3, that person is no longer  
7 prohibited from owning, possessing or having under that person's control a firearm under  
8 section 393, subsection 1, paragraph A-1 or C. Restoration of civil rights under this section  
9 is within the meaning of civil rights restored under the federal Firearms Owners' Protection  
10 Act, 18 United States Code, Section 921(a)(20).

11 **5. Subsequent conviction.** If a person who has had the person's civil rights restored  
12 under this section is subsequently convicted of any felony crime in this State or in another  
13 jurisdiction, the person's right to own, possess and have under that person's control a  
14 firearm is revoked, the person is ineligible from qualifying for a restoration of civil rights  
15 under this section and the court that issued the order restoring the person's rights under  
16 subsection 3 shall revoke the order.

## 17 SUMMARY

18 Currently, persons who have been convicted of committing or found not criminally  
19 responsible by reason of insanity of committing a crime in this State, a crime under the  
20 laws of the United States and certain crimes in other jurisdictions that are punishable by a  
21 term of imprisonment of one year or more are prohibited from owning, possessing or  
22 having under their control a firearm. This bill restores the right for some of these convicted  
23 persons to own, possess and have a firearm under their control, setting certain eligibility  
24 requirements a person must meet to have their civil rights relating to firearms restored,  
25 including a requirement that 10 years have passed since the completion of any sentence  
26 imposed on them. Eligibility for restoration of firearm rights is excluded for certain  
27 enumerated categories of crimes, including murder; any Class A crime; any Class B or C  
28 crime in violation of the Maine Revised Statutes, Title 17-A, chapter 9, 11, 12, 13, 33 or  
29 45; robbery; assault on an officer; assault on an emergency medical services person; assault  
30 on a firefighter; aggravated sex trafficking; and sex trafficking.

31 The bill also outlines the procedure for applying for a restoration of civil rights. A  
32 person meeting the eligibility requirements may submit a request to the Department of  
33 Public Safety to have that person's firearm rights restored. Upon receipt of a request, the  
34 department must conduct a review of the person's criminal history to ensure the person is  
35 eligible. Upon a determination that the person is eligible, the department must notify the  
36 court having jurisdiction over the crime on which the person's firearm prohibition is based,  
37 and that court must issue an order restoring the person's rights.

38 The bill also stipulates that, in the event a person who has had the person's civil rights  
39 restored is subsequently convicted of any felony crime, defined as a crime punishable by a  
40 sentence of imprisonment of one year or more in Maine or any other jurisdiction, that  
41 person's restored rights are revoked and the person is ineligible from qualifying for a  
42 restoration of that person's rights in the future. In this occurrence, the court that issued the  
43 order restoring the person's civil rights to own, possess and have under the person's control  
44 a firearm must revoke that order.