

# MAINE STATE LEGISLATURE

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Handwritten: 25 M.R.S.A. 2031

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

September 19, 1978

Honorable James Wilfong  
Route 113  
North Fryeburg, Maine 04058

Re: Interpretation of 25 M.R.S.A.  
§2031 (1978 Supp.).

Dear Representative Wilfong:

Your request for an opinion regarding the authority of a municipality to adopt a policy prohibiting the issuance of concealed weapons permits has been referred to me for response. Specifically, you have inquired whether, pursuant to 25 M.R.S.A. §2031 (1978 Supp.), a municipality may adopt a blanket policy to the effect that no permits to carry concealed weapons will be issued.

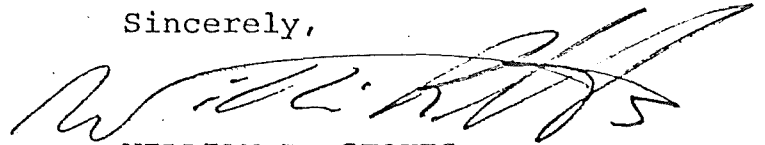
I have enclosed, for your consideration, a copy of Justice Scolnik's decision in Bryant v. Macomber, (Kennebec County Superior Court, Docket No. C.V.-74-251, June 3, 1975) as well as a copy of an opinion issued by this office on March 25, 1976. Both Justice Scolnik's decision and the Attorney General's opinion would appear to support the proposition that a municipality has no authority to adopt a policy refusing all applications for concealed weapons permits. However, in Brown v. Town of Wells, (York County Superior Court, Docket No. C.V.-77-139, November 1, 1977), Justice Herbert Silsby ruled that the Town of Wells was not obligated to issue a concealed weapons permit to an applicant who satisfied all of the criteria of 25 M.R.S.A. §2031 (1978 Supp.). The decision in Brown v. Town of Wells has

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been appealed to the Law Court and has been assigned Docket No. York-78-14. The case has been scheduled for oral argument on October 13, 1978 at 1:30 p.m. The plaintiff is being represented by Roland A. Cole, Esquire, and the Town of Wells is being represented by John E. Harrington, Jr., Esquire.

In view of the fact that the precise issue you have raised will soon be presented to the Law Court, I do not believe it would be appropriate for this office to issue an opinion at this time. I will send you a copy of the Law Court's decision as soon as it is handed down. If I can be of any further assistance to you, please feel free to contact me.

Sincerely,



WILLIAM R. STOKES  
Assistant Attorney General

WRS:sm