

# MAINE STATE LEGISLATURE

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JAMES E. TIERNEY  
ATTORNEY GENERAL



STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
STATE HOUSE STATION 6  
AUGUSTA, MAINE 04333

November 23, 1983

Honorable Mary Najarian  
173 Pleasant Avenue  
Portland, Maine 04103

Dear Senator Najarián:

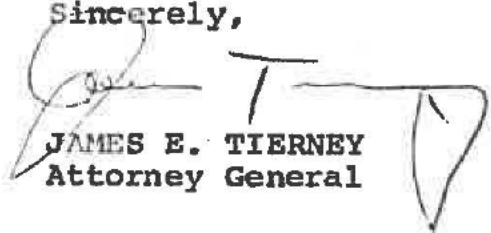
This will respond to your oral request for an opinion as to whether the appropriate official of a municipality is legally justified in denying a concealed weapons permit to an applicant who has committed three speeding infractions within the five years previous to his application for a concealed weapons permit. For the reasons discussed below, it is the opinion of this office that the denial of a concealed weapons permit in the circumstances described above, while not legally required, is legally permissible pursuant to Maine's Concealed Weapons Law (25 M.R.S.A. §§ 2031-2035).

By virtue of Chapter 119 of the Public Laws of 1981, the Legislature created a new statute governing the issuance of concealed weapons permits. For the first time, the Legislature provided statutory guidance to municipal officials in making the determination as to what constitutes good moral character for the purposes of obtaining a concealed weapons permit. 25 M.R.S.A. § 2032(3)(D) provides that the appropriate authority charged with the responsibility of issuing concealed weapons permits shall make a determination of good moral character of the applicant and that that determination shall be made "in writing based upon evidence recorded by a governmental entity." The statute then goes on to state that the issuing authority shall consider matters "recorded within the previous five years, including, but not limited to, the following: records of three or more civil violations by the applicant." Speeding is a traffic infraction, and a traffic infraction is a civil violation under Maine law. See 29 M.R.S.A. § 1(17-C).

In enacting 25 M.R.S.A. §§ 2031-2035, the Legislature clearly intended that the issuing authority in a municipality possess a range of discretion, within permissible statutory limits, to determine the "good moral character" of a permit applicant. In view of the foregoing, the denial of a concealed weapons permit under the circumstances you have described, is consistent with Maine law.

I hope this information is helpful to you, and please feel free to call upon me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "James E. Tierney", is written over the typed name. The signature is stylized and somewhat cursive.

JAMES E. TIERNEY  
Attorney General

JET:jwp