

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1365

S. P. 431

In Senate, February 24, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Glass of Waldo.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to the Possession of Firearms and the Carrying and
Registration of Firearms Capable of Being Concealed.

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

Sec. 1. R. S., T. 25, § 2031, repealed. Section 2031 of Title 25 of the Revised Statutes is repealed.

Sec. 2. R. S., T. 25, §§ 2032 - 2049, additional. Title 25 of the Revised Statutes is amended by adding 18 new sections 2032 to 2049 to read as follows:

§ 2032. Definitions

The following words and phrases when used in this chapter are defined as follows:

1. **Firearm.** "Firearm" means a weapon capable of being concealed upon the person and shall include all firearms having a barrel or barrels of less than 12 inches in length.

2. **Person.** "Person" means any partnership, firm, association or corporation. The word "concealed" shall not include firearms carried open to view in belt holsters.

§ 2033. Felons, possessions

Any individual who has been convicted of a felony under the laws of the United States, of the State of Maine, or any other state, government or country, who owns or has in his possession or under his custody or control any firearm, shall be punished by a fine not exceeding \$500 or by imprisonment for not more than 5 years, or by both.

§ 2034. Concealed firearms

Except as otherwise provided in this chapter, any individual who carries concealed upon his person or concealed within any vehicle which is under his control or direction any firearm, without having a license to carry such firearm as provided in this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 2 years, or by both.

§ 2035. Persons exempt

Section 2034 does not apply to or affect any of the following:

1. Law enforcement officers. Sheriffs and their deputies, constables, police officers, United States marshals, licensed private detectives and other federal or state officers charged with the enforcement of law;

2. Merchants. The possession or transportation by any licensed merchant, his agents or servants, of unloaded firearms as merchandise for sale or distribution;

3. Members of armed forces. Members of the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States, or the National Guard, when on duty;

4. Guards or messengers. Guards or messengers of common carriers, banks and other financial institutions while actually employed in and about the shipment, transportation or delivery of any money, treasure, bullion, bonds or other things of value within this State;

5. Members of shooting clubs. Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges, provided that the firearm is not concealed upon the individual and is encased;

6. Licensed hunters or fishermen. Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition, or unlicensed nonresident hunters or fishermen enroute in this State who within 48 hours of their arrival are issued a nonresident hunting or fishing license, provided said firearm is not concealed upon the individual and is encased.

§ 2036. Licenses to carry concealed firearms

Individuals applying for a license to carry concealed firearms shall be of good moral character and show that good cause exists for the issuance of such licenses. The chief of police of a municipality having a population of 5,000 or more shall be the officer issuing licenses to residents of such municipalities. The sheriff or his chief deputy shall be the officer issuing licenses to residents of municipalities having a population of less than 5,000. All licenses issued hereunder shall be for one year from the date of issue.

§ 2037. Applications

Applications for licenses shall be filed in writing, signed by the applicant and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair and reason for desiring a license to carry the firearm. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the firearm or firearms authorized to be carried, giving the name of the manufacturer, the serial number and the caliber.

Applications and licenses shall be uniform throughout the State upon forms to be prescribed by the Attorney General.

§ 2038. Record

A copy of each license issued under this chapter shall be filed immediately by the issuing officer with the Chief of the State Police.

§ 2039. Fee

Each applicant for a license shall pay a fee of \$1 at the time of filing his application. The fee shall be retained by the licensing officer who shall transmit the money to the city if the license was issued by a chief of police; otherwise, the fee shall be paid to the county treasurer.

§ 2040. Licenses to sell firearms, unlicensed business; offense

Any person who, without being licensed as provided in this chapter, engages in the business of selling or otherwise transferring or who advertises for sale, or offers for sale, or offers or exposes for sale or transferring, any firearm, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 90 days, or by both.

§ 2041. Retail license; business regulations

The duly constituted licensing authority of any town or city may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the State, town or city, firearms subject to the following conditions for breach of any of which the license shall be subject to forfeiture:

1. Building. The business shall be carried on only in the building designated in the license.
2. Display. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.
3. Delivery. No pistol or revolver shall be delivered:
 - A. Within 3 days of the application for the purchase, and when delivered shall be unloaded; nor,
 - B. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

§ 2042. License suspension

The licensing authority may suspend or revoke a license to sell firearms upon proof of violation of any of the provisions of sections 2041, 2044, 2046 and 2047. Such authority shall give to a licensee 10 days' written notice of a hearing setting forth the basis for such hearing. After hearing, the licensing authority may suspend or revoke the license. A person aggrieved by a decision of the licensing authority may appeal to the Superior Court in the county by filing a complaint within 10 days of the notice of decision.

§ 2043. Casual sales

The provisions of section 2041 shall not apply to the casual sale of firearms as the term "casual sale" is defined in Title 36, section 1752, subsection 11, excepting that any vendor or donor of a firearm, and any individual who purchases or otherwise acquires a firearm from without the State shall, within 72 hours after such casual sale, transfer or acquisition, notify the Chief of the State Police of such sale or transfer upon a form prescribed by the Attorney General. Any person who shall violate this section shall be punished by a fine of not more than \$100.

§ 2044. Register of sales

Every person in the business of selling, leasing or otherwise transferring a firearm, whether such seller, lessor or transferor is a retail dealer, pawnbroker or otherwise, except as provided by this chapter, shall keep a register in such form as the Attorney General shall prepare, in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers.

§ 2045. Preparation and sale of forms

The form of register shall be prepared by the Attorney General and obtained from him by the person on application at a cost to be determined by the Attorney General for each 100 leaves in duplicate, one original and one duplicate for the making of a carbon copy.

§ 2046. Notice to the State Police

The Attorney General upon issuing a register shall forward to the Chief of the State Police the name and business address of the dealer, together with the series and sheet numbers of the register. The register shall not be transferable. If the dealer moves his business to a different location, he shall notify the Chief of the State Police of such fact in writing within 48 hours.

§ 2047. Signatures and sales by mail

The purchaser of any firearm shall sign, and the dealer shall require him to sign his name and affix his address to the register in duplicate, except as otherwise provided, and the salesman shall affix his signature in duplicate as a witness

to the signature of the purchaser. No retail sale of a firearm, delivery of which is to be made by mail, express or other mode of shipment to points outside the municipality where the seller has his place of business, shall be made except on written order by the purchaser, and the seller shall attach the written order to the register as a substitute for the purchaser's signature upon mailing the firearm to the purchaser.

The original sheet of the register shall, within 72 hours of the date of the sale, be placed in the mail, postage prepaid and properly addressed to the Chief of the Maine State Police.

§ 2048. Inspection of records

All records required to be maintained or kept under this chapter shall at all reasonable hours be open to inspection by any law enforcement officer within his jurisdiction.

§ 2049. Penalties

Whoever shall make any material misstatement of fact upon his application for license to carry a firearm or upon any dealer's record of sale of a firearm or upon any other record required by this chapter shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.'