

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 450

H. P. 359

House of Representatives, February 16, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.
Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Possession of Firearms by Felons.

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

15 **MRSA § 393**, as last amended by PL 1965, c. 327, § 2, is repealed and the following enacted in its place:

§ 393. Possession forbidden

1. **Possession by felon prohibited.** It shall be unlawful for any person who has been convicted of any crime which is punishable by one year or more imprisonment or any other crime which was committed with a firearm or dangerous or deadly weapon under the laws of the United States or of the State of Maine, or of any other state, to own, have in his possession or under his control any firearm.

2. **Application after 5 years.** Any person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date of his discharge or release from prison or jail or termination of probation, apply in writing to the Commissioner of Public Safety, upon forms supplied by him, for a permit to carry a firearm not to be concealed upon the person.

3. **Contents of application.** The written application shall specify the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation; the reason for the request and any other information deemed by the Commissioner of Public Safety to be of assistance to him. The application shall be accom-

panied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge which are the subject of the conviction.

4. Notification, objection and hearing. Upon receipt of an application, the Commissioner of Public Safety shall determine if it is in proper form. If the application is proper, he shall within 30 days notify the sentencing judge, the Attorney General, the district attorney in the county where the applicant resides, the district attorney who prosecuted the case, the law enforcement agency which handled the case, the chief of police and sheriff in the municipality and county where the crime occurred and where the applicant has his present residence of the filing of the application and may direct any appropriate investigation to be carried out. If, within 30 days of receipt of notice, any person so notified objects in writing to the issuance of a permit, none shall issue, but the commissioner shall provide the applicant a hearing upon the filing of any objection, and any denial shall be in writing.

5. Appeal. Any person to whom a permit has been denied may appeal to the Superior Court sitting in Kennebec County. The decision of the commissioner may not be overturned unless the court shall find that the applicant's request is reasonable and that the denial of the commissioner was arbitrary, capricious and discriminatory.

6. Filing fee. The commissioner may establish a reasonable filing fee not to exceed \$25 to defray costs of processing applications.

7. Firearm, deadly weapon or dangerous weapon defined. As used in this section, the terms firearm, deadly weapon or dangerous weapon have the same meaning as is defined in Title 17-A.

8. Penalty. Any violation of subsection 2 is a Class B offense and shall be punished as provided for in Title 17-A.

STATEMENT OF FACT

The purpose of this bill is to prohibit the possession of firearms by persons who have been convicted of violent or serious crimes.