

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 119

H. P. 71

House of Representatives, January 6, 1981

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. McKean of Limestone.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Establish Guidelines for the Refusal of Concealed Weapon Permits.

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

25 MRSA § 2031, as last amended by PL 1975, c. 449, §§ 1 and 2, is repealed and the following enacted in its place:

§ 2031. Threatening display of or carrying concealed weapons; license

1. **Prohibition.** Except as provided in this section, no person may display in a threatening manner, or wear under his clothes or conceal about his person any firearm, sling shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon.

2. **Issuance of permits by local officials.** The chief of police or city marshal of any city or the selectmen of any town may upon written application issue to any legal resident of that city or town a certificate setting forth that the person has been duly licensed to carry the weapon mentioned in the certificate. Prior to the issuance of any license, the applicant shall furnish to the chief of police, city marshal or selectmen sufficient proof that he meets the following qualifications:

A. That he has not been convicted of any crime involving the use of a dangerous or deadly weapon or any crime involving physical violence;

B. That he has no history of habitual abuse of alcohol or drugs and that he has

not been convicted of any violation of Title 17-A, chapter 45 or any other criminal offense involving the abuse of alcohol or drugs; and

C. That he is able to demonstrate a reasonable necessity for carrying the weapon, including but not limited to, the following:

- (1) That such a weapon is required in his employment;
- (2) That he frequently carries large sums of money or valuables; or
- (3) That he has received, and can substantiate the fact that he has received, threats of violence or death against his person.

If the applicant is a resident of the State and is domiciled in unorganized territory, the certificate may be issued by the police or city marshal or any city or the selectmen on any town nearest to the unorganized territory.

3. Issuance of permits by Chief of the State Police. The Chief of the Maine State Police or persons authorized by him may, upon written application, issue to a nonresident, not falling within the local licensing authority, who is in the employ of a public utility corporation, or a person, firm or corporation engaged in the business of transferring money or in a business of a similar nature and who is of good moral character and whose application is endorsed by his employer, a certificate setting forth that the person has been duly licensed to carry any weapon or weapons mentioned in this section during the working hours he is so employed. The certificate shall cease to be valid when the employee leaves the employment of the employer who endorsed the application and shall be subject to termination as provided in this section.

4. Term of license; revocation. All licenses shall continue in effect to the end of the calendar year in which issued and for one year thereafter unless sooner revoked by the Chief of the Maine State Police, chief of police, city marshal, or by the selectmen of the town in which the license was issued.

5. Record. The official or officials issuing a license shall make a permanent record of it in a suitable book or file, kept for that purpose. The record shall include the date of issuance, the name, age, sex and street address of the licensee, together with a complete description of the weapon, and in the case of firearms, the caliber, make and number, and a description of the licensee, and the descriptions shall be placed on the certificate.

6. Persons exempt from this section. This section does not prohibit the carrying or wearing of such weapons by United States marshals, sheriffs and their deputies, constables, police officers, licensed private detectives and other officers charged with the enforcement of law.

7. Certain weapons exempt from this section. For the purposes of this section, a holstered handgun or knife which does not protrude from the outer garments of a licensed hunter while that hunter is in the act of hunting is not a concealed weapon.

8. Licenses valid throughout the State. All licenses issued in accordance with this section authorize the person so licensed to carry the weapons throughout the State and any certificate issued under this section is valid throughout the State.

9. Licensee to carry license at all times when carrying weapon. Every licensee shall have his license in his immediate possession at all times when carrying a concealed weapon and shall display the license upon demand of any law enforcement officer. No person charged with failure to have his license in his immediate possession while carrying a concealed weapon may be convicted if he produces in court the license for that weapon issued to him and valid at the time of the issuance of a court summons. If the person so charged exhibits to a law enforcement officer designated by the summoning officer the license not later than 24 hours before the time set for the court appearance, then the complaint shall not be issued.

10. Violations. Any person violating this section is guilty of a Class E crime.

STATEMENT OF FACT

The purpose of this bill is to specify some of the qualifications which must be met before local officials can issue a concealed weapons permit. The bill would require that the applicant must furnish sufficient proof that he has not been convicted of any crimes of violence; that he does not have a history of alcohol or drug abuse or any crimes involving alcohol or drug abuse; and that he has a legitimate reason for wanting to carry a concealed weapon.