

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-88)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 467, L.D. 519, Bill, "AN ACT to Establish Guidelines for the Issuance of Concealed Weapon Permits."

Amend the bill in section 2, in that part designated "§2032." by striking out all of subsection 1 and inserting in its place the following:

'1. Municipal officers. The mayor and aldermen or councillors of a city, the selectmen or councillors of a town, or the assessors of a plantation shall designate themselves or their full-time chief of police as the issuing authority for permits under this chapter. The issuing authority shall, upon written application therefor, issue a permit to carry concealed weapons to any legal resident of that municipality who has demonstrated good moral character and who meets the following requirements:

A. Is 18 years of age or older;

B. Has not been convicted of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year;

C. Submits an application which contains the following:

(1) Full name;

(2) Full current address and addresses for the prior 5 years;

(3) The date and place of birth, height, weight and color of eyes;

(4) A record of previous denials for concealed weapons;

permits, for the information of the issuing authority, such denials alone not constituting cause for refusal;

(5) A statement granting the chief of police authority to check the criminal records of any law enforcement agency. The applicant must agree to submit to having his fingerprints taken by the issuing authority if it becomes necessary to resolve any questions as to his identity; and

(6) Answers to the following questions:

(a) Are you currently under indictment or information for a crime for which the penalty is imprisonment for in excess of one year?

(b) Have you ever been convicted of a crime for which the penalty possible exceeded one year in prison?

(c) Are you a fugitive from justice?

(d) Are you an unlawful user of or addicted to marijuana or any other drug?

(e) Have you been voluntarily or involuntarily committed to a mental institution or received psychiatric inpatient services in a hospital for a period greater than 2 weeks within the past 5 years?

(f) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article V, Parts 3 and 4, and not had that designation removed by an order under Title 18-A, section 5-307, subsection (b)?

(g) Have you been dishonorably discharged from the military forces within the past 5 years?

(h) Are you an illegal alien?

By affixing his signature, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to the questions in subparagraph (6) is cause for refusal and any false statement may result in prosecution as provided in section 2033;

D. Submits to being photographed if a photograph is an integral part of concealed weapon permits issued by the jurisdiction; and

E. Submits an application fee not to exceed \$15 in the case of an original application and a fee not to exceed \$5 in the case of a renewal. This application and fee shall cover any number of weapons involved and any permit issued.

The requirements set out in this subsection constitute a complete application.'

Further amend the bill in section 2, in that part designated "§2032." by striking out all of subsection 3 and inserting in its place the following:

3. Good moral character. The issuing authority in judging good moral character shall make its determination in writing based upon evidence recorded by a governmental entity. The issuing authority shall consider matters recorded within the previous ⁵ years, including, but not limited to, the following:

A. Records of incidents of abuse by the applicant of family or household members, provided pursuant to Title 19, section 770, subsection 1;

B. Records provided by the Department of Human Services regarding the failure of the applicant to meet child or family support obligations;

C. Records of 3 or more convictions of the applicant ^{Class} for Class D or E crimes;

D. Records of 3 or more civil violations by the applicant;
or

E. Records indicating that the applicant has engaged in recklessness or negligence that endangered the safety of others, including the use of weapons or motor vehicles.'

Further amend the bill in section 2 (—————) in that part designated "§2034." ^{by striking out} all of the first paragraph and inserting in its place the following:

'The authority permitted to issue permits as provided in section 2032 shall revoke a permit if it is determined that a material misstatement was made on the application, that the permit holder has been convicted of a violation of section 2031, or becomes ineligible to make ^{an} application under this chapter.'

Further amend the bill in section 2 by striking out all of that part designated "§2035." and inserting in its place the following:

§2035. Confidentiality of application

Notwithstanding $\left\langle \text{-----} \right\rangle$ Title 1, sections 401 to 410, all applications, refusals and supporting documentation received pursuant to section 2032 are confidential and may not be made available for public inspection or copying. The individual may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the grant, denial or revocation of permits are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

The issuing authority shall make a permanent record of each license 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, and shall be available for public inspection.'

Statement of Fact

This amendment incorporates several changes suggested at the public hearing and clarifies some ambiguities in the original bill.

Proposed section 2032, the permits section of the bill, is changed in the following ways.

1. The power to issue permits is granted to the municipal officers, as defined in Title 30, section 1901, subsection 7, subject to delegation to any full-time chief of police. The original bill bypassed the municipal government entirely.

2. The issuing authority is alerted of previous permit refusals, but those refusals may not constitute the sole basis for a refusal on the current application.

3. The general language regarding mental defect is specifically tied to certain situations.

4. The initial fee is increased from \$10 to \$15.

5. "Good moral character," which under the amendment must be "demonstrated" by the applicant, is tied into recorded instances of misconduct. The guidelines provide a basis on which the issuing authority can make this difficult determination.

Proposed section 2034 is corrected to omit a phrase which reflects current law, but is inconsistent with the provisions of this Act.

Proposed section 2035, the confidentiality section, is amended to provide for confidentiality of all records and proceedings, subject to waiver by the applicant. However, the list of granted permits shall continue to be a matter of public record.

Reported by the Committee on Legal Affairs.
Reproduced and distributed under the direction of the Clerk of the House.

3/11/81

(Filing No. H-88)