

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. 519

H. P. 467

House of Representatives, January 29, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

Cosponsors: Representative Jackson of Yarmouth, Representative Murphy of Kennebunk and Representative Gwadosky of Fairfield.

STATE OF MAINE

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

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

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

Sec. 1 25 MRSA § 2031, as last amended by P.L. 1975, c. 449, §§ 1 and 2, is repealed and the following enacted in its place:

§ 2031. Threatening display of or carrying a concealed weapon

No person may display in a threatening manner, or wear under his clothes or conceal about his person, any firearm, slung shot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapons usually employed in the attack on or defense of a person, unless excepted by a provision of law.

The provisions of this section concerning the carrying of concealed weapons do not apply to:

1. **Permit issued.** Persons to whom a permit to carry a concealed weapon has been issued as provided in this chapter;

2. **Law enforcement officers.** Law enforcement officers within their area of jurisdiction while in performance of their official duties and at such other times and places as may by law be provided, or as may be required or permitted by written authority of the chief executive officer of their employing agency; or

3. Private investigators. Private investigators licensed under the laws of this State.

Sec. 2. 25 MRSA §§ 2032-2035 are enacted to read:

§ 2032. Permits to carry concealed weapons

1. Municipal chief of police. In any municipality having a full-time chief of police, that official shall, upon written application therefor, issue a permit to carry concealed weapons to any legal resident of that municipality, who is determined to be of 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 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 question as to his identity; and**
 - (5) 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 adjudged mentally defective or been committed to a mental institution within the past 5 years?**
 - (f) Have you been dishonorably discharged from the military forces within the past 5 years?**
 - (g) 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 (5) 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 \$10 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, which by election of the issuing authority may be shortened in any area desired.

2. Copy of laws furnished to applicant. A copy of the laws governing the application for and carrying of concealed weapons shall be provided to every applicant.

3. Municipalities without full-time chief of police. In municipalities which do not have a full-time chief of police, the selectmen or comparable body shall be the issuing authority.

4. Unorganized territory. Any resident of an unorganized territory shall make an application to the appropriate authority in any municipality nearest the unorganized territory and the application, fees and permit provisions of this section shall apply.

5. Nonresident. Any nonresident who meets the requirements of this section shall make an application to the Chief of the State Police and the application, fees and permit provision of this section shall apply.

6. Term of permit. All concealed weapon permits are valid for 2 years from the date of issue, unless sooner revoked for cause by the issuing authority.

7. Information contained in permit. Each permit issued shall contain the name, address and physical description of the applicant.

8. Validity of permit throughout the State. Permits issued authorize the person to carry such concealed weapons throughout the State.

9. Permit to be in permit holder's immediate possession. Every permit holder shall have his permit in his immediate possession at all times when carrying a concealed weapon and shall display the same on demand of any law enforcement officer.

10. Producing permit in court. No person charged with failure to have his permit in his immediate possession as required may be convicted if he produces in court the permit which was valid at the time of the issuance of a summons to court, or if he exhibits such permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, no complaint may be issued.

11. Permit to be issued or denied within 30 days. The issuing authority, as set

forth in this section, shall issue or deny, and reply in writing as to the reason for any refusal, within 30 days of the application date.

§ 2033. Penalty

Whoever knowingly makes any false statement on an application or violates any provision of this chapter is guilty of a Class D crime.

§ 2034. Revocation

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, termination of employment which necessitated a permit or becomes ineligible to make application under this chapter.

No person, otherwise qualified, who has had a permit revoked, is eligible for reapplication until the expiration of 5 years from the date of revocation.

§ 2035. Confidentiality of application

Notwithstanding the provisions of Title 1, sections 401 to 410, all applications and supporting documentation received pursuant to section 2032 are confidential and may not be made available for public inspection or copying.

STATEMENT OF FACT

The purpose of this bill is to establish specific guidelines which can be used when approving or denying an application for a concealed weapon permit.