

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)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 2001

6 H. P. 2051 House of Representatives, February 17, 1982
7 Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

8 Referred to the Committee on Legal Affairs. Sent up for concur-
rence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative M. Nelson of Portland.

9 Cosponsors: Representative P. Jackson of Yarmouth, Representa-
tive Murphy of Kennebunk and Representative Gwadosky of Fairfield.

10 STATE OF MAINE
11

12 IN THE YEAR OF OUR LORD
13 NINETEEN HUNDRED AND EIGHTY-TWO
14

15 AN ACT to Amend the Concealed Weapons Law.
16

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

18 **Sec. 1. 25 MRSA §2031, 2nd ¶**, as repealed and replaced
19 by PL 1981, c. 119, §1, is amended to read:

20 The provisions of this section concerning the ~~carrying~~
21 ~~of- concealed- weapons~~ concealing of weapons on or about the
22 person do not apply to:

23 **Sec. 2. 25 MRSA §2031, sub-§1**, as enacted by PL 1981,
24 c. 119, §1, is amended to read:

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

1 Sec. 3. 25 MRSA §2031, sub-§2, as enacted by PL 1981,
2 c. 119, §1, is repealed and the following
3 enacted in its place:

4 2. Law enforcement officers. Duly sworn law enforce-
5 ment officers employed by local, state or federal law
6 enforcement agencies; or

7 Sec. 4. 25 MRSA §2032, sub-§1, ¶B-1 is enacted to
8 read:

9 B-1. Has a legitimate need to conceal a firearm or
10 other weapon; and

11 Sec. 5. 25 MRSA §2032, sub-§1, ¶C, sub-¶5, first sen-
12 tence, as enacted by PL 1981, c. 119, §2, is repealed and
13 the following enacted in its place:

14 A release granting the issuing authority the right
15 to obtain and inspect an applicant's local, state
16 and federal criminal history record, investigative
17 and informational records of human service, wel-
18 fare and law enforcement agencies, military
19 records, medical records regarding substance abuse
20 and psychiatric or psychological evaluation and
21 concealed weapon permit records;

22 Sec. 6. 25 MRSA §2032, sub-§1, ¶C, sub-¶5-A is enacted
23 to read:

24 5-A. A statement informing the issuing authority
25 of applicants need to conceal a firearm or weapon;
26 and

27 Sec. 7. 25 MRSA §2032, sub-§1, ¶C, sub-¶6, as enacted
28 by PL 1981, c. 119, §2, is amended to read:

29 (6) Answers to the following questions:

30 (a) Are you currently under indictment or
31 information for a crime for which the penalty
32 is imprisonment for in excess of one year?
33 Please specify.

34 (b) Have you ever been convicted of charged
35 with a crime involving violence or the ille-
36 gal use of weapons or force, or convicted of
37 a crime for which the penalty possible
38 exceeded one year in prison?

- 1 (c) Are you a fugitive from justice?
- 2 (d) Are you now, or have you ever been, an
- 3 abuser, unlawful user of or addicted to alco-
- 4 hol, marijuana or any other drug?
- 5 (e) Have you been voluntarily or involun-
- 6 tarily- committed- to- a- mental- institution
- 7 under psychiatric care in the past year or
- 8 received psychiatric inpatient services in- a
- 9 hospital- for- a- period greater than 2 weeks
- 10 care within the past 5 years? Please spec-
- 11 ify.
- 12 (f) Have you been adjudicated to be an inca-
- 13 pacitated person pursuant to Title 18-A,
- 14 Article V, Parts 3 and 4, and not had that
- 15 designation removed by an order under Title
- 16 18-A, section 5-307, subsection (b)?
- 17 (g) Have you been dishonorably discharged
- 18 from the military forces within the past 5
- 19 years?
- 20 (h) Are you an illegal alien?

21 By affixing his signature, the applicant certifies that

22 the information in the application provided by him is

23 true and correct and that he understands that an

24 affirmative answer to the questions in this

25 subparagraph (6) cause for refusal and any false state-

26 ment may result in prosecution as provided in section

27 2033;

28 **Sec. 8.** 25 MRSA §2032, sub-§1, ¶E, as enacted by PL

29 1981, c. 119, §2, is amended to read:

30 E. Submits an a nonrefundable application fee not

31 to exceed \$15 \$25 in the case of an original

32 application and a fee not to exceed \$5 \$15 in the

33 case of a renewal. This application and fee shall

34 cover any number of weapons involved and any

35 permit issued ;and

36 **Sec. 9.** 25 MRSA §2032, sub-§1, ¶F is enacted to read:

37 F. Submits to a personal interview.

38 **Sec. 10.** 25 MRSA §2032, sub-§3, as enacted by PL 1981,

1 c. 119, §2, is amended to read:

2 3. Good moral character. For the purposes of this
3 statute, good moral character means maturity, prudence,
4 responsibility and temperament of such a quality that the
5 applicant would not be likely to abuse the privilege of
6 carrying a concealed weapon. The issuing authority in judg-
7 ing good moral character shall make its determination in
8 writing based upon evidence recorded by a governmental
9 entity. The issuing authority shall consider matters
10 recorded within the previous 5 years of the date of issuance
11 of the permit, including, but not limited to, the following:

12 A. Records of incidents of abuse by the applicant of
13 family or household members, provided pursuant to Title
14 19, section 770, subsection 1;

15 B. Records- provided- by- the Department of Human Ser-
16 vices regarding the failure of the- applicant- to- meet
17 child or family support obligations;

18 C. Records of 3 or more convictions of the applicant
19 for Class D or Class E crimes or their equivalent; or

20 D. Records of 3 or more civil violations by the appli-
21 cant; or

22 E. Records of incidents indicating that the applicant
23 has engaged in violence, threats of violence, reckles-
24 ness or negligence that threatened or endangered the
25 safety of others, including the use of weapons or motor
26 vehicles.

27 Sec. 11. 25 MRSA §2032, sub-§§6-8, as enacted by PL
28 1981, c. 119, §2, are repealed and the following enacted in
29 their place:

30 6. Term of permit. A permit to carry a concealed
31 weapon shall be valid for the term and period indicated on
32 each permit, and such term shall correspond to the expected
33 duration of the applicants need to conceal a weapon on or
34 about his person unless sooner revoked for cause by the
35 issuing authority, but in no event longer than 2 years from
36 the date of issue.

37 7. Information contained in permit. Each permit
38 issued shall contain the name, address and physical descrip-
39 tion of the applicant, the purpose for which the permit is
40 issued and the date of issuance and expiration.

1 8. Validity of permit throughout the State. Permits
2 issued authorize the person to conceal a weapon on or about
3 his person throughout the State.

4 Sec. 12. 25 MRSA §2032, sub-§8-A is enacted to read:

5 8-A Validity of permit for limited purpose. Permits
6 issued authorize the person to conceal a weapon on or about
7 his person only when needed for the purpose indicated on the
8 permit.

9 Sec. 13. 25 MRSA §2032, sub-§§10 and 11, as enacted by
10 PL 1981, c. 119, §2, are amended to read:

11 10. Producing permit in court. No person charged with
12 failure to have his permit in his immediate possession as
13 required may be convicted if he produces in court the permit
14 which was valid at the time of the issuance of a summons to
15 court, or if he exhibits such permit to a law enforcement
16 officer designated by the summoning officer not later than
17 24 hours before the time set for the court appearance, no
18 complaint may be issued.

19 11. Time of issuance. The issuing authority, as set
20 forth in this section, shall issue or deny, and or reply in
21 writing as to the reason for any refusal delay, within 30 45
22 days of the application date. Any denial shall be made in
23 writing giving the reason therefor.

24 Sec. 14. 25 MRSA §2033, first ¶, as enacted by PL
25 1981, c. 119, §2, is amended to read:

26 Whoever knowingly makes any false statement on an
27 application or violates any provision of this chapter
28 section 2031 is guilty of a Class D crime.

29 Sec. 15. 25 MRSA §2034, first ¶, as enacted by PL
30 1981, c. 119, §2, is amended to read:

31 The issuing authority permitted to issue permits, as
32 provided in section 2032, shall revoke a permit if it is
33 determined that a material misstatement was made on the
34 application, or that the permit holder has been convicted of
35 a violation of section 2031, or becomes become ineligible to
36 make an application hold a permit under this chapter.

37 Sec. 16. 25 MRSA §2035, as enacted by PL 1981, c. 119,
38 §2, is amended by adding after the first paragraph a new
39 paragraph to read:

