

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 221

6
7 H.P. 187

House of Representatives, January 29, 1985

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

11 Cosponsored by Senator Clark of Cumberland, Representative Carroll of
Gray and Representative Smith of Island Falls.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Transfer the Power to Issue
18 Concealed Weapon Permits to the
19 Commissioner of Public Safety.
20

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

23 Sec. 1. 25 MRSA §2032, sub-§§1 and 3, as enacted
24 by PL 1981, c. 119, §2, are further amended to read:

25 1. Municipal officers. ~~The mayer and aldermen or~~
26 ~~councillors of a city, the selectmen or councillors~~
27 ~~of a town, or the assessors of a piantation shall~~
28 ~~designate themselves or their full-time chief of pe-~~
29 ~~lice as Commissioner of Public Safety or his designee~~
30 ~~is the issuing authority for permits under this chap-~~
31 ~~ter. The issuing autherity commissioner shall, upon~~
32 ~~written application therefor, issue a permit to carry~~
33 ~~concealed weapons to any legal resident of that~~
34 ~~municipality the State who has demonstrated good mor-~~
35 ~~al character and who meets the following require-~~
36 ~~ments:~~

- 1 A. Is 18 years of age or older;
- 2 B. Has not been convicted of a crime which is
3 punishable by a maximum term of imprisonment
4 equal to or exceeding one year;
- 5 C. Submits an application which contains the
6 following:
- 7 (1) Full name;
- 8 (2) Full current address and addresses for
9 the prior 5 years;
- 10 (3) The date and place of birth, height,
11 weight and color of eyes;
- 12 (4) A record of previous denials for con-
13 cealed weapons' permits, for the information
14 of the issuing authority commissioner, such
15 denials alone not constituting cause for re-
16 fusal;
- 17 (5) A statement granting the chief of pe-
18 lice authority commissioner to check the
19 criminal records of any law enforcement
20 agency. The applicant must agree to submit
21 to having his fingerprints taken by the is-
22 suing authority commissioner if it becomes
23 necessary to resolve any questions as to his
24 identity; and
- 25 (6) Answers to the following questions:
- 26 (a) Are you currently under indictment
27 or information for a crime for which
28 the penalty is imprisonment for in ex-
29 cess of one year?
- 30 (b) Have you ever been convicted of a
31 crime for which the penalty possible
32 exceeded one year in prison?
- 33 (c) Are you a fugitive from justice?
- 34 (d) Are you an unlawful user of or ad-
35 dicted to marijuana or any other drug?

1 (e) Have you been voluntarily or in-
2 voluntarily committed to a mental in-
3 stitution or received psychiatric
4 ~~inpatient~~ inpatient services in a hos-
5 pital for a period greater than 2 weeks
6 within the past 5 years?

7 (f) Have you been adjudicated to be an
8 incapacitated person pursuant to Title
9 18-A, Article V, Parts 3 and 4, and not
10 had that designation removed by an or-
11 der under Title 18-A, section 5-307,
12 subsection (b)?

13 (g) Have you been dishonorably dis-
14 charged from the military forces within
15 the past 5 years?

16 (h) Are you an illegal alien?

17 By affixing his signature, the applicant
18 certifies that the information in the appli-
19 cation provided by him is true and correct
20 and that he understands that an affirmative
21 answer to the questions in subparagraph (6)
22 is cause for refusal and any false statement
23 may result in prosecution as provided in
24 section 2033;

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

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

33 The requirements set out in this subsection consti-
34 tute a complete application.

35 3. Good moral character. The ~~issuing authority~~
36 commissioner in judging good moral character shall
37 make its determination in writing based upon evidence
38 recorded by a governmental entity. The ~~issuing~~

1 authority commissioner shall consider matters re-
2 corded within the previous 5 years, including, but
3 not limited to, the following:

4 A. Records of incidents of abuse by the appli-
5 cant of family or household members, provided
6 pursuant to Title 19, section 770, subsection 1;

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

10 C. Records of 3 or more convictions of the ap-
11 plicant for Class D or Class E crimes;

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

14 E. Records indicating that the applicant has en-
15 gaged in recklessness or negligence that endan-
16 gered the safety of others, including the use of
17 weapons or motor vehicles.

18 Sec. 2. 25 MRSA §2032, sub-§4, as enacted by PL
19 1981, c. 119, §2, is repealed.

20 Sec. 3. 25 MRSA §2032, sub-§5, as amended by PL
21 1983, c. 267, §1, is further amended to read:

22 5. Nonresident. Any nonresident who meets the
23 requirements of this section ~~shall~~ must make an ap-
24 plication to the Chief of the State Police
25 commissioner and the application, fees and permit
26 provisions of this section shall apply, except that a
27 nonresident applicant shall submit an application fee
28 not to exceed \$100 in the case of an original appli-
29 cation and a fee not to exceed \$100 in the case of a
30 renewal. The fees required under this subsection
31 shall be applied to the expense of administering this
32 subsection.

33 Sec. 4. 25 MRSA §2032, sub-§6, as enacted by PL
34 1981, c. 119, §2, is amended to read:

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

5 Sec. 5. 25 MRSA §2032, sub-§11, as amended by PL
6 1983, c. 267, §2, is further amended to read:

7 11. Permit for a resident to be issued or denied
8 within 30 days; permit for a nonresident to be issued
9 or denied within 90 days. The issuing authority
10 commissioner, as set forth in this section, shall is-
11 sue or deny, and reply in writing as to the reason
12 for any refusal, within 30 days of the application
13 date in the case of a resident and within 90 days of
14 the application date in the case of a nonresident.

15 Sec. 6. 25 MRSA §2034, first ¶, as enacted by PL
16 1981, c. 119, §2, is amended to read:

17 The authority permitted to issue permits as pre-
18 vided in section 2032 commissioner shall revoke a
19 permit if it is determined that a material misstate-
20 ment was made on the application, that the permit
21 holder has been convicted of a violation of section
22 2031, or becomes ineligible to make an application
23 under this chapter.

24 Sec. 7. 25 MRSA §2035, as enacted by PL 1981, c.
25 119, §2, is amended to read:

26 §2035. Confidentiality of application

27 Notwithstanding Title 1, sections 401 to 410, all
28 applications, refusals and supporting documentation
29 received pursuant to section 2032 are confidential
30 and may not be made available for public inspection
31 or copying. The individual may waive this confiden-
32 tiality by written notice to the issuing authority
33 commissioner. All proceedings relating to the grant,
34 denial or revocation of permits are not public pro-
35 ceedings under Title 1, chapter 13, unless otherwise
36 requested by the applicant.

37 The issuing authority commissioner shall make a
38 permanent record of each license in a suitable book

1 or file kept for that purpose. The record shall in-
2 clude the date of issuance, the name, age, sex and
3 street address of the licensee, and shall be availa-
4 ble for public inspection.

5 STATEMENT OF FACT

6 The purpose of this bill is to transfer the power
7 to issue concealed weapon permits.

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